
C108. Community Gardens

Title: Community Gardens Policy

Policy No: C108

Keywords: Community Gardens, Public Open Space, Recreational Activities

Responsible Officer: Divisional Manager - Human Services and Facilities

1. PURPOSE AND AUTHORITY

The objective of this policy is to provide policy guidance with respect to the establishment, management and effectual operation of community gardens throughout the Manly local government area.

2. POLICY STATEMENT

Council is committed to the orderly establishment, management and effectual operation of community gardens throughout the Manly local government area. This policy has been necessitated, at least in part, by the ad hoc establishment of community gardens which has given rise to the need for the adoption and implementation of an orderly and progressive approach toward the establishment, management and effectual operation of community gardens throughout the Manly local government area.

3. PRINCIPLES

Executive Summary

Community gardens are forms of public open space which are managed by the community primarily for the production of food and to contribute to the development of a sustainable urban environment. They are places for learning and sharing about sustainable living practices, and for actively building community through shared activities.

Manly Council recognises community gardening as a recreational activity that contributes to the health and well-being of the wider community and provides a range of environmental, social and educational benefits. Community gardens can also act as a place for knowledge transfer between generations and cultures, and provide people with the ability to grow their own food closer to home, without chemicals and also minimising transport miles.

The purpose of Manly Council's Community Gardens Policy is to establish a framework for the appropriate management of both new and existing community gardens.

This framework will provide a clear procedure for the establishment of new gardens, outline a basis for communication and partnership between stakeholders and provide a rationale for decision making that ensures consistency in the management of all community gardens in the Manly LGA.

Introduction

Community gardens entail substantial community involvement in planning, decision-making, garden management as well as day-to-day activities. Collaborative projects such as community gardens offer a range of benefits that align with the Manly Sustainability Strategy including demonstrating best practise sustainable design, building effective partnerships between community groups and government agencies and helping residents to reduce their environmental impacts.

Growing fruit and vegetables in local gardens as a shared activity has many benefits for the people involved, evidence shows that access to good food is a major contributor to a longer and healthier life. Eating locally grown fruit and vegetables mean they will not be subject to the pesticides and herbicides that are potentially used with crops grown commercially. Food will also be cheaper and therefore more easily put on the table. The physical activity that is required by community gardeners for growing and harvesting these foods will add to the health benefits.

Community gardens also support the objectives of the Manly Social Plan by offering opportunities for community participation and the development of social capital and cultural diversity. Community gardens can enhance high density living by providing an area for those who may not have adequate or suitable space in

their own yards. In addition, sharing access to the garden can be a great way to strengthen neighbourhood relationships, especially for those who live alone.

Objectives

The objectives of this policy are to:

- assist with the development of community gardens where people can meet, work together, build stronger community relationships and learn about sustainability which supports the Manly Sustainability Strategy;
- document and standardise processes and procedures to ensure consistency in the management of all community gardens within the Manly local government area;
- clarify the rights and responsibilities of all stakeholders involved in community garden projects including the garden volunteers, Manly Council and partnering organisations with reference to issues such as public liability, maintenance, safety and access;
- support community gardens to be self-managed to increase community ownership;
- recommend planning controls in respect of the development of community gardens on land established for community use; and
- promote access to fresh, organic and locally produced fruit and vegetables

Different types of Community Gardens

There are a number of different models of community gardens. The most common forms in Australia are:

- community gardens with a mixture of allotments for each member and some shared areas;
- communal gardens where the entire garden is managed collectively, an example being a food forest (which includes structured layers of plants such as edible groundcovers, shrubs and trees) [note: boundary areas can also be dedicated to native food plants];
- school kitchen garden projects are defined as a community garden when local residents outside of the school community can join the garden and manage the garden in partnership with the school. In this model, the garden may include individual plots for residents and communal garden beds that the school can manage and use for lessons on cooking, nutrition and the environment and provide produce for the school canteen; and
- community gardens on public housing land usually contain a mixture of plots and common areas and are specifically open to residents living in public housing

Manly Council's Role

Manly Council intends to develop partnerships with garden groups and sponsoring agencies. Council has adopted a community development approach to community gardens where gardening groups manage the gardens themselves with the support of Council and other partnering organisations. This approach leads to increased community ownership which can assist in the sustainability and success of a community garden.

Manly Council will provide the following services to community garden groups:

Advice and Materials

- Provide advice and on-going communication with garden coordinators and committees
- Help with the establishment of new community gardens, develop garden management plans and provide assistance in obtaining grants and resources
- Provide support to establish recycling, worm farms and composting facilities

Education and Training

- Deliver workshops and training on an as-needs basis
- Provide online resources through Manly Council's website

Support

- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information and experiences
- Provide information about community gardens through Manly Council's website, publications and events
- Help facilitate garden meetings when needed and community engagement processes.

Financial Support to Community Gardens

Funding is critical for the long-term success of any community garden project. Community gardens should be planned with the goal of long term financial sustainability so that they are not dependent on unreliable sources of funding such as grants or sponsorship from partnering organisations.

Being financially independent may also increase the feeling of empowerment and security as participants manage more aspects of the community gardens themselves. To help support groups, Manly Council may consider funding the following items:

- Urgent repair of items that pose a significant safety risk and cannot wait for a grant. This will be mainly for community gardens on Council owned land
- Public signage and educational materials for the community garden
- A limited supply of mulch, manure, soil and plants to community gardens.

Funding for all these items will depend upon budgetary constraints and the demand for resources. Consequently, participants in community gardens must accept that matters such as Council's funding and the levels or amounts of any such funding with respect to community gardens cannot be guaranteed by Council.

Community Management of Gardens

Community gardens should be managed and implemented by the community. However, this must be undertaken in such a way that the needs of all stakeholders are taken into account.

Rights of Community Gardeners

Community gardeners have the right to:

- Develop their own internal policies, organisational procedures and plans of management providing they liaise with and get support from the relevant landowner
- Be consulted with regard to any decision that may affect the project and to be advised by Manly Council in a timely manner of any policy changes that impact them
- Be treated with respect by other gardeners, local residents and partnering organisations
- Negotiate a secure and reasonable agreement with the relevant landowner (provided that the existence of such a right does not operate so as to give rise to any legitimate expectation that an agreement will be reached in all or any particular case nor so as to fetter the discretion of, in particular, a public body which has budgetary constraints and sometimes alternate and conflicting responsibilities, obligations and priorities)

Responsibilities of Community Gardeners

Community gardeners are responsible for maintaining the garden so that the health and safety of the surrounding community is not adversely impacted. In particular, gardeners are responsible for ensuring that:

- They cooperate and manage effective relationships with the surrounding neighbourhood, partnering organisations and other gardeners
- They do not discriminate against one another due to differences in race, culture or sexuality or on the basis of any other ground in respect of which it is unlawful to discriminate under the Anti-Discrimination Act 1977 (NSW)
- They regularly communicate with Manly Council as well as other relevant landowners and stakeholders

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- Decision making is democratic, transparent, accountable and inclusive
 - Any water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that might pollute waterways
 - Synthetic pesticides, herbicides, fertilisers or chemicals are not to be used on or stored at the Community garden site
 - Noise levels within the garden are maintained at a level that is not disturbing to neighbours, in accordance with the Protection of the Environment Operations Act 1997
 - Compost, worm farming systems and fertilisers are maintained so as not to attract vermin or produce unpleasant odours
 - Rainwater harvesting systems are maintained to ensure water is of a high quality
 - Lawn areas are regularly mowed and garden beds kept tidy. Any materials delivered to or stored at the garden are maintained so as not to create an unpleasant environment for other residents in the community
 - Visitors are welcomed to the garden, and members of the public can access the community garden during daylight hours

Conflict Resolution and Complaints Procedure

Community gardens should be developed, maintained and enhanced with a view to promoting an environment that is tolerant and caring. However, conflicts may sometimes arise, either within the garden group or with external stakeholders such as local residents or Manly Council.

Manly Council recommends that community gardeners develop a management plan which includes a gardener's agreement that all members agree to follow. An agreement should contain provisions with respect to the expectations of behaviour on site, the management of shared garden areas and plots and a conflict resolution process.

In the event of a conflict arising, steps should be taken immediately with a view to expeditiously, responsibly and fairly resolving the conflict, including communicating respectfully with those involved and engaging the assistance of a mediator where appropriate.

Insurance and Risk Management

It is essential that garden groups be aware of the risks associated with undertaking a publicly accessible community garden project. Each garden group has a duty of care to the community who access the garden areas. To ensure funds are available to meet that duty, a minimum of \$10,000,000 of public liability insurance policy is required to be taken out. Manly Council recognises that public liability insurance has an associated cost, and may not be easily accessible to small community groups.

Options for obtaining insurance cover include the following:

- The group can become an incorporated association through the NSW Office of Fair Trading and make provision for their own insurance
- The group may be auspiced by another organisation or agency, such as a neighbourhood centre, and as a project of that organisation be covered by their insurance
- A group of community gardens with similar objectives might obtain insurance together

Incorporation of the Garden Group

Manly Council encourages community garden groups to have a clear and identified legal structure. Garden groups can apply to the NSW Office of Fair Trading to become Incorporated Associations. This arrangement affords the group some flexibility in the management of funds and enables them to open a bank account, obtain public liability insurance cover and apply for government grants. Incorporation as an association requires groups to establish a management committee with annually elected office bearers and to commit to regular meetings. This can be beneficial for the project as it maintains a structure that can address management issues. Having a committee also helps share the tasks of garden management and avoids excessive responsibility being placed on a few people or the garden management becoming dominated by one person.

Manly Council's Use of the Garden as a Demonstration Site

Manly Council's vision is to assist the development of community gardens as demonstration sites for sustainable living that through careful design and management can be utilised for educational and community activities. In demonstrating sustainability best practice, community garden groups may consider including outdoor learning, performance and meeting spaces; interpretative signage and use recycled materials and practice water-efficient and organic gardening.

Where community gardens are established on land owned by Council, Manly Council retains the capacity to use the garden as a demonstration site for community education activities such as tours and workshops. Manly Council will work with the garden group to ensure that any such activities do not conflict inappropriately with other garden uses, such as regular working bees.

Community Composting Facilities

Where feasible, Manly Council will also work in partnership with community gardeners to establish community composting and worm farm facilities within community gardens and in small parks. Composting facilities in parks will only be set up on a trial basis when there is a group of local residents willing to attend training in maintaining compost systems. Any facilities which are not maintained to the required standards may be removed or relocated at Manly Council's discretion.

Establishment of Community Gardens on Council Land

Manly Council encourages resident groups to work in partnership with Manly Council staff in the establishment of new community gardens. Establishing a community garden can be a complex process requiring consultation with a broad range of stakeholders and there are a number of issues that need to be considered before a community garden is initiated.

In order for Manly Council to consider supporting the development of new community gardens on Manly Council owned or controlled land, applicants will need to address the site selection criteria outlined below and follow the procedure for starting a new community garden.

The first steps in this procedure include establishing a community garden group, conducting a site assessment of potential sites and discussing their proposal with relevant staff at Manly Council to identify any possible issues. Once a preferred site has been established, applicants will need to submit a completed application form to Manly Council. If the application is supported, then Manly Council will organise community consultation with local residents and work with the community garden group to address any concerns.

Site Selection Criteria for New Community Gardens on Council Owned Land

Location: Sites classified as Community Land under the *Local Government Act 1993 (NSW)* may be appropriate. These sites are usually established for community use such as park lands, open spaces and community centres that have outside areas. Priority will be given to sites located in high density areas and near community centres or community organisations that might be able to support or partner the project.

Safety: Sites should have no major safety or health concerns; and have good passive surveillance (for example, can be easily seen from nearby houses or shopping areas).

Accessibility: Sites should be accessible for a range of user groups. Sites should be located close to public transport, allow disabled access, have vehicle access (e.g. for delivery of mulch and soil) and accommodate groups wanting to visit the garden.

Solar access: Sites need to be suitable for growing vegetables and receive full sunlight - ideally for at least 5-6 hours per day.

Size: Sites large enough to accommodate garden beds, composting systems, rainwater tanks, seating areas, shelter for gardeners and for community workshops and demonstrations.

Water: Sites with easy access to water or buildings nearby from which rainwater can be collected.

Soil Contamination: Sites may need to be checked for soil contamination. If high levels are present then advice will need to be sought from experts on whether it is suitable for growing food.

Multiple Use: Sites where a community garden should be able to be integrated without conflicting adversely with other land uses and where the community garden can still be used by non-gardeners for passive recreation and educational workshops.

Note: It may not always be possible to find a site that meets all of the above criteria. Manly Council will prioritise the sites that can meet as many of the requirements as possible

Procedure for Starting a New Community Garden

1. Applicant/s establish a community garden group
2. Applicant undertakes a site assessment of any potential sites
3. Applicant discusses their proposal with Manly Council staff to identify any potential issues
4. Applicant submits a completed application form to Manly Council

Manly Council assessment of the application

The application will be assessed by a review panel containing representation from a broad range of internal stakeholders within 6 weeks of receipt of the application.

Where the Application is supported by Council, Council undertakes Community Consultation with local residents

Manly Council will consider any feedback gained from the consultation process and work with the community group to ensure any concerns are addressed. If there is considerable opposition to the project Manly Council reserves the right to consider alternative sites for the project.

The Application then goes to a Council meeting for final approval

If the application is approved at a Council meeting, then Manly Council staff will meet with the applicants to develop any relevant written agreements for the garden.

Application for grants and funding

Once all documents have been approved by Manly Council then applicants may then wish to apply for grants and start building their community garden.

Where the Application is not supported by Manly Council

Written feedback will be provided and an alternative site may be considered

Security of Tenure

New gardens established on Council land will be given an initial licence for a trial period of one year. Manly Council will not charge community garden groups for licence preparation fees. If the garden group fulfils all its responsibilities with regard to the management of the garden, a longer arrangement may be negotiated with the group.

A licence or other agreement with the group could be revoked or not renewed if:

- The group disbands or ceases to function due to internal conflict. In this situation Manly Council may try and assist the group to resolve the conflict first by employing a mediator or facilitator
- The garden is not maintained or becomes unsafe for public access
- Appropriate insurance cover is not maintained

Land Use Planning

To facilitate urban agriculture and community gardening within the Manly Council LGA, the *Manly Local Environment Plan 1988* will include community gardens as exempt development provided that applicants go through the application process for new gardens as outlined in this Policy. Common elements of a community garden such as rainwater tanks, fences and solar photovoltaic systems are currently already listed as exempt development if certain criteria are met.

Open Space Management

Manly Council considers community gardens to be a valid and important land use within Manly Council's open space network. Where appropriate, community gardens may be incorporated into plans of management for public open space.

Upgrades to parks, open spaces or community facilities may also provide an opportunity for Manly Council to consult with the community and see if there is enough interest and capacity to develop community gardens as part of a proposed upgrade or to include a community garden in a new development. Existing community

facilities can be ideal sites for community gardens because they normally already have infrastructure such as toilets, shelter and storage areas.

Supporting other Local Food Production Initiatives

Community gardens are just one type of urban agriculture. Manly Council will continue to support a range of local food projects to accommodate the different needs of residents living and working in the Manly LGA. Manly Council will provide information, advice, grants and support to local food initiatives such as community supported agriculture schemes, food cooperatives, farmers markets, school kitchen gardens, food aid and rescue programs.

Manly Council will also continue to run workshops and education programs for residents in organic gardening, resource recovery and sustainable living.

4. SCOPE

This policy applies to all land owned and managed by Council that is, or is to be, made available for the establishment of community gardens as well as any and all other land that is also used, or to be used, or made available for the establishment of community gardens.

5. DEFINITIONS

Community garden: refers to a not-for-profit, community based enterprise producing food primarily for the consumption of the gardeners involved, being a community managed, multi-functional garden space that, when carefully designed and managed, can provide a wide range of environmental, social and economic benefits for the local community and the wider public.

Note. See also the Appendix to this policy for several other important definitions.

6. IMPLEMENTATION

This Policy will be implemented without delay once adopted by Council. Upon adoption this Policy will be entered into Council's Policy Register, made available online and provided to all staff.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Appendix

1. Definitions
2. References

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
		Draft	Manager, CEP	DGM – LUS
66/11	OM 4 April 11	Adopted and added to Policy Register	OM Corporate Services	Manager, Administration
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	September 2013	Comprehensive Policy Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance

Appendix:

1. Definitions

A number of terms are used in this policy to describe community gardening and associated activities.

Allotment Gardens are a community garden where gardeners have exclusive access to a plot or small area of the garden. This term is common in the United Kingdom, where allotment gardens are normally managed by the relevant local government authority. In Australia, gardens with allotments are predominantly managed by the gardens members and supported by government organisations.

Community supported agriculture or subscription farms describe a system where consumers pay in advance for a regular box of vegetables or other farm products from a farmer directly so that the farmer has a stable income and guaranteed market for the crops.

Farmers Markets are a market where farmers sell their local produce directly to consumers.

Food Cooperatives and Local Buyers Groups are groups where urban consumers work together to source and bulk-buy local, organic produce.

Food forests are used to describe an area used for the production of food where the design of the area mimics a natural ecosystem by including structured layers of plants such as edible groundcovers, shrubs and trees. Food forests in an urban environment can be part of a park or public open space.

Food security is defined by the Sydney Food Fairness Alliance as a condition in which all people at all times have the ability to access and prepare sufficient, safe, appropriate, nutritious and affordable food necessary to enjoy an active and healthy life.

Interpretive signage refers to signage designed to explain a feature of the landscape to enhance interaction with the site and add educational value.

Organic growing refers to a food production system that does not use toxic chemicals including synthetic fertilisers and pesticides. It aims to improve the long-term fertility of the soil.

School kitchen gardens are gardens which are developed within or outside school property for the purpose of educating children and parents about food production and supplying school kitchens with fresh food to teach cooking skills and serve fresh food to children.

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