

Policy name	Community Gardens Policy
Responsible manager(s)	Director Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager, Recreation Services
Directorate	Community, Arts and Recreation Services
Approval date	14 June 2022
Outcome area	1. Strong communities, desirable lifestyles
Strategy	1.3 Encourage and enable healthy lifestyle choices
Delivery Program	1.3.1 Activate and motivate our community to embrace healthy lifestyles
Operational Plan	1.3.1.1 Support community and recreation groups to manage and develop their clubs

Purpose

Community gardens are places for actively building community through shared activities, and for learning and sharing sustainable living practices. They play a role in improving access to fresh locally grown food for their members, as well as providing a valuable recreational activity, social interaction and educational benefits for the local community.

Council values the use of appropriate public open space for community gardening for its contribution to the health and wellbeing of the wider community and for the creation of a sustainable living environment.

The purpose of this policy is to outline Council's position on community gardens and to clarify the roles of Council and community groups who apply for or operate community gardens on Council-owned or managed land within the Eurobodalla Shire.

Policy statement

1	<p>Application</p> <p>This policy applies to Council-owned Community Land as classified under the <i>Local Government Act 1993</i> (the Act) and Crown land managed by Council.</p> <p>All Council-owned Community Land and Crown land managed by Council is required to be covered by Plans of Management under the Act. Where this policy differs from the Plan of Management for the site, the Plan of Management shall be the governing document.</p> <p>The preferred land type for community gardens is Council-owned Community Land, which must be categorised as either Park or General Community Use under the Act.</p> <p>Council may consider applications for the use of Council managed Crown land where appropriate community land is not available.</p>
2	<p>Legislation</p> <p>This policy is established under the <i>Local Government Act 1993</i>.</p>

<p>2.1</p>	<p>Land Use Planning</p> <p>Development consent is not required for community gardens on community land.</p> <p>Community garden groups with a licence for the use of Council-owned or managed land are acting by or on behalf of Council in accordance with the Act and as such minor development as outlined in the <i>State Environmental Planning Policy (Infrastructure) 2007</i>, would be exempt from requiring consent.</p> <p>Council approval is required for all developments, which include but are not limited to: pergolas, rain water tanks, sheds of a certain size, and fencing. The size, location and number of these structures are required to be shown on the site plan and will form part of the licence conditions.</p>
<p>3</p>	<p>Objectives of Community Gardens</p> <p>Community gardens on Council-owned or managed land should aim to:</p> <ul style="list-style-type: none"> ✓ strengthen sense of community by increasing opportunities for participation in community gardening; ✓ promote access to fresh organic and locally produced fruit and vegetables; ✓ encourage more sustainable resource and energy use in the community; ✓ encourage education and training opportunities in the sustainable production of food; and ✓ provide recreation opportunities to enhance Council’s public open space network.
<p>3.1</p>	<p>Council’s Role</p> <p>Eurobodalla Shire Council is committed to supporting community groups to establish community gardens on Council-owned or managed land within the Eurobodalla Shire.</p> <p>Council’s primary role is as a landowner or land manager. Council will act as an enabler and supporter where possible within its financial and operational capacity. Council’s authorities under the policy are specified in the Community Gardens Code of Practice.</p> <p>The supporting Community Gardens Guidelines outlines possible ways in which different sections of Council may be able to assist in the establishment or ongoing management of Community Gardens.</p>
<p>3.2</p>	<p>Community Groups Role</p> <p>The community group is responsible for all planning, establishment, and day to day operations of the community garden. The community garden must be managed and operated in a way that it does not have a negative impact on the amenity, health or safety of the surrounding community or the natural environment.</p>
<p>3.3</p>	<p>Licence for Use</p> <p>A licence agreement must be established between the Council and the eligible community group for the purpose of establishing and operating a community garden on Council- owned or managed land.</p>

3.4	<p>Funding</p> <p>The community group will be responsible for appropriate income generation to support all costs related to the establishment and ongoing operation of the garden. In part, this will be through the establishment of appropriate membership fees, fund raising, partnerships and through application for grants and funding from Council and external grant providers.</p> <p>This Policy does not commit Council to providing initial or ongoing funding or donations to Community Garden Groups. The process of obtaining donations or funding from Council is outlined in Council’s Financial Assistance – Donations and Grants Policy.</p>
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Implementation

Requirements	Responsibility
<p>1 Code of Practice This policy will be implemented by following Council’s Community Gardens Code of Practice, which specifies in detail the plan, procedures and matters to be considered.</p>	Director Community, Arts and Recreation Services
<p>2 Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Divisional Manager Recreation Services, Parks Coordinator, Natural Resources and Sustainability Coordinator, Divisional Manager Property and Commercial Services
<p>3 Concerns Public concerns communicated to Council regarding this policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service or Complaints Policy. They will be used to analyse the history of concerns and determine follow up actions.</p>	Council Officers
<p>4 Consultation Consultation that may occur in relation to this policy will involve key stakeholders, community garden groups, Council’s Parks Coordinator and the community. Proposed changes to this policy will be placed on public exhibition for public comment, before adoption.</p>	Divisional Manager Recreation Services , Parks Coordinator

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council’s functions, structure or activities change; or when technological advances or new systems change the way that Council manages community gardens.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: *The next general local government election is expected to be held in September 2024.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>Associations Incorporation Act 2009</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+7+2009+cd+0+N
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	www.legislation.nsw.gov.au/maintop/view/inforce/epi+641+2007+cd+0+N
Financial Assistance – Donations and Grants Policy	www.esc.nsw.gov.au/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
Code of Practice	https://www.esc.nsw.gov.au/__data/assets/pdf_file/0020/140285/Community-Gardens-Code-of-Practice.pdf
Community Gardens Guidelines	www.esc.nsw.gov.au/community/community-gardens
Plan of Management	https://www.esc.nsw.gov.au/council/plans-and-reporting/managing-community-land/Adopted-Plans-of-Management-and-Landscape-Masterplans

Definitions

Term	Definition
community garden	shared garden managed by a not for a profit community organisation and valued for its social, recreational, educational and community building benefits. The garden may contain shared plots, allotments or a mix of both.
shared plot	garden that is cultivated by the members of a group working as a group. The work and produce is shared between its members.
allotment garden	garden that is divided into separate sections for the sole use of individual parties. The user of each allotment takes responsibility for that area.

Change history

Version	Approval date	Approved by	Minute	File	Change
1	28 Jun 2011	Council	11/186	E11.5098	Policy adopted –report O11/126
2	23 Jul 2013	Council	13/173	E13.7095 E11.5098	Updated template, review date, references and links
3	8 Aug 2017	Council	17/259	E11.5098 E16.0297	Reviewed and retained at start of new Council term
4	14 June 2022	Council	22/138	E11.5098 E16.0297	Updated template, review date, references and links. Report GMR22/063

Internal use

Responsible officer		Director, Community Arts and Recreation Services		Approved by	Council
Minute	22/138	Report	GMR22/063	Effective date	14 June 2022
File	E11.5098	Review date	March 2022	Pages	5