

COMMUNITY GARDENS POLICY

September 2023

PREPARED BY:

ASSETS SERVICES & DELIVERY UNIT



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SUTHERLAND SHIRE

1. PURPOSE

Community Gardens positively contribute to the wellbeing, social, environmental and cultural strength of the community. Council recognises the importance of these gardens and has developed a Policy to ensure that equitable, consistent and transparent practices are in place for the planning, establishment, management and operation of Community Gardens.

2. APPLICATION

This Policy applies to all members of the community who would either like to establish a new Community Garden or are involved in the ongoing operation of existing Community Gardens.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Equitable Access

Community Gardens are safe and accessible to all members of the community.

3.3 Improving Community Wellbeing, Social, Environmental and Cultural Outcomes

A Community Garden provides an opportunity for community members to improve health through increased recreational activities and neighbourhood amenity. It is a space where sustainable practices are learnt and applied, the environment is protected and where members of the community can positively socially interact.

3.4 Community Led

A not-for-profit incorporated group, including members of the community, will be the operators of a Community Garden.

3.5 Self-Sustaining

Any costs, including public utilities, required for the ongoing operation of a Community Garden will be funded by the incorporated entity.

3.6 Clear and Consistent Management

Roles and responsibilities relating to the management, planning, construction, operation and maintenance of Community Gardens must be clear to all and consistently applied.



3.7 Transparent Process for Considering New Locations

The consideration of any new Community Gardens will be a transparent process whereby the merits of a desired location will be considered in line with an assessment criteria. The criteria includes accessibility, existing and future uses, fauna and vermin management, land designation, overland flow path, plant species, potable water supply, proposed inclusions, safety, security, signage, soil, solar access, surrounding land owners and utility services.

The steps taken to establish a new Community Garden are:

1. A Community Garden Enquiry form is submitted to Council by any group of community members for Council officers to consider.
2. Council officers will complete a feasibility assessment of the proposed location. Providing the location is suitably aligned with the assessment criteria, details of the proposed community garden will be put on public notification and local residents will be consulted. The results of the feasibility assessment will be provided to the applicant, together with any further matters that may require consideration.
3. For any location deemed feasible, a Community Gardens Establishment Application form is submitted to Council.
4. Council considers the application for approval.
5. Where approved, the applicant is required to become a legally incorporated entity and obtain Public Liability insurance for \$20 million.
6. The incorporated entity and Council execute a Licence Agreement for five years permitting the operation of the Community Garden on agreed terms.

4. RESPONSIBILITIES

4.1 Responsible Officer

The Senior Manager, Assets Strategy and Delivery is the Responsible Officer for this Policy. Responsibilities include:

- Maintaining records including review and maintenance of a register of Community Gardens;
- Reporting;
- Monitoring the currency of the Policy and updating it as required;
- Implementing communications; and
- Providing a point of contact about the application of the Policy.

4.2 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to meet its obligations under the relevant legislation and to approve any new Community Gardens.



4.3 Directors

Directors are responsible for ensuring their Directorate adheres to the requirements of this Policy and provide guidance in respect of achievement of the strategic objectives of the Policy within their Division and the organisation.

4.4 Employees

Employees must adhere to the requirements of this Policy and operate within the authorities of their delegations.

5. POLICY COMPLIANCE

Application of the Policy will be monitored by the Senior Manager, Assets Strategy and Delivery.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and/or Director Shire Infrastructure and Operations, via the Infrastructure and Planning Design Manager where appropriate.

8. RELATED DOCUMENTS

- Open Space Strategy and Implementation Plan
- Community Gardens Guidelines

9. RELEVANT LEGISLATION AND REGULATIONS

- *Local Government Act 1993 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Crown Land Management Act 2016*

10. DEFINITION OF TERMS

Term	Meaning
Applicant	A group of community members who apply for permission to construct a community garden on public open space.
Community Garden	A garden that is accessible to everyone to grow food and other plants, to share information on gardening and environmental practices and to meet like-minded people. It is self-managed by a not-for-profit incorporated group on land owned or managed by Council, excluding the road reserve.
Incorporated Entity	An incorporated association with its own legal identity separate from its members, with responsibility for annual reporting and maintaining minutes, proper financial and membership records and registers.
Licence Agreement	A legal agreement known as the Licence Agreement, between Council and the Applicant, that sets out details of the conditions under which approval has been given, and indemnifies Council against any loss, damage, injury or death caused or contributed to by the Applicant and/or its Authorised Persons.
Rent	An annual fee payable for each year of occupation of the community garden, as set out in Council's annual Schedule of Fees and Charges.
Public Liability Insurance	Public liability insurance held by the Applicant to the value of \$20 million.
Public Open Space	Any parcel of land under the care, control and management of Sutherland Shire Council, regardless of tenure.
Reserve	A park or reserve under the care, control and management of Sutherland Shire Council, regardless of tenure.

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