

CODE OF PRACTICE

Code name	Community Gardens
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Community Planning Coordinator
Directorate	Planning and Sustainability Services
Approval date	23 July 2013
Community Strategic Plan Objective	2. Our Community Is A Great Place To Live
Delivery Program	Land Use Planning
Operational Plan	Recreation and Open Space strategy development and planning

Purpose

The purpose of this Code is to implement Council's Community Gardens Policy and to provide a framework to assist Council to respond to applications for community gardens on Council owned or managed land within the Eurobodalla Shire.

Code Details

1	Application This Code of Practice applies to land specified by the Community Gardens Policy.
2	Legislation This Code is established under the <i>Local Government Act 1993</i> (the Act).
3.1	Eligible Community Groups In order to be eligible to establish a community garden on Council owned or managed land, community groups must: <ul style="list-style-type: none"> • be registered with the NSW Department of Fair Trading as an Incorporated Association under the <i>Associations Incorporation Act 2009</i>; or unincorporated groups must be auspiced by an incorporated association; • be not for profit; • have a minimum of \$20 million public liability insurance.
3.2	Community Groups Role The group members are solely responsible for: <ul style="list-style-type: none"> • maintaining positive relationships with surrounding residents and businesses; • minimising noise levels and disturbance to neighbours; • ensuring water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that may pollute waterways; • ensuring any animals on site are protected and contained in accordance with the <i>Local Government Regulation (General) 2005</i> and restricted to periods when they can be adequately supervised to protect the welfare of the animals and to prevent nuisance to neighbours; • ensuring that animals, compost, worm farming systems and fertilisers are maintained so as not to attract vermin or produce unpleasant odours;

	<ul style="list-style-type: none"> • maintaining control of noxious and environmental weeds and pests in accordance with Council Policy; • ensuring site is presentable and maintained to an acceptable standard at all times, including storing all garden items in a tidy manner; • maintaining the gardens vegetation, fencing, signage, furniture and other structures to an acceptable standard; • ensuring sustainable practices are employed; • the ongoing maintenance of any assets installed; • ensuring membership is equally available to all members of the community in accordance with the <i>Local Government Act 1993</i>; • ensuring the health and safety of everyone visiting and working in the gardens so far as reasonably practicable; and • complying with licence terms and conditions, and this Code.
<p>3.3</p>	<p>Licence for Use</p> <p>Successful community garden applications will be granted a short-term licence in line with the site Plan of Management and the Act, which will typically be a maximum of five years with an option to renew at the end of the term provided the group demonstrates compliance with licence terms and conditions. The group will be expected to pay a licence application fee and an ongoing annual licence fee in accordance with Councils adopted Fees and Charges.</p> <p>The licence may be revoked by Council at any time, provided appropriate notice is given to the licensee and a reasonable time period negotiated for relocation or removal, in the event that:</p> <ul style="list-style-type: none"> • 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.
<p>3.4</p>	<p>Authority of Council</p> <p>For community gardens approved under this Code, Council has the authority to:</p> <ul style="list-style-type: none"> • enter and inspect the site and provide advice 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); • undertake any maintenance or improvements of Council assets; and • undertake monitoring or review in accordance with the licence terms and conditions.
<p>3.5</p>	<p>Assessment of Applications</p> <p>Council will consider applications for community gardens on land owned or managed by Council where the proposal demonstrates:</p> <ul style="list-style-type: none"> • compliance with the policy and this Code; • potential for the community garden group to be self managed and self funded; • appropriate public liability insurance cover; • adequate community demand and support;

	<ul style="list-style-type: none"> • availability of an appropriate site, to be assessed through site selection form in the Guidelines; and • consistency with Councils Recreation and Open Space Strategy and site Plan of Management.
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Implementation

Requirements		Responsibility
1	<p>Code of Practice</p> <p>This Code of practice implements Council’s Community Gardens Policy, which describes the intent of Community Gardens.</p>	Divisional Manager, Strategic Services
2	<p>Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies and Codes are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Community Planning Coordinator
3	<p>Complaints and requests</p> <p>Concerns received regarding Community Gardens will be recorded on Council’s records system and handled in accordance with council’s Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Community Planning Coordinator
4	<p>Complaints</p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council’s Complaints Policy.</p>	Public Officer
5	<p>Consultation</p> <p>Consultation that may occur in relation to this policy will involve key stakeholders, community garden groups, Council’s Parks Coordinator and the community.</p>	Community Planning Coordinator, Parks Coordinator

Review

This Code will be reviewed in line with any reviews of the Community Gardens Policy. This Code 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.

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

Performance indicator	Data source(s)
Number of Applications	Council records
Customer Feedback Survey Responses, Complaints	Surveys
Breaches of Policy, Code, or Guidelines	Council Records
Internal or External Audit	Audit findings

Governance

This Code should be read in conjunction with any related legislation, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Community Gardens Policy	www.esc.nsw.gov.au
Local Government Act 1993 and Regulation (General) 2005	Local Government Act 1993 Local Government Regulation (General) 2005
Associations Incorporation Act 2009	Associations Incorporation Act 2009
State Environmental Planning Policy (Infrastructure) 2007	www.legislation.nsw.gov.au/maintop/view/inforce/epi+641+2007+cd+0+N

Related external references

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

Supporting documents

Name	Link
Community Gardens Guidelines	www.esc.nsw.gov.au/community/community-gardens/
Plan of Management	Plan of Management applying to the relevant site. See Council staff.

Definitions

Word/ Term	Definition
community garden	A 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	A 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	A 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	Change
1	23 Jul 2013	Div. Manager	New Code commenced at time of adoption of updated Policy (Min 13/373, Report O13/112)

Internal use

Responsible officer	Director, Planning and Sustainability Services	Approved by	Div. Manager, Strategic Services		
File No:	E11.5098	Council report no:	O13/112	Effective date:	23 Jul 2013
Min no:	13/373	Review date:	Sep 2016	Pages:	4