Community Garden Policy

May 2020

City of
KINGSTON

This Policy provides a process for residents wanting to establish a community garden and transparency around the criteria Council uses in order to approve the use of Council land for community gardens. This Policy also provides clarity on the level of support existing or established community gardens can expect to receive from the City of Kingston.

Scope

This policy applies to community groups, residents and organisations who wish to establish, or who have already established, a community garden on Council owned or Council managed land.

BACKGROUND

What are community gardens

Community gardens are places where people come together to grow food and other plants, to learn new skills, meet other people and be part of their local community.

There are three main types of community garden:

- **Shared gardens**, where gardeners have responsibility for the entire garden, working together to care for the plants and taking a share of what is produced

- **Allotment gardens**, where gardeners each have their own plot and use it as they wish

- **Facilitated gardens,** where gardens are integrated into an existing community hub (such as a Neighbourhood House) that manages the garden, taking responsibility for ensuring the garden is well attended and diverse. This also allows for integration with training and educational opportunities offered by the community hub.

Many community gardens combine both shared and allotment gardens and provide a place to meet people passionate about growing food. Community gardens can fulfil a variety of functions in addition to food production, including the enhancement of healthy lifestyles and good nutrition, reduction in social isolation, encouraging a sense of place and community, improvement of mental health / wellbeing, improving local food security, reducing food miles, and management of public spaces.

The Australian City Farms and Community gardens Network (ACFCGN) recognises gardens as: "…places where people come together to grow fresh food, to learn, relax and make new friends"

Activities beyond food production encourage non-members to participate. Opportunities for social interaction are diverse and include community education and workshops that are important to assist in promoting community gardens.

<u>Existing community gardens in City of Kingston</u>

City of Kingston has a number of well-established community gardens. However, many are experiencing long waiting lists as they are unable to meet current demand.

As at May 2020 existing community gardens are located at:

- Waterways Community Garden, Lake King Circle, Waterways
- Mentone Community Garden Club, 9 Venice Street Mentone
- Earthcarer's Community Garden, 160 Thames Promenade, Chelsea Heights
- Melaleuca Community Garden, 31 Melaleuca Drive, Clarinda

A number of charity gardens are located in Kingston. Volunteers can garden at these sites however food is used by the charity organisations:

- Fareshare – Moorabbin, Second Avenue, Moorabbin Airport
- Fareshare – Baguley Farm, 7000 Clayton Road, Clayton South
- Pantry 5000 Community garden, St Aidan's Hall, Poulson Street, Carrum
- Southern Migrants and Refugee Centre Pop Up Community Garden, Braeside Park, Lower Dandenong Road, Braeside

The following community gardens are located just outside City of Kingston:

- Downs Estate Community Project, 190 Old Wells Road, Seaford
- RAW Garden, 325 South Road, East Brighton
- Seafood Food Forest, Newton Street, Seaford near Riviera Pre-School

This information may change over time and up to date information on community gardens can be found at https://www.kingston.vic.gov.au/Community/Sustainability-and-Workshops/Community-Gardens

POLICY CONTEXT

The support of community gardens by City of Kingston is articulated in the Health and Well Being Action Plan 2018 – 2021. Community gardens are listed as a current Council initiative under "Objective 1.1 Increase participation in physical activity". Action 1.2.5 also stipulates "Facilitate the community to grow and share healthy fresh food by providing education and by establishing knowledge sharing structures" which community gardens provide.

This is also supported through the broad objectives of the Council Plan 2017 -2021. Goal Three "Our connected, inclusive, healthy and learning community" has the directive at "3.4 – Promote an active, healthy and involved community life" and the objective "3.4.3 Strengthen community participation and connections by supporting community groups and networks".

This Community Garden Policy requires that community gardens and the groups managing them must comply with the following legislation:

• Planning and Environment Act (1987)

• City of Kingston Community Local Law (2015)

• Kingston Planning Scheme

• The Occupational Health and Safety Act 2004

• Child Wellbeing and Safety Act 2005.

Roles and Responsibilities

COUNCIL'S ROLE

Council's role in relation to community gardens includes:

• providing information to link residents with existing community gardens

• considering requests from community groups to establish a community garden and follow the process outlined below in order to make a decision

• working with the community group to ensure the site and garden is suitable for growing food for human consumption

• Assessing Written Planning Advice applications and provide written confirmation within ten days whether planning permission is required.

• negotiating a lease following Council's Lease and Licence Policy

There are a number of guides to developing community gardens on-line. The Helen Macpherson Smith Trust and Sustainable Gardening Australia has a comprehensive Community Gardens Manual for Community Based Gardening. Community groups interested in establishing a community garden within Kingston are encouraged to refer to this guide which is available via https://www.sgaonline.org.au/community-resources/community-gardens-manual/

Council is willing to fund and install up to $5,000 worth of infrastructure to help establish a new community garden such as raised beds, fencing, water connections, tanks, storage etc as mutually agreed.

Council is not responsible for the maintenance or management of community gardens and associated assets.

All children or young people who attend services, programs, events and spaces in the City of Kingston have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

COMMUNITY GARDEN GROUP'S ROLE

The community garden group's role in relation to community gardens includes:

- ensuring that the group has the financially capability and plan to meet the ongoing costs of maintaining the community garden at an acceptable standard

- maintaining the membership of the group into the future

- complying with conditions outlined in Council's Lease and Licence Policy

- complying with Council's requests that all users of a community garden do not leave children up to 18 years of age at the garden without a supervising adult

Application process and conditions of use

All eligible community groups, residents or organisations wishing to utilise Council land to develop a community garden, must provide adequate information in order for Council to assess the application.

To be eligible, the applying group must demonstrate they either are; or in the process of becoming; incorporated or auspiced by an incorporated association.

The application process is as follows:

1. Community group or individual lodges an application with Council. The application must include:
    1.1 Details of incorporation or auspice arrangements
    1.2 Insurance details showing minimum $20 million public liability insurance
    1.3 Audited financial statements (last two years)
    1.4 A site layout plan showing garden bed layout, storage, water access, fencing (if required), access for deliveries and carparking; as a minimum.
    1.5 A garden membership management plan outlining how members will be attracted and retained
    1.6 A conflict resolution process

2. Council checks the:
    2.1 group's incorporation status
    2.2 group's insurance coverage (must include minimum $20 million public liability insurance)
    2.3 group's financial capability
    2.4 group's membership management plan
    2.5 proposed site plan and the need for any building and/or planning permits
    2.6 former land use of the site and any contamination issues

3. The suitability of the site will be assessed by Council against the following criteria:
    3.1. Location

3.1.1 The site be owned by Council and located in close proximity to the community which has expressed an interest in

3.1.2 As a first preference, a site should be within the grounds of or adjacent to an existing community facility (such as community centre, neighbourhood house, tennis courts etc).

3.1.3 Where the site is located in a park or reserve, it is preferred that unused or underutilised portions of the park or reserve are considered, for example the corner of a park or other urban open space.

3.1.4 The site be capable of accommodating the community garden without compromising public accessibility and any current or planned functional requirements of public land.

3.1.5 The site should be capable of accommodating the community garden without having a significant detrimental impact on neighbouring land uses.

3.1.6 A site located in a high density residential area will be considered provided there is sufficient demonstrated need and the site is both suitable and available.

3.2 Land Characteristics

3.2.1 The majority of the site should receive full sunlight for a least 5 -6 hours per day

3.2.2 The site should have adequate drainage and, if on potentially contaminated land, should have adequate mitigation measures in place.

3.2.3 Topography should be suitable for the layout of a garden without the need for cut and fill.

3.2.4 The site should be able to accommodate the establishment of a community garden without the need for tree or vegetation removal, including indigenous and native vegetation.

3.3 Safety

3.3.1 The site has no major safety or health concerns

3.3.2 The site should have good natural surveillance from nearby residence, businesses or passing pedestrians, cyclists or vehicle traffic. To enable this, good sight lines are required. Refer to the Crime Prevention through Environmental Design (CPTED) General Code.

3.4 Accessibility

3.4.1 The site should be accessible and inclusive for a broad range of users, including people with disabilities, culturally diverse or elderly people.

3.4.2 Appropriate car parking should be available on site or within a reasonable walking distance.

3.4.3 The site should be located close to public amenities such as toilets.

3.4.4 The site should be located close to walking or cycling paths and public transport to encourage active travel.

3.4.5 The site should provide bike racks or similar bike storage facilities.

3.4.6 The site should have street frontage (or access within the garden) wide enough to allow maintenance vehicles and occasional deliveries (e.g. mulch).

3.5 Size

3.5.1 The site be large enough to accommodate the following:

- raised garden plots with adequate clearance to accommodate users with mobility issues

- composting systems

- rainwater tanks (with preferably a non-potable water supply)

- seating areas and shelter for gardeners

3.5.2   Minimum (and maximum) garden size will be assessed on a case-by-case basis. As a guide a garden containing individual plots for 20 people would be approx. 2500m2.

3.6 Water

3.6.1 Consider the availability of potable water for drinking purposes

3.6.2 Access to non-potable water for garden irrigation is an advantage

3.7 Soil Quality

3.7.1 Previous land use and the potential for that previous use to restrict food growing ability

3.7.2 Depending on any levels of contamination detected, advice will be required from recognised experts on whether the land is suitable for growing food

3.8 Fencing

3.8.1 The site may need to be fenced to protect the garden from vandalism and theft and prevent invasion by pest animals such as foxes and rabbits. Where an unfenced site is proposed for use as a community garden Council will work with the community group or individual to explore cost effective ways to ensure security.

4. Site meeting to discuss site layout plan
   4.1   A meeting will be convened with Council officers on site to discuss the application.

5. Apply for building and/or planning permits
   5.1   Subject to the feedback received from Council through the application stage, all necessary building and planning approvals will need to be granted prior to Council's consideration of a lease agreement.

6. Apply for lease following Council process outlined at
   https://www.kingston.vic.gov.au/Services/Property-Services

Once approval is gained by Council, Council will liaise with the community garden group to coordinate the installation of up $5,000 worth of infrastructure to assist with garden establishment. Once Council donated infrastructure construction is completed and handed over, the community garden group is responsible for maintenance and management of the community garden. Council requires an annual report which includes community benefit outcomes.

The community garden group will still be eligible for funding through Council's Annual Grants.

Committee of Management's role

If a community garden is proposed to be located on a site, which is managed by a community committee (e.g. a Neighbourhood House or Community Learning Centre) through a lease agreement, the proposal can only proceed to Council if it has the written support of the committee of management for the establishment and operation of a community garden within that site. Any works or alterations to the premises would require Council consent as per the terms of the lease agreement.

Fees and charges

Council sets fees for leases. Information regarding these fees is available on Council's website. Fees and charges are reviewed annually as part of Council's annual budget process. Officers will advise groups if their community garden would attract any fees. Cost sharing arrangements (e.g. utilities) may also be required.

Relocation or closure of a community garden

Council is not responsible for maintaining community gardens. The community garden group must comply with the essential terms of the lease agreement. Termination of the lease would arise from breaching one of the essential terms outlined in the following clauses of the Lease and Licence Policy:

- Payment by tenant
- GST
- Condition report
- Insurances
- Use of premises
- Assignment of subletting
- Council Funding Agreement/or Service Agreement
- Tenants Obligations

    A breach of an essential term is a repudiation of the Lease

If the garden is not maintained, becomes unsafe or unsightly, according to the Lease and Licence Policy Council will direct the community garden group to rectify the problem. Failure to comply with such directions in a reasonable period of time could result in the Council compelling the works at the cost of the Tenant or termination of the Lease.

Should for some reason Council require the land for another purpose this would be covered in the redevelopment clause of the Lease and Licence Policy.

- If the Council determines during the Term of the Lease to redevelop the land or carry out extensive renovations, additions or alterations to the land within which the garden is located, Council may serve on the Tenant a notice requiring the Tenant to surrender the Lease on a date no less than six months after the date of service of the notice, by executing a deed to surrender in a form prepared by the Council (notice).
- A Notice terminates the Lease and the Tenant's entitlements to possession of the garden
- The Notice must include an offer to relocate the Tenant, on the same terms as the existing Lease
- Upon termination of the Lease, each party is released from all obligations