# Community Gardens Policy

## 1. Purpose

This Policy is Council's framework for community gardens on Council land, including the principles, requirements and governance arrangements for their establishment, use and management.

Community gardens approved under this Policy must operate under the specific Community Garden Licence Agreement. Detailed operational requirements are set out in Licence Agreements, supporting documents and internal procedures.

This Policy supports the delivery of Council's Community Strategic Plan, Environmental Strategy 2025-2035 and other relevant Council plans and strategies.

## 2. Scope

This policy applies to community gardens on Council land.

It applies to Council officers, Councillors, volunteers, incorporated community garden associations, contractors and community members involved in community gardens.

This policy does not apply to:

- Nature strip gardens and gardens in laneways and other areas of the road reserve as these are covered by Council's Nature Strip Garden Policy.
- Gardens on private land without community access; school or church gardens run under separate arrangements; private backyards; or commercial urban farming enterprises

## 3. Definitions

| Term | Meaning |
|---|---|
| **Community garden** | A community-led, member-managed not-for-profit garden located on Council land, established for community benefit including food growing, environmental, educational, social and community purposes and managed collectively by the community. |
| **Community garden association** | An incorporated not-for-profit organisation responsible for the governance, operation and management of a community garden. |
| **Council land** | Land and property owned, managed, controlled or administered by Council, including community land, operational land, Crown land managed by Council and other public land under Council's care and control. |

| Term | Meaning |
|---|---|
| **Community asset** | Council land, infrastructure or community space that is held, managed or stewarded for public benefit, regardless of day-to-day management arrangements. |
| **Management Plan** | A document prepared by a community garden association outlining the objectives, governance arrangements, management approach and operational practices for a community garden. |
| **Community Garden Licence Agreement** | A written agreement, issued under s.46 of the Local Government Act 1993 (NSW), between Council and a community garden association that sets site-specific conditions for establishing and operating a community garden on Council property. |

## 4. Policy Principles and Expectations

### 4.1 Policy statement

Community gardens on Council land are valued community assets that provide resilience through social, environmental, educational and wellbeing outcomes.

Council supports community-led stewardship of these spaces and ensures they remain inclusive, accessible, safe, sustainable and focused on community benefit.

Community gardens operating on Council land must:

1. **Deliver community benefits** by supporting community connection, wellbeing, learning, food growing, environmental outcomes and access to green space, and by providing opportunities for broader community participation beyond members and plot-holders.
2. **Be community-led and well governed** through an incorporated not-for-profit association with appropriate governance, risk management, insurance, financial management and operational planning arrangements.
3. **Promote inclusion and accessibility** by fostering welcoming, respectful and equitable participation for people of diverse ages, cultures, abilities, backgrounds and circumstances.
4. **Operate sustainably and responsibly** by protecting and enhancing the environment, using resources efficiently, supporting biodiversity and climate resilience, and applying safe and appropriate land management practices.
5. **Maintain safe and functional community spaces** through responsible management, maintenance and use of Council land, assets and infrastructure.
6. **Comply with legal and Council requirements**, including relevant legislation, Council policies, approved plans and Licence conditions.

### 4.2 Shared stewardship

Community gardens are managed through a partnership between Council and community garden associations.

Council provides access to Council land, oversight and support, while community garden associations are responsible for the day-to-day management, maintenance and stewardship of garden sites.

Council may provide advice, facilitation, promotion and other support, subject to available resources and Council priorities.

Detailed roles, responsibilities, maintenance obligations, reporting requirements and support arrangements will be set out in the Community Garden Licence Agreement and supporting documents.

## 5. Establishment and approval

Council will manage community gardens through a lifecycle approach, from proposal assessment and establishment through to operation, monitoring, renewal and, as a last resort, transition, relocation or closure.

All proposals for new community gardens on Council land require Council approval and will be assessed as potential uses of public land and community infrastructure. Proposals for new community gardens must include a Management Plan addressing governance, operations, maintenance, community participation, risk management and environmental practices.

Council will assess proposals having regard to:

- Community need;
- Local community interest, support and participation sufficient to sustain the garden over the long term;
- Strategic alignment;
- Site suitability;
- Governance capability;
- Public benefit; and
- Risk and resource implications.

Council may approve, modify or refuse proposals.

In some circumstances, Council may determine that alternative community development or urban greening initiatives are more appropriate for a particular location, having regard to broader public land planning considerations, community value, impacts and reasonable transition options.

## 6. Community Garden Licence Agreements

Community gardens approved on Council land must operate under Community Garden Licence Agreement (Licence) and/or any other agreement issued by Council under the Local Government Act 1993.

The Licence will set out the terms and conditions for occupation and use of the site, including approved activities, site boundaries, roles and responsibilities, maintenance requirements,

insurance, review and reporting obligations, infrastructure approvals, and provisions for renewal, suspension and termination.

Community garden associations must comply with the conditions of their Licence and any approved plans associated with the site.

Council will periodically review each community garden's performance and compliance. Decisions regarding Licence renewal, rental assistance, subsidies and ongoing access to Council land may take into account:

- demonstrated community benefit;
- governance and organisational capacity;
- compliance with Licence conditions;
- site management and maintenance standards; and
- alignment with Council priorities and strategic objectives.

Council may require community garden associations to enter into any other agreements which may be ancillary to use and occupation of the site.

## 7. Monitoring, reporting and continuous improvement

Council may monitor, review and evaluate community gardens to ensure public land is managed appropriately, Licence conditions are being met, and community outcomes are being achieved.

Monitoring and reporting requirements will be proportionate to the scale and nature of the garden and may be specified in the Licence and supporting documents.

Council adopts a collaborative approach focused on communication, capacity building and continuous improvement. Community garden associations are expected to participate in monitoring activities and provide reasonable information requested by Council.

Monitoring and reporting outcomes may inform support, improvement actions, future planning, Licence decisions and opportunities to strengthen governance, participation, sustainability and community benefit.

## 8. Compliance

Where concerns arise, Council will look to resolve matters collaboratively and proportionately, having regard to governance, safety, maintenance, inclusion, public benefit, Licence compliance and use of Council land.

Where necessary, and following proportionate and staged responses, Council may require corrective action, improvement planning or changes to Licence conditions, and only as a last resort may consider suspension, non-renewal, transition, relocation or termination.

Termination, relocation or closure will be considered a last resort, unless urgent safety, legal, operational or public land requirements require more immediate action.

Examples of significant non-compliance may include:

- Expiry or absence of required insurance;
- Unsafe conditions creating unacceptable risk;

- Serious or repeated breaches of Licence conditions;
- Failure to maintain the site;
- Abandonment of the garden;
- Dissolution of the incorporated association;
- Unauthorised structures or activities; and/or
- Legislative or operational requirements that necessitate alternative use of the land.

On termination, Council may remove the garden and reinstate the land, considering to safety, environment and reasonable management of public assets, and may seek to recover costs if required.

Council recognises the volunteer investment involved in community gardens and will seek to manage transitions respectfully where possible. Before considering closure, Council will seek reasonable opportunities to resolve issues, support improvement, facilitate governance renewal or explore alternative management arrangements where appropriate.

## 9. Fees and charges

Council recognises the volunteer-led nature of community garden associations and the social, environmental and community benefits they provide in support of Council's strategic priorities.

Council may provide subsidised access to Council land, facilities, or other resources where a demonstrated public benefit exists. This will be in line with Council's adopted Fees and Charges, and other relevant Council policies, procedures and internal frameworks.

In considering any subsidy, Council may apply a staged approach. Community garden associations may vary in their level of governance maturity, reporting capability and capacity to demonstrate community outcomes. This approach supports the development of sound governance, accountability and public benefit planning over time.

Council may apply reduced rental arrangements where justified subject any Policies and/or internal frameworks. Council may also recover reasonable and agreed costs associated with utilities, maintenance, damage, non-compliance, or other costs arising from the group's use and occupation of the site.

All fees, charges, subsidies and cost-recovery arrangements will be documented in the User Agreement (Licence) and Council's adopted Fees and Charges Schedule.

## 10. Responsibilities

| Role | Responsibility |
|---|---|
| General Manager / Executive Team/ Council | Approve the policy and associated Licences; consider reports on proposed community gardens and exhibition outcomes. |
| Directors / Relevant Business Units | Oversee implementation; allocate resources; ensure alignment with strategic plans, asset stewardship, risk management frameworks and internal operational procedures. |

| Role | Responsibility |
|---|---|
| Manager Sustainability and Waste | Policy coordination, relationship management, outcomes monitoring and alignment with Council's Environmental Strategy and related action plans. |
| Facilities management and Open Space | Manage and maintain Council asset and infrastructure interface with the community gardens. |
| Property Strategy and Leasing | Establish and administer User Agreements (Licences) under the Local Government Act, including renewal, tenure, rental, subsidy and Licence condition matters. |
| Community Development | Inclusion, access, partnerships, participation support in support of the Disability Inclusion Access Plan and Community Sustainability Strategy. |
| Place and Events | Consider community gardens in place plans, events and activations. |
| Governance, Risk & Strategy | Provide Council insurance and compliance risk advice. |
| Relevant Council staff | Apply internal procedures to support consistent decision-making, referrals, escalation and engagement with community garden associations. |
| Community garden association | Manage day-to-day operations; maintain the site; support inclusive membership, transparent governance and succession planning; comply with Licence conditions and this Policy; maintain insurance; and provide required reporting to Council. |
| Members and Volunteers | Follow the garden's safe work practices; maintain plots and communal areas; participate in inductions and training. |

## 11. Laws and Standards

- *Local Government Act* 1993 (NSW)
- *Local Government Reg* 2021 (NSW)
- *Work Health and Safety Act 2011* (NSW)
- *Associations Incorporation Act 2009* (NSW)
- *Crown Land Management Act* 2016
- *Environmental Planning and Assessment Act* 1979
- *Environmental Planning and Assessment Reg* 2021

## 12. Related City of Canada Bay Policies and Procedures

- Community Strategic Plan – Our Future 2036
- Disability Inclusion Action Plan
- Environmental Strategy 2025
- Rental Assessment & Subsidy Guidelines (internal use only)
- Nature Strip Policy and Nature Strip Planting Guidelines
- Fees and Charges
- Enterprise Risk Management Policy
- Any applicable asset management, leasing or open space policies.

## 13. Related Documents

The following documents support implementation of this Policy:

- Community Garden Handbook / Management Framework
- Internal Community Garden operational procedures and templates
- Community Garden Licence.

## 14. Consultation

Policy development was informed by the Community Garden Policy Review 2026, engagement with community garden representatives and internal consultation across relevant Council business units.

## 15. Approval Status

The General Manager / Executive Team / Council approved this policy / procedure on [insert date].

This Policy will be reviewed every four years, or earlier if required due to legislative, operational or strategic changes.

| Stage | Date | Comment | ECM ID |
|---|---|---|---|
| Original Policy | 07/08/2012 | Community Gardens Policy adopted. | 2767804 |
| Scheduled review | 01/11/2021 | Community Gardens Policy adopted. | 6468134 |
| Scheduled review | 17/8/2026 | Scheduled review. Refreshed to provide a lifecycle management, risk-aware framework for community gardens on Council land, recognising their role as public assets and community-led places. | |
| Next Review | 1/7/2030 | | |

## 16. Ownership and Approval

| Responsibility | Role |
|---|---|
| Author | Senior Sustainability Projects Officer |
| Owner | Manager Sustainability and Waste |
| Endorser | Director Environment and Planning |
| Approver | [City of Canada Bay General Manager / Council] |