



Guidelines for the Establishment of Community Gardens on Council Owned and/ or Managed Lands in the Blue Mountains

April 2011



This page is intentionally blank

Table of Contents

COMMUNITY GARDENS - DEFINITION	4
RELEVANCE TO SUSTAINABLE BLUE MOUNTAINS 2025.....	4
BLUE MOUNTAINS CITY COUNCIL'S IN PRINCIPLE SUPPORT FOR COMMUNITY GARDENS	4
BLUE MOUNTAINS CITY COUNCIL'S ROLE IN DEVELOPING COMMUNITY GARDENS.....	4
<i>Blue Mountains City Council's Community Gardens Policy</i>	5
<i>Blue Mountains City Council's Community Gardens Assessment Team</i>	5
RESPONSIBILITIES OF COMMUNITY GARDENERS.....	6
<i>Insurance and Risk Management</i>	6
<i>Incorporation of the Garden Group</i>	7
FACTORS TO CONSIDER BEFORE ESTABLISHING A COMMUNITY GARDEN	7
FINDING AN APPROPRIATE SITE FOR COMMUNITY GARDENS ON COUNCIL OWNED AND/ OR MANAGED LANDS IN THE BLUE MOUNTAINS	8
<i>Community Gardens in LEP 2005</i>	8
<i>Community Gardens in LEP 1991</i>	9
DIVIDING FENCE	10
VERGE GARDENS	10
BLUE MOUNTAINS CITY COUNCIL DEVELOPMENT APPLICATION PROCESS	11
<i>Development Application fee refund for non-profit community groups</i>	11
COMMUNITY GARDEN APPLICATION PROCESS.....	11
REFERENCES AND USEFUL INFORMATION	12
APPENDIX 1 – AUSTRALIAN CITY FARMS AND COMMUNITY GARDENS NETWORK - CHECKLIST TO CONSIDER PRIOR TO ESTABLISHING A COMMUNITY GARDEN.....	13
APPENDIX 2 – BLUE MOUNTAINS CITY COUNCIL NEW COMMUNITY GARDEN APPLICATION FORM.....	18
APPENDIX 3 - RECOMMENDED PROCEDURE FOR STARTING A NEW COMMUNITY GARDEN IN THE BLUE MOUNTAINS	21

This Guideline is designed to provide information to the Blue Mountains community to assist with the establishment of community gardens on Council owned and/ or managed lands across the city.

This document responds to the following Council resolution:

‘Prepare a set of guidelines by April 2010 to assist community groups considering the establishment of community gardens in the City of Blue Mountains’

(Minute No. 197, 26/05/09)

Community Gardens - Definition

Community gardens are gardens created and maintained on public or private land by people who come together to learn about, participate in and share the rewards of gardening activities.

Relevance to Sustainable Blue Mountains 2025

Sustainable Blue Mountains 2025 was developed in 2010 to provide the long term vision for the city. The emphasis is on growing a more sustainable future and many objectives and strategies are identified. Among the strategies are:

- Encourage and promote sustainable food initiatives
- Provide opportunities to learn about sustainability
- Provide a range of recreational and sporting opportunities

The activity of establishing and growing community gardens in the Blue Mountains is clearly a way in which each of these strategies may be fulfilled, confirming the relevance of community garden developments as an important component in building the future of the city.

Blue Mountains City Council’s in principle support for community gardens

Blue Mountains City Council supports the development of community gardens throughout the city. The Council recognises that community gardens:

- Foster a sense of community;
- Improve the health of the community by providing access to fresh food, outdoor exercise and opportunities for creative enterprise;
- Provide increased opportunity for social connectedness and intergenerational exchange;
- Provide access to local food, thus reducing food miles and contributing to food security;
- Act as a model for best practice with regard to sustainable gardening; and
- Provide skills development and learning opportunities

Blue Mountains City Council’s role in developing community gardens

The Council’s role in developing community gardens is as an ‘enabler’ of the development of gardens. The Council does not take a lead in establishing gardens or providing funding.

Blue Mountains City Council's Community Gardens Policy

The Council's key policies regarding its' role in the establishment of community gardens on Council owned and/ or managed lands are to:

- Enable the establishment of community gardens on appropriate lands;
- Ensure that prospective gardeners complete an application form as specified in "Blue Mountains City Council Guidelines for the Development of Community Gardens on Council owned and/ or managed lands";
- Assess each proposal to establish a community garden on a case-by-case basis;
- Ensure that Council managed land is used and maintained appropriately and to the benefit of the community;
- Provide land use information including assistance to community groups in locating sites appropriate for community gardens;
- Ensure that appropriate weed, sediment and erosion control measures are in place;
- Ensure assets are maintained by the community group;
- Ensure appropriate insurances and health and safety legislation are met;
- Negotiate and grant licences for land to be utilised by community groups as community gardens when appropriate criteria are met;
- Promote community gardens via means available to Council.

See Blue Mountains City Council's Community Gardens Policy Document for more information.

Blue Mountains City Council's Community Gardens Assessment Team

The Council has a Community Gardens Assessment Team consisting of staff who can meet the following key roles:

Key Roles Required on Community Gardens Assessment Team
• Provide land use information
• Provide environmental assessment of new and existing sites (weeds, water waste, sediment issues)
• Liaison with the community
• Coordination of the Community Gardens Assessment Team
• Assessment of implications to Council assets/land
• Internal Policy Review
• Reports to Council

This team will ensure a fair and orderly process for the assessment of proposals to establish new community gardens throughout the city and provide ongoing advice and assistance to existing gardens. The Community Strategic Planner is the nominated team member who will act as the key liaison person for the community in regards to community gardens.

Amongst other things the team will assess proposals based on the following practical considerations:

- The appropriateness of preferred sites (compliance with LEP etc)
- Required licence arrangements
- Weed, waste, sediment and water issues
- Accessibility
- Health and Safety issues

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 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.

A license or other agreement between Blue Mountains City Council and a gardening group could be revoked or not renewed if:

- The group disbands or ceases to function due to internal conflict.
- The garden is not maintained or becomes unsafe for public access.
- Appropriate insurance cover is not maintained.

If Council seeks to exercise this power, the Council will do so in writing, giving reasons and evidence, with adequate notice. Council will operate with procedural fairness and transparency.

Insurance and Risk Management

It is essential that garden groups are 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 of \$10,000,000 of public liability insurance policy is required to be taken out.

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, 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

Blue Mountains City 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.

Factors to consider before establishing a community garden

It should be noted that there is limited Council managed land available to establish community gardens in the Blue Mountains, and other land managers such as Department of Education, Department of Lands, RTA and/or private land owners may provide more options for land.

Blue Mountains City Council recommends that community groups or individuals interested in establishing a community garden in the Blue Mountains 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 Appendix 1, 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?

Finding an Appropriate Site for Community Gardens on Council owned and/ or managed lands in the Blue Mountains

There are two Local Environmental Plans (LEP's) in the Blue Mountains, LEP 1991 and LEP 2005. Community gardens are defined and allowed for differently in both LEP's.

Community Gardens in LEP 2005

There are two options for the definition for community gardens under LEP 2005, depending on the type of community garden being proposed:

Option 1: If the community garden is established along permaculture lines then the definition of permaculture under the LEP applies, as below:

'Permaculture means the use of residential or recreational land to grow fruit, vegetables and herbs using closed systems which are designed to replicate the diversity, stability and resilience of natural ecosystems, for non-commercial purposes, but does not include the planting or propagation of any plant listed within the schedule entitled "Weeds of the Blue Mountains" in the Council's *Better Living DCP*.'

The table below is an extract from the land use matrix in LEP 2005. The matrix indicates the zones where permaculture is allowed without development consent (•), is allowed only with development consent (C) or is prohibited (blank). The various zones are indicated at the top of the table.

Zone:	Village				Living			Employment		RTC	Recreation		Environmental Protection	
Development for the purpose of:	TC	NC	T	H	G	C	BC	G	EN		PR	OS	PR	OS
offensive industries or offensive storage establishments														
panel beating workshops								C						
parking	C	C	C	C	C	C	C	C	C	C	C	C		C
parking facilities	C	C						C	C	C				
permaculture			•	•	•	•	•				•	C		
places of assembly	C	C		C				C	C		C			
places of worship	C	C	C	C	C			C	C		C	C		
public buildings	C	C	C	C	C			C	C		C	C		

This means that if a potential site is within any of the above zones shown as (•) for Permaculture, then the community garden can commence *without any development application being required* but with consent of the landowner, with the exception of any site in Recreation – Open Space where a development application would be required.

Option 2: If a community garden is proposed that is not a permaculture garden then it would fall under the definition of recreation area in the LEP, as below:

'recreation area means:

- (a) a children's playground, or

- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council to provide for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreation facilities for those purposes, but does not include a showground, racecourse or other place elsewhere defined in this Dictionary.'

The table below is an extract from the land use matrix in LEP 2005. The matrix indicates the zones where 'recreation area' is allowed with development consent (C) or is prohibited (blank). The various zones are indicated at the top of the table.

Zone:	Village				Living			Employment		RTC	Recreation		Environmental Protection	
	TC	NC	T	H	G	C	BC	G	EN		PR	OS	PR	OS
Development for the purpose of:														
offensive industries or offensive storage establishments														
panel beating workshops								C						
parking	C	C	C	C	C	C	C	C	C	C	C	C		C
parking facilities	C	C						C	C	C				
permaculture			•	•	•	•	•				•	C		
places of assembly	C	C		C				C	C		C			
places of worship	C	C	C	C	C			C	C		C	C		
public buildings	C	C	C	C	C			C	C		C	C		
public transport terminals	C	C								C				
public utility undertakings	•	•	•	•	•	•	•	•	•	•	•	•	•	•
recreation areas	C	C	C					C	C		C	C		
recreation facilities	C	C						C	C		C	C		
refreshment rooms	C	C	C	C							C	C		




This means is that a development application would need to be lodged for a Community Garden, as defined under 'recreation area' in the zones noted above.

Community Gardens in LEP 1991

Under LEP 1991 there is only one definition into which Community Gardens fall and that is recreation area, as below:

'**Recreation area** means a place used for recreation by the community but does not include a recreation facility.'

The table below is an extract from the land use matrix in LEP 1991. The matrix indicates the zones where recreation areas are allowed with the consent of Council.



DEVELOPMENT	Rural Conservation	Bushland Conservation	Residential Bushland Conservation	Residential Investigation	Light Industrial	Recreation	Recreation- Environmental Protection	Environmental Protection & Environmental Protection- Acquisition	National Park	Regional Open Space
Hotel										
Industry										
Institution		C								
Intensive Agriculture										
Junk Yard										
Keeping of hoofed animals	C	C	C	C		C				
Light industry					C					
Low intensity agriculture	C	C	C							
Medical Centre										
Mine		C								
Motor Showroom					C					
National Park	C	C	C	C	C	C	C	C	C	C
Neighbourhood shopping centre										
Offensive industry										
Parking	C	C	C	C	C	C	C		C	
Place of public worship	C	C	C	C	C					
Public office					C					
Public transport terminal					C					
Recreation area	C	C	C	C	C	C	C	C	C	C
Recreation facility	C	C			C	C				
Refreshment room	C	C			C					

This means that a development application would need to be lodged for a community garden in any zone in LEP 1991.

Dividing Fence

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 [Development Control Plan No 33 - Exempt and Complying Development](#) describes the conditions when a fence requires or is exempt from the need to obtain development consent.

Verge Gardens

In principal, Blue Mountains City Council has no objection to the growing of vegetables on the nature strip in front of a property, provided that the plants do not interfere with pedestrian and/or traffic flow through the area. It is recommended that an individual or group wishing to establish a verge garden, examine Council's *Street Tree Masterplan* AUGUST 2010, which details the process for Council in selecting and maintaining street trees for the city.

Blue Mountains City Council Development Application Process

Before preparing a Development Application you must:

1. Have consent for the development from the landowner; and
2. Be fully aware of the limitations of the site and any regulations that may affect your proposal. It is important to understand the Local Environmental Plans (LEP) and Development Control Plans (DCP) which apply to your area, your property or your type of development and check Council's requirements carefully to ensure that your proposal complies with the controls. This analysis must be completed prior to the development of your proposal and will help to determine what type of supporting material is required. Better Living DCP contains all the relevant issues, design principles, performance criteria and standards for development. Copies of Council's LEPs and DCPs are available for purchase at Council's offices or can be downloaded from Council's website at www.bmcc.nsw.gov.au.

If the proposed site is Council managed land the Community Gardens Assessment Team can provide preliminary advice on site restrictions and other limitations on the land. Should greater detail be required further information on limitations/regulations can be obtained from the Council, for a fee. This service would include a site meeting and a report.

For more information including application forms see Blue Mountains City Council website:

<http://www.bmcc.nsw.gov.au/sustainableliving/landuseapplicationforms>

Development Application fee refund for non-profit community groups

Blue Mountains City Council (BMCC) is committed to ensuring that residents or organisations can make applications for hardship relief on certain types of fees as outlined in the Fees and Charges Section of the Management Plan (Financial Supplement) 2009-2010. Non-profit community groups may be eligible for Development Application fee refund up to \$500. All requests for a refund of a fee or a charge must be made in writing at the time of lodging the Development Application.

Community Garden Application Process

Any proposal to establish a new community garden on Council managed land *must* complete the 'Blue Mountains City Council Community Garden Application Form'; see Appendix 2 and also available for download at www.bmcc.nsw.gov.au. Although not essential (unless a Development Application is required by the Local Environment Plan LEP), it is also recommended that community groups interested in establishing a community garden on private land consider completing an application form and submitting it so that the Council might assist your group with relevant information or assistance with the management of issues that might arise.

The application form is to be completed and submitted to the Blue Mountains City Council Community Gardens Assessment Team via the Community Strategic Planner. The team will then assess the application and liaise directly with the community group to progress any issues that arise from the application. When completing the application form, should there be any questions please direct them to the Community Strategic Planner who is charged with community gardens liaison, who will seek an appropriate answer from relevant Council staff. The recommended

procedure for a community group to establish a new community garden in the Blue Mountains is detailed in Appendix 3.

References and useful information

Blue Mountains City Council 'Community Gardens Policy' April 2011

Thomas, F (2008), 'Getting started in community gardening', City of Sydney, Sydney
<http://communitygarden.org.au/wp-content/uploads/2009/08/cityofsydney-cg.pdf>

Australian City Farms and Community Gardens Network
<http://communitygarden.org.au/>

Russ Grayson & Marrickville Council 'Community Gardens – Policy Directions for Marrickville Council' 2007
http://www.marrickville.nsw.gov.au/edrawer/Files/537557970/TRIM_TR_REC_965519.PDF

City of Sydney 'Community Gardens Policy' 2009
<http://www.cityofsydney.nsw.gov.au/Environment/documents/CommunityGardensPolicyfinalforweb.pdf>

Auckland City Council Community Gardens Policy, 2002
<http://www.aucklandcity.govt.nz/council/documents/gardenpolicy/default.asp>

Woollahra Municipal Council Community Gardens Policy
http://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0016/31813/Adopted_Community_Gardens_Policy_v2.pdf


Kogarah Municipal Council 'Community Gardens Policy Directions for Kogarah', 2008
http://communitygarden.org.au/wp-content/uploads/2009/08/kmc_policy_sept08.pdf

Appendix 1 – Australian City Farms and Community Gardens Network - Checklist to consider prior to establishing a community garden

(available to download at <http://communitygarden.org.au/checklist>)

Checklist

ideas to consider before starting a community garden



1. What type of community garden do we want?

Will the community garden be:

- a shared garden where participants share the gardening and the harvest
- an allotment garden where participants garden their own plot and share the maintenance of common areas
- a garden with both allotments and shared gardening space.

Allotment gardens:

How long can allotments be held while they are not being used?.....

What size will we make the allotments?.....

This can be influenced by the size of the area available for gardening.

2. What will be the purpose of our community garden

Recreation/ community building:

- a safe place where people can come together to grow food and get to know each other
- a place where parents can bring their children.

Other:.....

Food security and nutritional health:

- access to fresh, nutritious food
- reducing family expenditure on food
- supplementing the family food supply.

Other:.....

Education:

Will the garden be open to use and/ or visitation by community groups/ schools/ other educational bodies?

YES NO

Will the gardeners offer workshops (eg. compost making, gardening etc) to the public? YES NO

If not, will the gardeners make the garden available for others to provide educational services? YES NO

Other educational activities:.....

3. How will we garden?


Organic gardening? YES NO


Reasons:.....

If it is to be an organic garden, will this be explained to new gardeners when they join the garden - either verbally or in writing? YES NO

Explained in some other way?.....

IDEAS FOR SUSTAINABLE LIVING IN THE CITY





4. What types of plants will we grow?

When considering what types of plants to grow in your community garden, remember that fruit and nut trees need plenty of space and should be spaced about 3-5 metres apart.

vegetables herbs fruit/ nut trees flowers
 berry fruit shrubs water crops medicinal plants bush foods
 herbal tea plants native or indigenous plants

(native plants are those originating in Australia; indigenous plants originate in the local region)

5. What animals will we keep?

chickens other poultry bees no animals
 other animals:

6. What structures will we build in the community garden?

sitting area to shelter from the sun and rain
 lockable shed for storing tools, seeds etc
 nursery for plant propagation
 fireplace for making coffee and tea - barbecue for preparing food
 play area for children
 public art
 educational signs
 rainwater tanks to collect water from the shed/shelter roof to irrigate the garden
 Other:

7. What training do we need?

Gardening/construction skills:

plant propagation garden soil analysis improving garden soils making compost
 using mulch - irrigation pest management seed saving garden construction
 developing a planting calendar planting out and harvesting

Other:

Design skills:

site analysis and gardener needs analysis for the site design process garden design

Other skills:

cooking what we grow promotional skills conflict resolution running effective meetings

Other:

Are any of these skills available in the community gardening group? YES NO

If not where will we find these skills?

.....

.....

8. How will we co-operate with local government?



Will the garden be a place where communities and local government can work together to demonstrate social and environmental policy compatible with the aims of community gardening, such as:

- waste reduction
- water conservation
- regreening
- energy efficiency
- biodiversity
- nutritional health
- education for sustainability

Other: _____

9. How will we support biodiversity?

Will we plant non-hybrid seed of heritage or heirloom vegetables and fruits so we can collect, save and replant the crops?

- YES NO

Will the garden join the Seed Savers Network to learn more about food plant biodiversity, to obtain non-hybrid seed from the members of the network or to become the focus of a Local Seed Network?

- YES NO

Will we propagate and distribute seed of endangered or rare local native (indigenous) plants?

- YES NO

10. How will we educate gardeners and the public in waste reduction?

Will we demonstrate the reuse and recycling of waste organic matter through:

- compost
- worm farms
- mulching
- use of recycled materials

Other: _____

11. How will we conserve water in the garden?

- rainwater tanks
- mulching
- low-water-use plants
- low-water-use irrigation

Other: _____

12. How will we fund the garden?

- apply for grants
- membership fee
- other types of self-funding

How will we fund ongoing costs? _____

Appendix 2 – Blue Mountains City Council New Community Garden Application Form

! NB: This form does NOT replace a Development Application (DA), if a DA is required.

1. Contact Details

a. Name of your group:

b. Name of contact person:

c. Address:

d. Phone: H:

W:

M:

e. Email:

2. Group Details

a. Is your group an Incorporated Association? YES NO

b. How many members does your group have?

c. Is your group not-for-profit? YES NO

d. Does your group carry its own Public Liability insurance?

YES NO

- if yes, to what value?

e. Does your group currently have funds available to establish a community garden? (eg. Purchase of materials, compost bins, tools, shed, insurance etc)

YES NO

3. Site Details

a. Name of your proposed garden

b. Have you identified a preferred site for your garden? YES NO

- If yes above, what is the address of this site?

- Is this site owned/managed by Council? YES NO

- If no, who owns this site?

- Please describe the key features of this site, including dimensions, toilets, aspect, slope, soil, water access, proximity to public transport, structures on the site, existing use of the site (use an additional sheet to answer this question).

4. Garden and Produce Details

a. What types of activities are your group proposing for the site (you can select multiple answers or add additional answers):

Organic gardening

Permaculture

Raised beds

Community education

Workshops

Sensory garden

Other

b. What types of plants are members of your group keen to grow?

c. Do you have plans for any of the following on your site:

Rainwater tank/s

Shelter

Storage shed

Potting bench

Pathways

Nursery

Compost bays

Animal enclosure/s

Other

5. Management of your garden

a. Please describe the proposed management structure for the community garden (including how decisions will be made, conflict resolution processes, how new members will be recruited, any criteria for membership etc (use an additional sheet if necessary)

b. Will your garden be open to the public (rather than members only with a key system)? YES NO

c. Will there be restrictions about when your garden will operate?
YES NO

- Please describe

d. How will your group ensure the following issues are addressed?
Odour:

Vandalism:

Excessive noise:

Site aesthetics:

Rodents:

Parking:

Waste:

6. Any supporting information you wish to add?

(use additional sheet if necessary)

Appendix 3 - Recommended Procedure for starting a new community garden in the Blue Mountains

