



COMMUNITY GARDENS ON COMMUNITY LAND POLICY

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Responsible Officer: Community Development Officer
Department: Executive Office

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1	GRC 0049	20 April 2011	Review 2013
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1. BACKGROUND

A community garden is a not-for-profit, community-based enterprise, producing food primarily for the consumption of the gardeners. They involve substantial community involvement in decision-making regarding garden management and day-to-day activities. They are places for learning and sharing sustainable living practices, and for actively building community through shared activities.

Community gardens play a role in improving access to fresh locally-grown food, as well as providing valuable recreational activity, social interaction and educational benefits for the local community. Community gardens make a valuable contribution in responding to the challenges of climate change as one means by which to reintegrate edible food plants into the urban landscape.

The utilisation of appropriate public open space for community gardening is valued by Council for its contribution to the health and well-being of the wider community and the sustainability principles on which it is based.

2. POLICY STATEMENT

This policy provides the procedures for assessing, and approving, where appropriate, the establishment of a community garden by community groups on community land. This policy applies to land owned by Council that is the preferred land type for this activity, however a similar process may be used to consider applications on a case-by-case basis for the use of other land types (ie Crown Land, where Council is the Trust Manager). This policy does not commit Council to providing any direct support or resources to such community groups.

1 ELIGIBLE COMMUNITY GARDEN GROUPS

Community groups that are an incorporated association, under the *Associations Incorporation Act 2009*, are eligible to apply to establish a community garden on community land. This provides a clear group structure through the requirement to establish a management committee and to hold regular meetings. This also means the group is a legal entity, separate from individual members, can enter into enforceable contracts, has more flexible management of funds, and the ability to obtain public liability insurance and apply for government grants.

2 GROUP USER AGREEMENTS

If an application to establish a community garden on community land in accordance with this policy is successful, a licence agreement for the use of the land must be entered into with Council. The group must comply with any specific conditions in the licence relating to community gardening on the subject parcel of land.

Any licence issued under this policy will have a negotiated time limit and will be subject to a review of the agreement, including whether the group has fulfilled its responsibilities and complied with all conditions within the licence. However, any licence can be revoked at any time in the event that:

- The gardening group disbands or ceases to function;
- The garden is not maintained in relation to the conditions on the licence;
- The garden is not maintained in relation to public safety; or
- Council identifies a need for the land due to a change in operational requirements.

Individuals are not eligible to apply to operate a community garden and are encouraged to form a group prior to approaching Council.

3 PUBLIC LIABILITY INSURANCE

Groups operating a community garden under a licence from Council are required to have at least \$20,000,000 of public liability insurance.

4 COUNCIL'S ROLE

Goondiwindi Regional Council is committed to supporting the establishment of Community Gardens by community groups on community land. Council's role is as a landowner/land manager and this policy provides a formal and equitable process for considering applications and issuing licences for gardens on community land. Council encourages groups to be self-managed and will provide advice to assist these groups to establish an appropriate group and garden-management system.

Council may also offer support to community gardening groups, subject to availability of resources, including:

- provision of advice on planning, building and operating community gardens;
- workshops and training on topics such as composting and worm farming, permaculture, water efficiency etc;
- promotion of the garden through Council publications and website;
- information and contact information for community garden networks; and/or information about relevant grants for community gardens.

5 AUTHORITY OF COUNCIL

For community gardens approved under this policy, Council has the authority to:

- enter and inspect the site and provide direction to the gardening group members at any time to ensure ongoing suitability, usage and safety to the public and Council's assets;
- use the site for educational purposes including group tours (at the convenience of the gardeners); and
- undertake any maintenance or improvements of Council assets.

6 LICENSEE'S ROLE

The Garden must be operated in a way that it does not have a negative impact on the health and safety of the surrounding community and the natural environment. The gardening group members are solely responsible for the maintenance of the site including:

- designating Garden Coordinator/s to be a contact point for all communications with Council and the community;
- maintaining positive relationships with surrounding residents and businesses including effective communication;
- welcoming visitors to the garden;
- minimising noise levels so that neighbours are not disturbed;
- ensuring water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that may pollute waterways;
- maintaining compost and worm farm systems and fertilisers so as not to produce unpleasant odours or attract vermin;
- storing all garden items in a tidy manner;
- making the site available for educational purposes including group tours (at the convenience of the gardeners);
- the ongoing maintenance and safe use of any assets installed as per the licence agreement; and
- complying with licence terms and conditions, and this policy.

4. POLICY OBJECTIVE

The objectives of this policy are:

- To provide a clear and consistent position on community gardening on community land in the Goondiwindi Regional Council area in order that approaches from the community to undertake these activities can be considered;
- To provide an application process for community members proposing to undertake these activities; and
- To ensure Council is able to properly assess and consider applications for community gardens on community land.

5. REVIEW DATE

March 2020

ATTACHMENTS

Attachment A: Application Procedure

Attachment A

The application procedure for the establishment of a community garden on community land is outlined below.

Step 1 Applicant/s establish a Community Garden Group

If a Community Group approaches Council to establish a community garden on community land, the eligible types of Community Groups as per Section 1 of this Policy Statement will be explained to the Group. Council encourages applicants to apply to the Office of Fair Trading to become an incorporated association. More information about establishing a community garden group can be found in Section 1 of this policy.

Step 2 Applicant to have preliminary discussions with Council

Council staff will meet with potential applicants regarding the proposed site/s, group structure and/or project so that any issues can be resolved prior to a formal application being lodged. Groups that do not have a specific site proposed may have discussions with Council staff relating to appropriate sites at this stage. Council staff will advise whether to proceed to Step 3 (this is not a guarantee of approval of the subsequent application).

Step 3 Applicant to undertake a site assessment of the proposed site

The potential site/s should be assessed to determine whether the site is appropriate for a community garden. A site assessment must be undertaken by the applicant. This site assessment must be completed by the applicant before a formal approval is considered by Council. The site assessment must be forwarded to the Council who will provide final advice on site suitability within four weeks.

Step 4 Council assessment of the application

The project will be assessed based on all information contained within the application and supporting documents submitted. This assessment will be undertaken within six weeks of receipt of the application. If the application is rejected by Council then the applicant will be notified regarding the reasons for refusal. If the project is deemed feasible, Council will advise the applicant of the approval.

Step 5 Council preparation of Licence

Once the approval is given, the Council Solicitors will prepare the legal documents.

Step 6 Applicant can commence community garden development

Once the licence is executed by Council and the successful applicant, the development of the community garden can now commence in accordance with the licence.