

# Council Policy

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| <b>Council policy title:</b> | <b>Community Garden Policy 2023</b>                 |
| <b>Council policy owner:</b> | Director Environment, Recreation and Infrastructure |
| <b>Adopted by:</b>           | Bayside City Council                                |
| <b>Date adopted:</b>         | TBC   |
| <b>Scheduled review:</b>     | TBC   |
| <b>Document Reference:</b>   | DOC/23/50478  |

([Council Policy](#) is a high level public statement formally resolved by Council, which clearly states Council's requirements, intent or position with regard to a particular matter or issue. It is not intended to be procedural in nature).

## Human Rights Charter

Human Rights Charter This Policy has been assessed against the principles of the Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter) and are considered to be compatible with the Charter. In assessing the proposed changes, consideration has also been given to the Equal Opportunity Act 2010 and the Gender Equality Act 2020.

## Governance Principles

In the development of this Policy the requirements of the Governance Principles as per the Local Government Act 2020 have been considered and are summarised below:

| <b>LGA S 9.1</b> | <b>Governance Principle</b>                                    | <b>Consideration</b>  |
|------------------|--|---|
| a)               | Compliance with the law  | This Policy meets requirements of the Public Health and Wellbeing Act 2008  |
| b)               | Achieve best outcomes for the community                        | This policy articulates Council's commitment to protecting an individual's right to privacy and management of personal information    |
| c)               | Promote the sustainability of the municipality                 | This policy supports social capital and the community being active, healthy and connected towards a better smarter sustainable future |
| d)               | Engage the community in strategic planning and decision making | This policy is externally focussed and respond to community needs   |
| e)               | Strive for innovation and continuous improvement               | This policy supports continuous improvement opportunities through the review cycle of the policy                                      |

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| f) | Collaborate with all other levels of government and government agencies                                      | This policy has been developed in accordance to the Department of Health and Human Services creating and maintaining a community garden and its health benefits  |
| g) | Secure the ongoing financial viability of Council  | This policy has minimal impact on Council's financial viability  |
| h) | Strategic planning and decision making must take into account plans and policies in operation at all levels. | This procedure supports the objective of Council through the Council Plan – Our Promise – Open and transparent governance process  |
| i) | Council decisions, actions and information must be transparent.  | This policy will be reviewed and adopted through the public decision-making forum – Council Meetings, and the policy will be publicly available via Council's website in accordance with Council's Transparency Policy |

## 1. Policy intent

This Policy provides the framework for establishing a community garden and clarity on the level of support groups can expect to receive from Bayside City Council.

This Policy:

- Demonstrates a commitment to encourage and manage community gardens throughout Bayside
- Commits to ensuring effective community engagement is implemented to ascertain the demand or need for community gardens to support good decision making
- Ensures that expectations are managed in an appropriate way in response to community needs
- Establishes a structure to ensure that community gardens are undertaken in a defined, inclusive and cost-effective manner.
- Ensure community gardens have a positive environmental impact from activities and practices.

## 2. Policy purpose

Council's role in community gardens will vary according to land ownership and the level of complexity associated with establishing the site. Council recognises the value that community gardens provide across Bayside, and understand the importance of ensuring gardens are safe, risks are mitigated, they are sustainably managed and there is equitable community access to the site.

There are a number of types of community gardens, including:

- Shared gardens, in which gardeners work in the whole garden, doing whatever is needed at the time and taking a share of what they grow
- Facilitated gardens, where gardens are integrated into an existing community hub (such as a Community Centre or common open space) and are managed on behalf of Council
- Allotment gardens, in which individuals or groups of people have their own plot to grow produce; and
- A garden with both allotments and shared gardening space.

Establishing a community garden requires community members to undertake considerable planning, collaboration, and engagement. It is important that there is strong community commitment to ensure the ongoing success of the garden.

### 3. Glossary - Definitions and Abbreviations

| Term                              | Meaning   |
|-----------------------------------|---|
| Community Garden Group            | A group focused on identifying appropriate sites for community gardening and proposing, establishing and managing community gardens that grow produce.        |
| Community Garden                  | A shared garden space or allotment, in which gardeners work in the whole garden, doing whatever is needed at the time and taking a share of produce they grow |
| Private land                      | Any land owned by an organisation/individual that members of the public may not enter or may not remain on without permission (church, schools, sport clubs). |
| Council owned and/or managed land | Land which is in the care, control or management of Council.  |

### 4. Scope

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

For community gardens proposed on privately owned land or land owned by other public authorities, written consent from the landowner for proposals is required.

This Policy and its associated documents are provided as guidance material only unless Council support is being sought. Councils' role will vary according to land ownership or management model for the proposed site.

### 5. Policy Statement

Bayside City Council recognises that community gardens can play an important role in community development. Community gardens provide a valuable recreation activity that contribute to health and wellbeing, social connectedness and interaction, environmental education and sustainable living practices.

Bayside City Council will support the establishment and operation of community gardens through this Policy by:

- Providing clarity on the level of support community garden groups can expect to receive from Bayside City Council from an administrative, financial and staff resourcing perspective
- Ensure that expectations are managed in an appropriate way in response to community needs
- Establish a framework to ensure that community gardens are undertaken in a structured, inclusive and cost-effective manner.

## 6. Monitoring, Evaluation and Review

Compliance with the Policy will be measured through evaluation of individual community garden proposals submitted to Council for support and approval. The subsequent establishment and ongoing operation of community gardens will be periodically evaluated through an annual reporting process to be mutually agreed between Council and the community garden group (annual event, verbal and/or written report).

This Policy will be reviewed in 2027.

## 7. Roles and Responsibilities

This Policy is to be implemented by the Climate, Waste and Integrated Transport Department and will be monitored and evaluated by the Manager Climate, Waste and Integrated Transport. The Recreation and Open Space Department will have oversight of proposals and provide expert advice as required.

Council support will be considered on the basis of individual merit according to the criteria described below.

### 7.1 Council's Role

Council's role in relation to community gardens includes:

- Providing information to link residents with existing community gardens
- Review of community garden proposals and implement the specified process in order to make a decision
- Council (in liaison with a community group) will consult residents and users of the proposed site on the garden concept. The consultation process will vary according to the proposed site, current use and community support and the groups management preference. An incorporated group looking to lease Council land will attract a higher level of governance oversight.
- Major community engagement processes will be managed by Council.
- Promote community gardens via Council's website, social media platforms and other publications as required
- If required, negotiate a lease following Council's Lease and Licence Policy or management agreement or similar.
- If required, assist with planning permit applications and provide advice on statutory requirements
- Council will provide funds through a specified funding mechanism to support the installation of infrastructure such as garden beds, fencing, water connections, tanks, storage, connecting pathways as mutually agreed and to ensure the inclusion of universal design elements so that the space is accessible for all abilities.
- Ensure community gardens have a minimal environmental 'footprint' from activities and practices. Community gardens will have to consider resources implications, energy and water efficiency, the use of recycled materials and have a minimal impact on the natural environment.
- Provide advice on the development and approval of a Community Garden Management Plan
- Ongoing evaluation and yearly review following receipt of community groups annual report or similar.

All open space works will be required to go through an approval process.

Each proposal and associated funding allocation will be assessed on merit, need and the groups capacity to manage the garden on an ongoing basis.

Council is not responsible for the maintenance or management of community gardens and associated assets or recruitment of community garden members once established.

### 7.2 Community Garden Group's Role

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

- Ensuring the group has the capability to procure donations or fundraise, 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
- Compliance with conditions outlined in Council's *Lease and Licence Policy* and/or permit requirements and/or management agreement (if applicable)
- Develop and implement a Community Garden Management Plan
- Ensure community gardens have a positive environmental impact from activities and practices
- Endeavour to include habitat planting where possible, including planting indigenous plants, especially those that attract pollinators
- Ensure the site is returned to its original condition at the expiry or termination of the lease or management agreement.

### 7.3 Application Process and Conditions of Use

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

**Stage 1** of the application process is to establish in-principle Council support.

To achieve this, the criteria identified in *Table 1* need to be met.

**Table 1: Assessment Criteria for establishing a garden**

| Criteria                    | Examples  |
|-----------------------------|---|
| Reasons for establishment   | To provide an area for the community to come together to grow and share local food and produce; to activate a neglected or underutilised area of public open space.   |
| Site Suitability            | <ul style="list-style-type: none"><li>• Council public open space</li><li>• Leased community space</li><li>• Linked to an existing community facility to allow access to amenities such as public toilets and water; accessibility, sun and shade.</li><li>• No established community garden within walking distance.</li></ul> |
| Community Group and Support | Minimum of five interested community members with support from neighbours and users of community buildings (where applicable)   |
| Formal Requirements         | Identifying statutory requirements, including the need for a planning permit (required for all third-party groups).   |
| Community Garden Model      | Fenced, open, shared, allotments, facilitated.  |

**Stage 2** of the application process includes:

- Refining the garden design and concept (focusing on using recycled and sustainable materials)
- Developing the engagement plan and undertaking formal community engagement
- Developing a Community Garden Management Plan (focusing on sustainable practices, including organic gardening, and avoidance of use of pesticides or herbicides)
- Securing a planning permit (as required)
- Establishing the funding strategy
- Entering a formal lease with Council (as required)

Once approval is provided, Council will liaise with the community garden group to coordinate the installation of the negotiated infrastructure to assist in the establishment of the garden. Once construction of infrastructure is complete and handed over, the community garden group is responsible for maintenance and management of the community garden.

#### *7.4 Relocation or Closure of Community Garden*

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

If the garden is not maintained, becomes unsafe or unsightly, Council will direct the community garden group to rectify the problem. Failure to comply with such directions in a reasonable time could result in the Council compelling the works at the cost of the Tenant or terminate the Lease (if applicable).

## **8. Related documents**

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| <b>Strategies/Plans</b> | Bayside Community Plan 2025<br>Bayside City Council - Council Plan<br>Municipal Public Health and Wellbeing Plan 2021–25<br>Climate Emergency Action Plan 2021-2025<br>Environmental Sustainability Framework 2019-2023 |
| <b>Policies</b>         | Lease and Licence Policy  |
| <b>Guidelines</b>       | 1. Checklist – <i>Ideas to Consider Before Starting a Community Garden</i> (Australian City Farms and Community Gardens Network).   |

**Please note:** This Policy is current as at the date of approval. Refer to Council's website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) to ensure this is the latest version.