

DRAFT FINAL

# Community Garden Assessment Guidelines

Licensed Community Gardens on Council Owned or Managed Land

March 2020

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## Purpose

Community Gardens provide much more than just the opportunity to grow food locally. They sustain community spirit and foster community connections in a public space that residents share and collectively care for.

With population growth and growing demands for existing open space in our municipality, the use of land for a Community Garden is a valid recreational and community use, but they must be planned and considered against other competing demands. Council recognises the social and recreational value that Community Gardens provide across the city, however it is important to ensure gardens are safe, risks have been identified and mitigated and that there is equitable community access to these valued community resources.

Establishing a Community Garden takes considerable planning, collaboration and engagement. It is critical, in establishing a Community Garden, that there is enough commitment from across section of the community to ensure the long-term benefits are realised.

## Where these Guidelines Apply

This document articulates the responsibilities of all stakeholders involved in Licenced Community Garden projects on Council Owned or Managed Land only. It includes responsibility for obtaining funding and resources and the management of risks. It further considers the types of governance structures required to support the ongoing management of Licenced Community Gardens in our municipality.

The Guidelines provide a transparent process in which to consider requests for the establishment of these gardens and includes two gateways that applicants will be required to proceed through.

The gateways provide checkpoints at which council will consider and determine:

1. Whether the site is suitable for use as a Licenced Community Garden
2. If the site is suitable, a second phase of assessment will consider if proposals are well considered, able to be managed and if they are an appropriate use of the community's resources.

These guidelines align to the principles within Council's '*Public Space Strategy*'. These principles will inform the ongoing management of these valued community assets, and where required, an approach for a garden's cessation.

## Sources of Influence

In developing these guidelines, the City of Port Phillip acknowledge and draws influence from the City of Melbourne Community Gardens Policy, The City of Darebin Communal Food Garden (Community Garden) Assessment Guidelines and the City of Bayside Community Gardens Policy.

## Licensed Community Gardens on Council Owned or Managed Land

Across the municipality, licenced or leased Community Gardens are generally provided as shared community spaces, but in some settings may provide gated access for members.

Such gardens contain a series of plots that may be both allocated or shared. Each garden within the network is managed by incorporated groups (Community Garden Groups) or in some circumstances are attached to leased community facilities.

Council will consider the viability of new, and will manage existing Licenced Community Gardens, against the principles outlined in these guidelines.

## Other Types of Productive Gardens Not Covered by these Guidelines

In addition to Licenced Community Gardens on Council Owned or Managed Land there are a variety of productive gardens within our municipality that range from gardens in streets and lanes, through to raised planter boxes in public open spaces.

These gardens are not considered under these Guidelines, but include:

- **Street and Laneway Gardens**

Street and laneway gardens are on nature strips, footpaths or within road reserves. They may be managed by an individual or an informal group of residents through voluntary community stewardship. Verge gardens are fully accessible to the broader community and have no restrictions or controls around access to or gathering of their produce.

Council provides Nature Strip Guidelines, which support the community stewardship of public spaces. People gardening on verges must comply with these guidelines and have a duty of care to the broader community in considering and managing risks including health risk from contaminants, trip hazards and maintaining public safety.

- **Garden Plots within Public Open Space**

There are a number of raised garden beds in Council's parks and reserves. These are not licenced or fenced and are fully accessible to the broader community.

These gardens are managed by a group of volunteers and interested parties through informal Garden Groups and are installed as part of Council's Parks and Open Space upgrades. Requests for garden plots within public open space are considered through community consultation and on a case by case basis, when undertaking upgrades or redevelopment of public spaces. Council considers such installations where there has been an identified recreational need in the local area through Council's *'Public Space Strategy'* or specific park master planning process. Groups may be required to enter into a spirit of agreement around maintenance of the site.

Such areas will be good for growing, will not impact maintenance requirements and will complement other activities on the site.

- **Gardens on Private Land / Land Owned and Managed by Other Authorities**

A number of gardens are on land owned by private individuals, organisations or authorities.

Within Port Phillip a number of gardens operate on church, school or on housing estates. Applications are also made for sites that are privately owned, such as vacant land, that may be waiting on another use.

In these circumstances, agreements must be directly negotiated between gardeners and landowners.

## Principles for Licenced Community Gardens

The following principles support the objectives of the draft '*Public Space Strategy*' and provide a framework for how Council will manage and consider future requests for all Community Gardens.

### **Places for People**

- Community Garden Group will advance the important role these gardens perform in embedding local community connections
- Garden establishment should consider appropriate application of crime preventative design to create a safe environment for all users
- Community Gardens are effectively governed and self-supporting
- There are clear roles & responsibilities between Council and Community Garden Groups
- Community Garden Groups are responsible for the proactive consideration and management of risk.

### **Public Spaces for a Higher Density City**

- A network of Community Gardens are equitably distributed across all neighbourhoods within the municipality and Council should consider the proximity of existing Community Gardens when considering the establishment of any new garden requests
- Sites are deemed suitable for use as a Community Garden
- Council does not have other requirements for that area of land.

### **Sharing, Inclusive and Diverse Spaces**

- Community Garden Groups will promote a broader use and purpose for Community Garden site, as a multi-purpose facility and gathering place. This includes reporting on activities hosted for the neighbourhood which promote social inclusion
- Community Gardens are welcoming, accessible and inclusive of the broader Port Phillip community rather than providing exclusive access to a specific membership group.

### **Sustainable Spaces**

- Gardens will improve sustainability outcomes
- Sites will have access to adequate and sustainable water supply and sufficient sunlight
- Gardeners will outline how design mitigations will be implemented, in response to risks associated with soil contamination.

## Garden Assessment Gateway Principles

- There will be two “gateway” steps that applicants for a Licenced Community Garden must pass.
  - o Gateway One – assessment of the suitability of a proposed site, including consideration of other Council or community usage priorities and other gardens in proximity, including the management of existing demand for those gardens.
  - o Gateway Two – assessment of an implementation plan, including assessment of need, governance and management, fair and transparent processes for access to plots, plans to encourage community engagement and social connection, risk plan, sustainability, associated licences and permits.
- If both gateway steps are passed, then the application will proceed to Council for approval.

## Responsibilities for Licenced Community Gardens

Council will not allocate Council funds to build new Licenced Community Gardens. Community groups are able to apply for grants, through Council’s Grants programs, if they are able to meet the criteria of those grant programs.

### Council

Council will :

- Establish, review and where necessary update, procedures and information on how to apply for a Licenced Community Garden within the City of Port Phillip
- Provide information and advice to residents on how to apply for a Community Garden, including advice on the suitability of potential sites
- Consider and assess proposals for the development of new gardens
- Consider improvements to existing facilities
- Provide advice on whether planning permits are required in relation to proposals on private land
- Develop user agreements that consider applications on a case by case basis, specific user needs, site considerations and constraints
- Undertake the development and ongoing management of a tenancy agreement for Community Gardens on Council managed land to ensure they are operating in accordance with the principles of this guide and the policies of Council
- Provide advanced notification to users in circumstances where a redevelopment was to occur that would impact on the operation of the garden

- Conduct a fair and transparent process to revoke licences or remove gardens, when disused, not adequately maintained or abandoned.

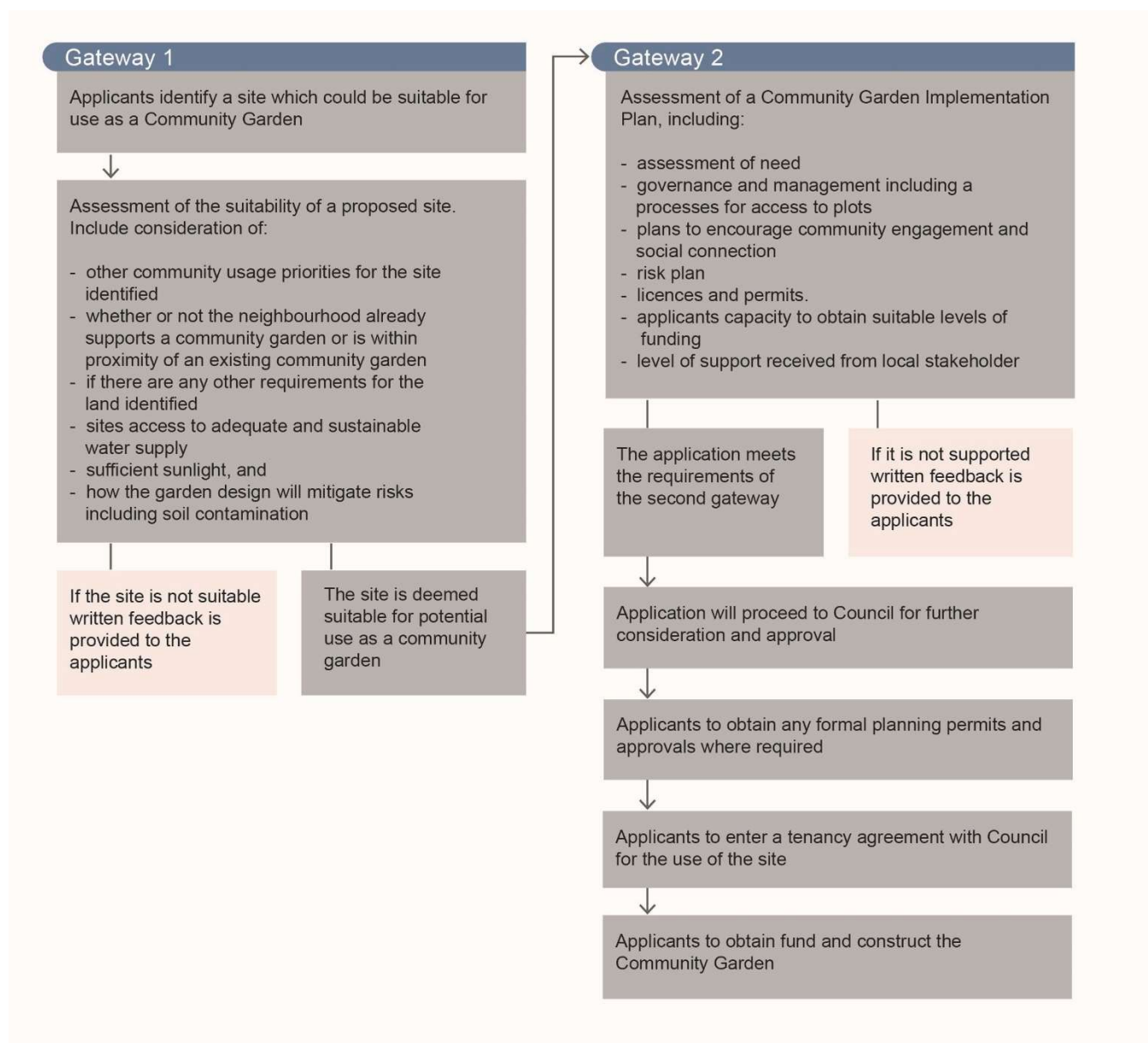
## Community Garden Groups

Community gardeners or groups operating Licenced Community Gardens on Council owned or managed land will:

- Be incorporated
- Take legal and financial responsibility for the establishment and ongoing operation of a Community Garden
- Identify potential sites, and provide applications to Council to determine a site's suitability
- Lead consultation and engagement with all members of the community including adjacent residents and, where required, authorities in the design and management of the proposed garden
- Obtain any formal permits, such as planning permits and approvals where required
- Enter into tenancy agreements with Council for the use of any site on Council owned or managed land
- Obtain and maintain Public Liability Insurance with a minimum cover as required by Council and insurance for any of the group's improvements, buildings or works, and contents within the Council property
- Build the garden, carry out ongoing maintenance and ensure the upkeep and replacement of infrastructure as required, including the management of composting
- Undertake the management and governance of formal groups which will include:
  - the fair and transparent allocation of new spaces to community gardeners
  - providing opportunities for residents not directly involved in the gardens to be provided with access
  - undertake conflict resolution
  - report on numbers of events hosted to foster social inclusion for the neighbourhood
  - acknowledge Council's contribution through communications and media as opportunities arise
- Maintain signage and up to date contact details
- Be responsible for the removal of the garden when it is no longer in use or at the end of tenancy
- Identify and manage risks associated with the ongoing operation of Community Gardens.



# Flowchart



## Definitions

|   |  |
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| Council Owned or managed Crown Land                           | Land which is in the care, control and management of Council.  |
| Incorporated Community Garden Groups (Community Garden Group) | Community Garden Groups collectively manage plots on private or public land to produce plants grown for food or recreation. Incorporated groups are registered as an association and must refer to the requirements of the <i>Associations Incorporation Reform Act 2012</i> . |
| Informal Garden Groups  | Effectively run by a small number of people (3+) that are not formed into a legal corporation.   |
| Land Owned or Managed by other authorities                    | Land may be owned or managed by the State Government and may include sites under the Department of Education, VicTrack, or Melbourne Water.  |
| Lease   | A lease grants a tenant exclusive possession and use of property for a specified period of time, subject to certain terms and conditions   |
| Licence   | A licence grants the licensee non-exclusive use of Council land / property for a specific period of time and subject to certain terms and conditions.  |
| Memorandum of Understanding / Spirit of Agreement             | Provides an outline of objectives, responsibilities and management arrangements between parties.   |
| Private Land  | Any land owned by an individual or organisation that is not publicly accessible / may not be entered or remained on without permission. This may include privately owned sites, or land vested in a church.  |

## Relevant Policy, Regulations or Legislation

City of Port Phillip, Public Space Strategy February 2020

City of Port Phillip, Property Policy, September 2019

City of Port Phillip, Asset Management Policy 2017

City of Port Phillip, Community Funding Policy, September 2019

*Associations Incorporation Reform Act 2012*