

Community Gardens on Council Owned Public Open Space Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	n/a		
Directorate:	City Planning, Design & Amenity		
Responsible Officer:	Manager Planning & Design		
Policy Type:	Discretionary		
File Number:	A6897114	Version No:	1
1 st Adopted by Council	Minute No. 261	Last Adopted by Council:	Minute No. 13 September 2021
Review Period:	Every four years	Next Review:	September 2025

This page has been left intentionally blank.

TABLE OF CONTENTS

1.	POLICY OBJECTIVE.....	2
2.	BACKGROUND.....	2
3.	SCOPE	2
4.	DEFINITIONS.....	3
5.	POLICY.....	3
5.1	A COMMUNITY DEVELOPMENT APPROACH	4
5.2	BUILDING THE CAPACITY OF COMMUNITY GARDENING ORGANISATIONS.....	4
5.7	MITIGATE IMPACTS OF CLIMATE CHANGE	4
5.3	FOSTERING A DIVERSE AND GEOGRAPHIC SPREAD OF COMMUNITY GARDENS.....	4
5.4	BALANCING COMMUNITY DEMAND FOR PUBLIC OPEN SPACE.....	4
5.5	ENCOURAGING ACCESSIBLE AND INCLUSIVE COMMUNITY GARDENS	5
5.6	IMPROVING HEALTH AND WELLBEING AND COMMUNITY CONNECTIONS.....	5
5.8	BUILDING AND FACILITATING PARTNERSHIPS.....	5
5.9	SECURITY OF TENURE FOR COMMUNITY GARDENS	5
5.10	MINIMISING ONGOING EXPENSES FOR COMMUNITY GARDENS.....	5
5.11	ENSURING COMMUNITY GARDENS ARE VISUALLY APPEALING.....	5
6.	RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020.....	5
7.	CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT	6
8.	RESPONSE TO THE GENDER EQUALITY ACT 2020	6
9.	CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY	6
10.	RESPONSIBILITIES	7
10.1	COMMUNITY GARDEN ORGANISATIONS’ RESPONSIBILITIES.....	7
10.2	COUNCIL’S RESPONSIBILITIES	8
11.	REPORTING, MONITORING AND REVIEW	9
12.	REFERENCES AND RELATED DOCUMENTS	9
13.	APPENDIX 1 – COMMUNITY GARDENS ON COUNCIL OWNED PUBLIC OPEN SPACE - GUIDELINES.....	10

1. POLICY OBJECTIVE

The objectives of this Policy are to:

- support the development of the community's capacity to grow local food and other plant growing activities;
- outline Council's position and objectives in relation to community gardens on Council owned and/or managed public open space land;
- define Council's role and responsibilities in supporting the development of community gardens on Council owned and/or managed public open space land; and
- define the role and responsibilities of community garden organisations.

2. BACKGROUND

Council recognises that community gardens can play an important role in community development. Community gardens provide a valuable sustainable living option and a way for people to get involved with their local community. Community gardens contribute to health and wellbeing, learning, social connections, and environmental education and can improve local food security through access to fresh food. Building strong partnerships between Council and community organisations in the local community is key to the long-term success of community gardens.

This policy is consistent with several Council strategies and plans that encourage residents to be active and engaged in their community and promote healthy, liveable, and sustainable communities, including the:

- Council Plan 2017-2021 (Revised 2020);
- Community Wellbeing Plan 2017-21;
- Sustainability Strategy 2016-2030;
- Greater Dandenong Climate Emergency Strategy 2020-2030; and
- Greater Dandenong Open Space Strategy 2020-2030.

3. SCOPE

This policy applies to all proposed community gardens on Council owned, proposed Council owned or Council managed public open space land.

This policy does not apply to community gardens or plantings that are:

- Council operated;
- on Crown land, Department of Education and Early Childhood Development land or private land, except where Council has entered into an agreement with the owners to manage the property (land and/or building) and
- on a street reserve (verge/nature strip) between the carriageway and the boundary of adjacent lots within Greater Dandenong.

4. DEFINITIONS

Community Garden – Community gardens are generally not-for-profit, local spaces that operate on designated land for residents and volunteers to grow fresh food and other plants, participate in sustainable urban gardening, improve food literacy, learn horticultural skills and build community connections through shared activities.

There are two types of community gardens as defined by Sustainability Victoria:

- 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.

Many community gardens combine both shared and allotment gardens.

Community Garden Organisations – Not-for-profit organisations which collectively manage plots on private or public land to produce plants grown for food or recreation.

Council Owned Land – Land which is owned by Council.

Incorporated Association - A registered legal entity usually established for recreational, cultural or charitable purposes.

Proposed Council Owned Land – Land which is intended for transfer to Council ownership (including land that is part of a new estate or development which will be handed over to Council when development is complete).

Council Managed Land - Land owned by another party, with an agreement/lease in place for Council to manage the land on behalf of the landowner.

Public Open Space - Land that provides outdoor recreation, leisure and/or environmental benefits and/or visual amenity (as defined by the Victorian Planning Authority).

5. POLICY

Council will support, where appropriate, the community's capacity for local food and other plant growing activities on Council owned, proposed Council owned or Council managed public open space land such as community gardens.

Council will support new community gardens which give due consideration to all Council policies and strategies. Any direct involvement by Council is subject to available resources.

Council will only enter into agreements with an incorporated association for community gardens to be established on Council owned public open space land.

Council will ensure the establishment of new community gardens on public open space land does not adversely impact the use and accessibility of open space for the broader community.

Council will assess community garden proposals against a range of criteria and considerations as outlined in the Community Gardens on Council Owned Public Open Space Guidelines (Appendix 1), including but not limited to, Council policies, procedures and strategies.

Council will not acquire land solely for the purpose of a community operated community garden.

Community Garden organisations will be responsible for all costs associated with the development, construction and ongoing operation of community gardens.

Council will only consider funding requests under the Community Funding Program to establish new community gardens where in-principle support for the location and type of garden has been determined by Council (if eligible).

5.1 A COMMUNITY DEVELOPMENT APPROACH

Council takes a community development approach to community gardens where community garden organisations, with the support of Council and other partnering organisations, manage the gardens themselves and are financially self-sufficient.

5.2 BUILDING THE CAPACITY OF COMMUNITY GARDENING ORGANISATIONS

Council recognises that there are varying degrees of community capacity and skills available to establish and maintain community gardens. As a result, Council recognises it has an important role to play in identifying opportunities, building community capacity and supporting communities to establish, self-manage and maintain community gardens.

5.7 MITIGATE IMPACTS OF CLIMATE CHANGE

Community gardens should establish and maintain a range of sustainable gardening practices to benefit the environment, help people connect with nature and mitigate the impacts of climate change. This could include composting, harvesting of rainwater, non-use of pesticides/herbicides, solar power, sustainably sourced/recycled building materials. Council supports community gardens to increase the community's gardening knowledge and expertise. Fostering sustainable community gardens also contributes to reducing urban heat island impacts on urban areas, diversifying the use of open space and increasing plant diversity which can expand the habitat for urban wildlife.

5.3 FOSTERING A DIVERSE AND GEOGRAPHIC SPREAD OF COMMUNITY GARDENS

Council aims to foster a mix of community garden types and activities to meet diverse community needs and achieve vibrant gardens across the whole Council area. Council will take a strategic approach to the location and type of community gardens it fosters.

5.4 BALANCING COMMUNITY DEMAND FOR PUBLIC OPEN SPACE

Council seeks to ensure the recreational needs of existing residents and future generations are met by balancing the availability of public open space such that the development of community gardens does not adversely impact existing uses and functions of public open space and will allow adequate public open space for the broader community.

5.5 ENCOURAGING ACCESSIBLE AND INCLUSIVE COMMUNITY GARDENS

Community gardens should be accessible to all members of the community. Council encourages community garden organisations to support a wide cross-section of the community to participate in its operation and management. This includes people of all ages, ability, gender, cultural and language backgrounds.

5.6 IMPROVING HEALTH AND WELLBEING AND COMMUNITY CONNECTIONS

Council recognises the importance of providing opportunities for the community to increase their ability to grow their own fruit and vegetables and the health and wellbeing benefits of healthy eating and increased social connections. Council encourages community gardens to help increase food security and enable members of our CALD (Cultural and Linguistically Diverse) communities' access to their preferred foods.

5.8 BUILDING AND FACILITATING PARTNERSHIPS

Council encourages partnerships between new and existing community gardening organisations and will assist these organisations to connect with relevant agencies, local organisations, neighbourhood centres, schools, businesses, funding bodies and other community gardens to provide opportunities for forming mutually beneficial partnerships.

5.9 SECURITY OF TENURE FOR COMMUNITY GARDENS

Community gardening organisations should have the potential for security of tenure so they can plan for the long-term future and viability of the garden. The allocation of Council owned public open space land for community gardens will be formalised through a lease or license agreement. The complexity of the agreement will be proportionate to the scale of the community garden proposed.

5.10 MINIMISING EXPENSES FOR COMMUNITY GARDENS

Council will charge a nominal annual lease or license fee to community garden organisations on the understanding that they are run by volunteers on a not-for-profit basis for the benefit of the community. Council will assist community garden organisations by providing Public Liability insurance under Council's Public Liability Insurance Policy; and waiving the planning permit application fee.

Community gardening organisations are responsible for all other ongoing community garden expenses in accordance with the lease or license agreement.

5.11 ENSURING COMMUNITY GARDENS ARE VISUALLY APPEALING

Council requires community garden organisations to ensure their community gardens are visually appealing, tidy and well maintained.

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. As such, the overarching governance principles of the *Local Government Act 2020* have been considered in the preparation of this policy in the following regard:

- this policy ensures that priority is given to local communities to achieve a best outcome in establishing new community gardens for existing communities and future generations;
- community gardens promote social and environmental sustainability for local communities;
- all new community garden proposals will undertake community engagement in accordance with Council's Community Engagement Policy and/ or the Planning & Environment Act 1987 to engage local communities in strategic planning and decision making for community gardens;
- establishing community gardens will be a collaborative effort between community, Council and other organisations and will contribute to community health and wellbeing, learning, social connections and environmental education while improving local food security through access to fresh food.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

This policy is consistent with the standards set by the *Charter of Human Rights and Responsibilities Act 2006* in particular:

- Section 15 – Right to freedom of expression;
- Section 16 – Right to peaceful assembly and freedom of association;
- Section 18 – Right to have the opportunity to take part in public life and to vote;

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy and it ensures all new community gardens provide equal access for all members of the community.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires that Councils take positive action towards achieving workplace gender equality and promote gender equality in their policies, programs and services. In this regard, the objectives of the *Gender Equality Act 2020* have been considered in the development of this policy as follows:

- ensuring inclusive stakeholder engagement provides everyone with an opportunity to participate and recognises the diversity within each community and of individuals, in accordance with Council's Community Engagement Policy.
- Lease/license agreements between Council and community garden organisations will require the community garden organisations to pursue gender equality and ensure that their membership structures are accessible and inclusive for all.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

The policy supports Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability by:

- supporting community gardening organisation members and the broader community to learn and use sustainable gardening practices;
- reducing food waste and unnecessary packaging associated with commercially prepared food;
- reducing food miles and carbon emissions associated with commercial production of food by providing opportunities for the community to increase their ability to grow their own fruit and vegetables locally;
- supporting community gardening organisation members and the broader community to increase their resilience by helping achieve beneficial outcomes such as lower food costs, improved food security and improved community connections;
- providing support that facilitates accessible and equitable climate responses for our community; and
- working with key stakeholders and the community to facilitate increased awareness and capacity to respond to climate change.

10. RESPONSIBILITIES

10.1 COMMUNITY GARDEN ORGANISATIONS' RESPONSIBILITIES

Community garden organisations will:

- identify potential site/s and provide an Expression of Interest and Application Form for Council to determine the suitability of a site for a community garden;
- be prepared to become an incorporated association or auspiced by an incorporated association and refer to the requirements of the *Associations Incorporation Reform Act 2012*;
- be self-governed and take legal and financial responsibility for the establishment and ongoing operation of a community garden;
- be responsible for all costs associated with the development, construction and operation of a community garden;
- give due consideration to Council policies, procedures and strategies;
- consult and engage with all members of the community including surrounding residents about the design and management of the proposed garden;
- enter into a lease/licence agreement with Council for the use of a site on Council owned or managed public open space land;
- adhere to the conditions of the lease/license agreement with Council, including but not limited to:
 - obtaining planning and/or building permits for the use of the land and structures and approvals where required;
 - ensuring insurance coverage under Council's Public Liability Insurance Policy are met;
 - installing and maintaining signage and up-to-date contact details; and ensuring the construction of the garden and associated infrastructure is to Council's satisfaction, and meets all relevant standards and specifications.
- be responsible for the maintenance and management of the community garden and associated assets, including the management of compost and waste;
- ensure that the management and governance of the organisation:
 - does not discriminate against anyone due to differences in disability, race, culture, sexuality, age or gender;
 - welcomes visitors to the garden and provides opportunities for residents not directly involved in the garden to be provided with access;
 - allows for fair, transparent and inclusive decision making; and
 - includes a conflict resolution process.

- ensure that the safety and amenity of the neighbouring community and significant flora and fauna is not adversely impacted by the ongoing operation of the community garden;
- acknowledge Council's contribution through communications and media as opportunities arise;
- be willing to collaborate with Council and the community (on all matters pertaining to the community garden);
- identify and manage risks associated with the ongoing operation of the community garden, including all Occupational Health and Safety requirements;
- be responsible for the removal of the garden when it is no longer in use or at the end of lease or licence agreement and for restoring the land to its original state if required;
- provide an annual report to Council which Council will assist with (if required);
- ensure all adult participants and members of the community garden have Working with Children Checks;
- strictly adhere to any practices and/or restrictions in place as outlined by the Victorian Chief Medical Officer.
- report any vandalism or anti-social activities occurring at a community garden immediately to Victoria Police and Council; and
- allow for the safe and appropriate storage of all materials.

10.2 COUNCIL'S RESPONSIBILITIES

Council will:

- establish, review and where necessary update procedures and information on how to apply for a community garden on Council owned public open space land within the City of Greater Dandenong;
- provide information and advice to interested groups and residents on the suitability of potential sites, funding opportunities, establishment and ongoing operation of a community garden;
- determine the suitability of a proposed site for a new community garden by considering this policy and other relevant Council requirements;
- provide advice on whether planning and/or building permits are required;
- provide insurance under Council's Public Liability Insurance Policy;
- consider improvements to existing infrastructure;
- consult and engage with all members of the community including surrounding residents, and relevant authorities where required, about the design and management of the proposed garden;
- undertake the development and ongoing management of a lease/licence agreement for community gardens on Council owned public open space land to ensure they are operating in accordance with the policies and strategies of Council;
- develop lease/licence agreements that consider applications on a case by case basis, specific user needs, site considerations and constraints;
- provide advice and support with the ongoing operation of the community garden, subject to available resources;
- adhere to the conditions of the lease/licence agreement;
- provide advance notification to users in circumstances where a redevelopment is to occur that would impact on the operation of the community garden;
- conduct a fair and transparent process to terminate lease or licence agreements or remove gardens, when disused, or when not adequately maintained or abandoned;
- maintain a register of all community garden organisations, sites, lease agreements and enquiries regarding the establishment of new community gardens;
- provide guidance, support and assistance to community garden organisations with dispute resolutions and

- provide guidance, support and assistance to community garden organisations with annual reporting requirements.

11. REPORTING, MONITORING AND REVIEW

The success of this policy will be measured by:

- the number of new community gardens in Greater Dandenong; and
- results of a biennial survey of community garden organisations.

This policy will be reviewed in 2025 and updated as required to ensure on-going compliance with relevant legislation.

Upon review of this policy, Council will:

- ensure that this policy remains compliant with relevant legislation and relevant Council strategies and documents;
- provide a summary of the applications and outcomes for new community gardens;
- provide an overview of the success, impact and on-going sustainability of community gardens; and
- identify where improvements can be made.

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- *Associations Incorporation Reform Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Occupational Health and Safety Act 2004*
- *Gender Equality Act 2020*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Asset Management Policy
- Greater Dandenong City Council Community Engagement Policy
- Greater Dandenong City Council Community Funding Policy
- Greater Dandenong City Council Community Gardens on Council Owned Public Open Space Guidelines
- Greater Dandenong City Council Community Wellbeing Plan 2017-2021
- Greater Dandenong City Council Climate Emergency Strategy 2020-2030
- Greater Dandenong City Council Diversity, Access and Equality Policy 2021
- Greater Dandenong City Council Local Law No. 2 Municipal Amenity
- Greater Dandenong City Council Local Law No. 4 Municipal Places
- Greater Dandenong City Council Open Space Strategy 2020-2030
- Greater Dandenong City Council Plan 2017-2021
- Greater Dandenong City Council Positive Ageing Strategy
- Greater Dandenong City Council Public Transparency Policy
- Greater Dandenong City Council Sustainability Strategy 2016-2030
- Greater Dandenong City Council Waste Management Strategy



13. APPENDIX 1 – COMMUNITY GARDENS ON COUNCIL OWNED PUBLIC
OPEN SPACE - GUIDELINES