



# Policy

## Community Gardens

2022

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## Information about this document

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## Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
#1001644		Draft – Reported to Council 21 October 2010 – public exhibition copy
#1039727		Adopted 21 October 2010, Res. 10-866
#E2014/11513		Draft amended Policy – Reported to Council 20 March 2014 – public exhibition copy
#2014/20768	27/03/ 2014	Draft amended Policy – Reported to Council 20 March 2014 – public exhibition copy with further amendments as per resolution 14-101
#E2014/32830	20/05/2014	Draft revised Policy – Reported to Council 28 August 2014 – public exhibition copy amended as per submissions
E2014/58497	28/08/2014	Adopted Res 14-395 Ordinary Meeting 28/8/2014
E2019/50687	26/03/2020	Draft revised Policy
	26/05/2020	Adopted after public exhibition received no submissions as per Res 20-144 Ordinary Meeting 26/03/2020
E2022/28982	28 April 2022	Updated community garden definition and new enterprise garden definition. Policy converted to accessible-friendly template. Updated related documents. Reported to Council (Res 22-137). Adopted following no public submissions.

## Further Document Information and Relationships

Related Legislation	NSW Local Government Act 1993
Related Policies	Byron Shire Cultural Plan 2008-2013 Planting and Landscaping on Footpaths Zones and Nature Strips within Road Reserves and Drainage Easements Policy 2020 Generic Plan of Management for Community Land Categorised as a Park
Related Standards, Procedures, Statements, documents	Form 1 – Expression of Interest to Establish a Community Garden (DM989052) Form 2 – Application to Establish a Community Garden and Council's Generic Plan of Management for Community Land Categorised as a Park (DM997788) Byron Shire Community Gardens Guidelines 2020-2025 (E2020/15041)

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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## 1. Objectives

Community gardening is a satisfying and enriching experience. This policy and accompanying guidelines will support a strong network of community gardens across Byron Shire.

- 1.1 Define the scope of community gardens in Byron Shire.
- 1.2 Define the roles and responsibilities of the Community Gardens Committees and the Council.
- 1.3 Provide a management framework to establish and self-manage a community garden.
- 1.4 Provide direction for the development of community garden management guidelines so that gardens comply with their licence agreement.

## 2. Scope

The community gardens policy applies to residents who form community garden committees and seek to establish or manage a community garden on public land within the Byron Shire.

### Land to which this policy applies:

- Public land under the management or ownership of Council.
- Community land that must be considered with respect to the relevant plan of management.
- Community Gardens are permitted without consent under Clause 65 (3) of *State Environmental Planning Policy (Infrastructure) 2007*.

## 3. Definitions

List here all the terms and acronyms used in the Policy, and their definitions. List in alphabetical order.

Policy acronym	Definition
<b>Community garden</b>	<p>Public land identified for the primary purposes of growing fresh produce, including Enterprise Gardens.</p> <p>Community gardens may host gardening-related recreational and educational activities, in line with their licence agreement. They provide a range of social, environmental, and educational needs.</p>



<b>Enterprise garden</b>	<p>An Enterprise garden is a type of Community Garden located on public land (at Lot 22 DP 1073165, Mullumbimby).</p> <p>Enterprise gardens are not-for-profit. They may also support, in accordance with the licence agreement:</p> <ul style="list-style-type: none"><li>• Small-scale sustainability related open days and/or workshops,</li><li>• Environment-related recreational, educational and sustainability initiatives,</li><li>• Social and community enrichment groups and activities ancillary to a community garden.</li></ul>
<b>Plan of management</b>	<p>A document that provides a framework for the management and development of public land.</p>
<b>Community land</b>	<p>Community land is a type of public land that is owned by the Council for the benefit of local residents and visitors.</p>
<b>Community Garden Committee</b>	<p>An incorporated group of local residents, comprising a president, vice president, treasurer, secretary and council liaison, as well as several ordinary members, who have a range of skills and experience and manage the establishment, day-to-day running and maintenance of a community garden.</p>
<b>Self-manage</b>	<p>Independent management of a community garden, whereby the Community Garden Committee and all volunteers work together and run the community garden in accordance with the policy and guidelines.</p>
<b>Owners consent</b>	<p>Permission and acceptance from Council to undertake any additional works.</p> <p>The group must have approval from Council to develop and construct the community garden on their land and have the garden management plan and design layout of the garden submitted to Council. The group must have interested local residents participating, and support from neighbours in the local community</p>
<b>Incorporated association</b>	<p>A legal entity with certain rights and responsibilities under Australian law. It allows an organisation to do such things as sign a lease or obtain insurance without risk to individual members.</p>

## 4. Roles and Responsibilities

Community gardens should be managed by the community in a way that takes the needs of all stakeholders into account. A successful community garden operates to an established set of roles and responsibilities, as determined by this policy and the relevant community garden committee.

Gardens should be maintained so that the health and safety of the surrounding community is not adversely affected, and risks minimised for gardeners and visitors.

### 4.1 Role and Responsibilities of Council

Byron Shire Council supports community gardens by providing land and a framework to establish and manage community garden sites. The role of Council is as follows:

- i) Consider owners consent for the use of the land, a licence for temporary use of the land, and receive and review relevant development applications.
- ii) Act as a point of contact for all community garden committees,
- iii) Provide guidance in relation to the selection of suitable areas for the establishment of new community gardens,
- iv) Notify existing community gardens of any changes to relevant Council policies, guidelines, licences and plans of management,
- v) Provide on-going advice and communication with community garden committees,
- vi) Respond to environmental and social impacts of the ongoing operation of a community garden,
- vii) Liaise with community garden committees to resolve any problematic issues that may arise
- viii) Work with community garden committees to negotiate connection to service utilities

### 4.2 Role and Responsibilities of Community Garden Committees

The role of a community garden committee is as follows:

- i) Be responsible for the safe maintenance, upkeep, and activation of the garden spaces, within the boundary of the allocated public land.
- ii) Operate as a not for profit incorporated association and organised group with public liability insurance, in accordance with the licence agreement.
- iii) Provide a nominated contact officer and contact details for all Council and licencing matters, and provide updates to Council as necessary.
- iv) Maintain open communication and provide regular updates of committee members' details to Council.
- v) Keep and maintain required records, according to the licence agreement.
- vi) Obtain and maintain all required approvals according to the permitted use outlined in the licence agreement.
- vii) Obtain consent and maintain effective relationships with the surrounding neighbourhood, partnering organisations and gardeners.
- viii) Abide by the lease, this policy, the Byron Shire Community Gardens Guidelines and relevant plan of management.



### 4.3 Establishing and Licensing a Community Garden

In order to establish a new community garden in Byron Shire, follow the process as outlined in the Byron Shire Community Gardens Guidelines.

This process includes a compulsory initial expression of interest to ensure that the opportunity to establish a community garden on community land is equitable and transparent.

Following the expression of interest period, all new proposals for community gardens must go through a procedure in order to successfully establish a new community garden in Byron Shire. Upon assessment, Council may grant a community garden committee a temporary licence for a trial period.

Once a community garden committee has successfully entered into a licence with Council, then their continued tenure will be dependant on future Council resolutions, as well as how they have satisfied the conditions and maintenance requirements stated in the licence agreement.

Council will not charge community garden committees licence preparation fees for the initial temporary trial licence. All other licence preparation fees will be charged in accordance with Council's adopted fees and charges.

For more detailed information and application forms, refer to the Byron Shire Community Gardens Guidelines 2020-2025.

## 5. Legislative and strategic context

### *Community Strategic Plan and Operational Plan*

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.1	Provide coastal, environmental and sustainability information and encourage and support community activities and groups