

Community gardens guidelines

These guidelines developed by Council will assist in making your community garden project effective, enjoyable and safe for all.

Before you get started with your community garden project, consider the 3-step process below.

Step 1 - Securing a Suitable and Safe Site

Prior to making final decisions on your community garden, it is recommended you contact Council's **** on ph. ****.

A site meeting or chat over the phone with *** can help you work through your objectives for the site, help identify any site constraints and actively assist you in getting any necessary approvals from relevant Council departments and/or other government departments where required e.g. the RTA.

It should be noted that there may be some instances where approval may not be given to develop a community garden on a particular site, so be ready to consider alternative locations. Other land managers such as Department of Education, Department of Lands, RTA and/or private land owners may provide more options for land.

The Council *** can provide advice and assistance on the following:

- means of gaining local support for your initiative
- preferred types of sites and locations for community gardens
- how you can address potential hazards for gardeners and other traffic
- ensuring that appropriate lines of sight for traffic, access for pedestrians and servicing of local infrastructure are maintained
- the design and construction of the community garden and any signage and
- any safety issues you need to consider and safety devices you need to use during the construction and operation of your community garden.

Step 2 – Working out what you will grow and if you will sell it.

There are a number of different models of community gardens. The most common forms in Australia are:

- community gardens with a mixture of allotments for each member and some shared areas
- communal gardens where the entire garden is managed collectively. Some examples of communal gardens are food forests (which include structured layers of plants such as edible groundcovers, shrubs and trees)
- verge gardens are where garden beds are established on the nature strip. These are considered a type of community garden in this policy when they are managed collectively by a group of local residents and decisions are made jointly

- school kitchen garden projects are defined as a community garden when local residents outside of the school community can join the garden and manage the garden in partnership with the school. In this model, the garden may include individual plots for residents and communal garden beds that the school can manage and use for lessons on cooking, nutrition and the environment and provide produce for the school canteen. School kitchen gardens aren't always set up as community gardens due to perceived problems with access and security for people outside of the school community
- Community gardens on public housing land usually contain a mixture of plots and common areas and are specifically open to residents living in public housing. They are supported by the Botanic Gardens Trust and Housing NSW Community Greening program.

You need to consider the types of plants you will grow in your garden. You will not be permitted to grow plants that are on the prohibited plants list see Attachment 6.

In choosing plants, avoid :

- trees with root systems that could damage roads and footpaths
- plants that are thorny or spiky and that could injure gardeners
- plants that grow tall enough to contact electricity and broadband cables
- plants that would overhang any paths where they could interfere with pedestrians and children in strollers
- plants with toxic foliage, flowers, fruit or nuts.
- genetically modified crops
- species on the Weeds List of Bushland Friendly Nursery Scheme (check current list at www.bfns.org.au)
- declared noxious weeds (check Far North Coast Weeds web site for current list at www.fncw.nsw.gov.au).
- whether any proposed trees have a known propensity to cause injury to persons or damage to any property by: root exposure, invasion or infestation to buildings and structures; sewer, water, gas, electricity, telecommunication and public utility systems; or 'sudden branch drop syndrome'.

If you are planning to sell produce you grow in the community garden you may be classed as a food business. All food businesses are required by law to register their business activities onto the NSW Food Authority's Notification and Food Safety Information System (NAFSIS). This can be done at no charge online at www.foodnotify.nsw.gov.au. A helpline has been established for further assistance on 1300 650 124.

As there are now various obligations imposed on food businesses and food handlers Council recommends visiting the FSANZ website to download a copy of the legislation and other fact sheets on food handling

information that is covered in this section of the Market Code. The Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 can be downloaded from

<http://www.foodstandards.gov.au/foodstandardscode/index.cfm#FSCchapter3>.

To access the food safety fact sheets visit the following link:

<http://www.foodstandards.gov.au/mediareleasespublications/factsheets/foodsafetyfactsheets/index.cfm>.

The NSW Food Act 2003 and Food Standards Code apply to any premises used for the preparation of food for sale. It is generally expected that persons preparing food be aware of the requirements to ensure that the premises generally comply with this legislation.

Food business operators must ensure that all foods are stored in such a way that it is protected from likely contamination and that the environmental conditions will not adversely affect the safety of the food.

All goods should be stored at least 750mm off the ground.

Packaging material used must be suitable for food packaging and unlikely to cause food contamination.

Any product sold in packaged form – including eggs - (jar, bottle, packet) is to be clearly labelled with at least the address of the place where the food was made and a “best before” date. You will also need to list the ingredients so that people with allergies can see what is in the product.

No livestock are to be kept on the site, with the exception of poultry (excluding roosters) and bees. Any animals kept on the site will be enclosed and kept away from residential boundaries and be subject to a pre-established management process.

For further information see the North Coast Regional Code for the sale of food at markets and temporary events.

Step 3 – Approval by Council

Before you start operating your community garden on public land you will need to complete an application form, if it is to be operated on private land you may need to complete a development application.

The application form will outline the following:

- the proposed location and design of the community garden
- how you engaged neighbouring residents in planning for your initiative
- any relevant feedback expressed by neighbouring residents and
- name and contact details of the person nominated as the primary contact in relation to the construction, maintenance and operation of the community garden and
- any other details the Council requires to assess the application.

The process for submitting your application is either by email to Council on **** or visit the Council offices at ****.

Once you have completed and submitted the application form, your application will be assessed on its merits.

If approved:

- new gardens established on Council or Trust managed public land where the group does not have exclusive rights to the area will be given an initial licence or agreement for a trial period of one year. The Council may charge community garden groups for licence preparation fees. If the garden group fulfils all its responsibilities with regards to the management of the garden the community garden group will have the opportunity to enter into a licence or further agreement with Council for a period of 3 years with on-going renewal provided all conditions and maintenance requirements are satisfied.
- new gardens established on Council or Trust managed public land where the group does have exclusive rights to the area will be given an initial lease for a trial period of one year. The Council may charge community garden groups for lease preparation fees. If the garden group fulfils all its responsibilities with regards to the management of the garden the community garden group will have the opportunity to enter into a lease with Council for a period of 5 years with on-going renewal provided all conditions and maintenance requirements are satisfied.
- new gardens established on private land will be issued with development consent for the activity to be conducted as long as the conditions of consent continue to be met.

A licence or other agreement with the group could be revoked or not renewed if:

- the group disbands or ceases to function due to internal conflict. In this situation the Council may try and assist the group to resolve the conflict first by engaging a mediator or facilitator
- the garden is not maintained or poses a threat to the community and/ or
- appropriate insurance cover is not maintained.

The agreement, licence or lease will document:

- details of the initiative as discussed with neighbouring residents and property owners
- any specific conditions relating to:
 - the provision of public liability insurance cover related to the community garden
 - safety requirements during establishment and operation of the community garden and
 - removal of the community garden if it is no longer required or inadequately maintained
- the understanding of the nominated primary contact person to report to Council in the event that a new primary contact person is nominated or substantial changes to the initiative are proposed.

By entering into the agreement, licence or lease you understand that you may be personally liable.

A register listing the locations of community gardens for which agreements, licences or leases have been executed will be available on the Council website.

Council can:

- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information and experiences
- promote community gardens through the Council's website, publications and events
- provide facilitation of garden meetings when needed to support the development of community engagement processes and
- notify community garden committees of grant opportunities as they arise.

Activities and Events

Event: An event can be considered as an organised celebration of a specific occasion that is open to attendance by members of the general public (whether by payment or not). Events include annual cultural celebrations and community festivals.

Activities: An activity can be considered as an educational process or routine procedure intended to stimulate learning or obtain other site management outcomes. Activities include educational workshops, working bees, gardening, site maintenance and site tours etc.

- ensure that all events and activities convened at the site are held in a safe and inclusive manner with the focus being around sustainability education, community or site development
- limit music to acoustic and non-amplified at all times
- ensure that the site remains a drug and alcohol-free zone
- ensure no event will proceed beyond 6.00pm without prior written consent from ***** Council**
- ensure that neighbouring properties bordering the site are given adequate written notice, being a minimum of two (2) weeks prior to any event being held
- ensure that any notification of an event entails a description of the planned event, the estimated duration of the event and contact details of a relevant person overseeing the event and
- ensure consistency with **Council's **Events? Policy**.

Other things to consider...

Responsibilities of Community Gardeners

Community gardeners are responsible for maintaining gardens so that the health and safety of the surrounding community is not adversely impacted. In particular, gardeners are responsible for ensuring that:

- they cooperate and manage effective relationships with the surrounding neighbourhood, partnering organisations and other gardeners
- they do not discriminate against one another due to differences in race, culture or sexuality
- they regularly communicate with the Council and/or other landowners and stakeholders
- decision making is democratic, transparent and inclusive
- any water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that might pollute waterways
- noise levels within the garden are maintained at a level that is not disturbing to neighbours
- manures, compost systems and fertilisers do not produce unpleasant odours
- compost and worm farming systems are maintained so as not to attract vermin
- rainwater harvesting systems are maintained to ensure water is of a high quality
- lawn areas are regularly mowed and garden beds are kept tidy. Any materials delivered to or stored at the garden are maintained so as not to create an unpleasant environment for other residents in the community.

Rights of Community Gardeners

Community gardeners have the right to:

- develop their own internal policies, organisational procedures and plan of management providing they liaise with and get support from the landowner
- be consulted with regard to any decision that may affect the project and to be advised by the Council in a timely manner of any policy changes that impact them
- be treated with respect by other gardeners, local residents and partnering organisations and
- negotiate a secure and reasonable agreement with the landowner.

Conflict Resolution and Complaints Procedure

Community Gardens should aim to promote an environment that is tolerant and caring. However, it is inevitable that conflicts may sometimes arise, either within the garden group or with external stakeholders such as local residents or the Council. In the event of a conflict arising, measures should be taken immediately to accelerate its resolution, including communicating respectfully with those involved and engaging the assistance of a mediator where appropriate. Council strongly recommends that community gardeners develop a management plan which includes a gardener's agreement that all members agree to follow. An agreement should provide information on the expectations of behaviour on site, the management of shared garden areas and plots and a conflict resolution process.

Insurance and Risk Management

It is essential that garden groups be aware of the risks associated with undertaking a publicly accessible community garden project. Each garden group has a duty of care to the community who access the garden areas. To ensure funds are available to meet that duty, a minimum \$10,000,000 of public liability insurance is required.

Public liability insurance has an associated cost, and may not be easily accessible to small community groups.

Options for obtaining insurance cover include:

- the group can become an incorporated association through the NSW Office of Fair Trading and manage their own insurance
- the group may be auspiced by another organisation or agency, such as a neighbourhood centre, Tidy Towns or local gardening group and as a project of that organisation will be covered by their insurance
- a group of community gardens with similar objectives might obtain insurance together

Incorporation of the Garden Group

**** Council** encourages community garden groups to have a clear and identified legal structure. Garden groups can apply to the NSW Office of Fair Trading to become Incorporated Associations. This arrangement affords the group some flexibility in the management of funds and enables them to open a bank account, obtain public liability insurance cover and apply for government grants. Incorporation as an association requires groups to establish a management committee with annually elected office bearers and to commit to regular meetings. This can be beneficial for the project as it maintains a structure that can address management issues as they arise.

Use of the community garden as a demonstration site

Council's vision is to promote the development of community gardens as demonstration sites for sustainable living that through careful design and management can be utilised for educational and community activities. In demonstrating sustainability best practice, community garden groups are strongly encouraged to include outdoor learning, performance and meeting spaces, interpretative signage and to use recycled materials and practice water-efficient and organic gardening.

Where community gardens are established on land owned or managed by Council, Council retains the capacity to use the garden as a demonstration site for community education activities such as tours and workshops. The Council will work with the garden group to ensure that organised activities do not conflict with other garden uses, such as regular working bees.

Factors to consider before establishing a community garden

**** Council** recommends that community groups or individuals interested in establishing a community garden refer to the checklist for establishing a community garden provided on the Australian City Farms

and Community Gardens Network website (<http://communitygarden.org.au/checklist>), see Attachment 3, prior to approaching the Council for assistance with establishment.

The checklist encourages consideration about a range of issues, including:

- what will be the purpose of the community garden?
- will a community garden meet your objectives? Are there other ways of meeting your objectives?
- how will you garden?
- what types of plants will be grown?
- what training is needed?
- how will water be conserved in the garden?
- what criteria will need to be met for a preferred site for the garden?
- what is your proposed management structure?

By following these precautions when planning for and working on your community garden you will ensure your own safety and the safety of your community.

Infrastructure

Make sure you know what service infrastructure exists near the site (such as sewage pipes, power lines etc) to avoid any damage.

Council's *** can help you find this information.

Any signs that you make to promote the community garden and any roadside stall structures that you may build if you are selling produce on-site need to be secure and stable and pose no threat to the public. The placement of these items needs to ensure that lines of sight for traffic are maintained.

You may not be allowed to construct the community garden on a road reserve and parking space will need to be provided for your gardeners.

A dividing fence is a fence that separates the lands of adjoining owners. An application for a community garden may identify the need to construct a dividing fence to define the garden boundaries or for security or for another purpose. A Development Application may be required to gain permission to install a dividing fence. Council's DCP - ** Exempt and Complying Development describes the conditions when a fence requires or is exempt from the need to obtain development consent.

Find out about underground pipes and cables

Dial Before You Dig is a free, online information service on underground pipes and cables anywhere in Australia—<http://www.1100.com.au> Phone: 1100 during business hours.

Roads and Traffic

Depending on the location of your community garden, approvals from RTA or the Local Traffic Committee may be required. **Councils ***** can provide further advice.

When working on your community garden, be aware that you are working in a public place so keep an eye out for other park users including passing cars, bicycles and pedestrians. The minimum safety devices that you should use will depend on your situation will be noted in your Agreement with Council.

Make sure the height and width of your community garden and associated infrastructure are not going to obstruct sight lines for pedestrians, cyclists and cars. These details will be included in your agreement, lease or licence with Council by way of a design map.

COUNCILS TO INSERT GENERIC TRAFFIC CONTROL PLAN FOR SITE CLEARANCES

If community garden placements are considered to be a problem, Council will notify the contact person of the need for removal. If this notice is not complied with Council will remove any offending structure and in the event of such removal, Council will not be responsible for the reinstatement or cost of items removed, and Council will recover the cost of removing and disposing of materials.

Design

As your community garden is likely to be located in a public place, you will need to be aware of the potential hazards of any materials that you may use or incorporate into your garden. For example, things like star pickets without caps on them can harm others. A detailed plan for your community garden detailing all infrastructure will be required as part of your agreement, approval, licence or lease with Council.

Ensure precautions are taken during the design, construction and operation of your community garden to ensure materials will not end up in the stormwater drains. Suitable materials will be noted in your Agreement with council.

Working on your community garden

You will be responsible for your own safety while working on your community garden and you should also be mindful of potential risks to passers-by.

When you work on your community garden, health & safety precautions are your responsibility. Consider the following safety precautions:

- appropriate clothing
- be sun smart
- storage of tools and fertiliser products
- cash management system (if required).

It is important to maintain your community garden. Your garden may be reviewed on a regular basis by the Council *** and where community gardens are not being maintained, ** Council may ask that the garden be removed and the site reinstated.

Care for community gardens includes:

- regular weeding or mowing to reduce injury potential from snakes and other hazards
- regular watering
- mulching, to reduce evaporative water loss from the soil and to reduce water consumption. Ensure the mulch you lay will not be washed into the stormwater system where it could block drains and pipes
- the application of compost or other organic fertiliser to stimulate healthy growth; do not over-apply as rain could wash excess nutrients into the stormwater system
- monitoring and treatment of insect pest or plant disease infestation
- pruning of trees and shrubs to prevent their encroaching on pedestrian access.