

COMMUNITY GARDENS POLICY

COMMUNITY POLICY



1 Scope

This policy applies to all existing and proposed community gardens in public open spaces, other than a road or footpath, within the Rockhampton Regional Council Region. This policy does not apply to privately-owned land.

2 Purpose

The purpose of this policy is to provide a framework for the assessment, establishment and management of community gardens in public open spaces in order to foster, support and encourage community aspects like social inclusion, knowledge sharing and various ideologies followed by an established group of people.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Associations Incorporation Act 1981

Land Act 1994

Local Government Act 2009

Local Government Regulation 2012

Medicines and Poisons Act 2019

Planning Act 2016

Public Health Act 2005

Vegetation Management Act 1999

Work Health and Safety Act 2011

Community Gardens Assessment Procedure

Crime Prevention Through Environmental Design – Queensland Government

Improvement Works on a Lease Site Application Form

Request to Establish and/or Operate a Community Garden Application Form and Community Gardens Factsheet

Rockhampton Regional Council Corporate Plan

Rockhampton Regional Council Operational Plan

Rockhampton Regional Council Local Laws

Rockhampton Regional Council Sustainability Strategy (Towards 2030)

Rockhampton Region Planning Scheme (2015)

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4 Definitions

To assist in interpretation, the following definitions apply:

Auspice	To be supported, sponsored or provided guidance from an entity similar to a governing body.
Community Garden Group	A community organisation incorporated in accordance with the <i>Associations Incorporation Act 1981</i> or has an incorporated organisation as an auspice body.
Community Gardens	A piece of land operated collectively by a community garden group for the purposes of growing a range of produce that may include fruit and vegetables, herbs, plants or flowers, and may facilitate community activities or workshops.
Community Organisation	As defined in schedule 8 of the <i>Local Government Regulation 2012</i> : (a) An entity that carries on activities for a public purpose; or (b) Another entity whose primary object is not directed at making a profit.
Council	Rockhampton Regional Council
Footpath	As defined in the <i>Transport Operation (Road Use Management) Act 1995</i> , an area open to the public that is designated for, or has as one of its main uses, use by pedestrians.
Public Open Space	Land held by the local government in freehold or leasehold, or as trustee of a reserve, other than a road or footpath, that is generally accessible to the community and provides for a range of sport, recreation, cultural, entertainment or leisure pursuits.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.

5 Policy Statement

A community garden may be established by a group in a local area with a vision and purpose that works toward building stronger community connection through the growing of plants and/or food. Community gardens are places that connect community through a common interest and are a great place to share skills, learn about producing food and gardening.

The garden may be used for growing, propagation and cultivation of fruit, vegetables, flowers, plants and for the production of compost. The use of the garden is not limited to the production of food and plants but may also be used for aesthetic, amenity, social and relaxation purposes. Community gardens are not permitted to be operated for the purpose of commercial or personal financial gain. All community gardens within the Region's public open spaces must be implemented and operated in accordance with this policy.

A community garden group looking for a potential location for a community garden need to take a number of factors into consideration which are explained in more detail along with site selection considerations in the Community Gardens Factsheet.

5.1 Guiding Principles

The guiding principles are to:

- (a) Provide a mechanism that allows community groups and members of the public to perform activities associated with establishing and maintaining community gardens in public open spaces;
- (b) Generate strong community involvement, participation, partnerships and relationships within an area; and
- (c) Ensure community gardens are operated and managed in a safe, harmonious, fair and enjoyable manner for both users of the space and nearby residents.

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5.2 Eligibility Criteria

Eligibility criteria for a community garden group includes:

- (a) Must be incorporated in accordance with the *Associations Incorporation Act 1981*; or
- (b) Have an incorporated organisation as an auspice body; and
- (c) Must acquire and maintain public liability insurance to the value of \$20M either by obtaining a policy:
 - (i) On their own; or
 - (ii) Through becoming auspicied by another incorporated organisation.

5.1 Roles and Responsibilities

5.1.1 Community Garden Group’s Roles and Responsibilities

The community garden group’s roles and responsibilities include:

- (a) Identify a site for the community garden that is well located and complies with the site selection considerations in this policy;
- (b) Ensure the group has a common vision and purpose for the garden;
- (c) Provide a detailed site map of the proposed location;
- (d) Completion and submission of all required forms and documentation and work with Council to assist with the design and management process;
- (e) Ensure the group is financially secure to establish and support ongoing maintenance costs of the community garden at an acceptable standard, including service connections and water usage;
- (f) Develop and maintain a safe work plan for the garden;
- (g) Maintain the membership of the group into the future to ensure the successful ongoing operations of the garden;
- (h) Comply with the terms and conditions of the usage agreement;
- (i) Obtain consent from Council by completing an Improvement Works on a Lease Site Application Form prior to installing/erecting any storage facilities or structures or making any significant design changes to the original site design approved by Council;
- (j) Obtain and comply with any necessary building, plumbing, and/or planning permits for any proposed structures to be built on site;
- (k) Ensure all members and visitors adhere to all relevant legislative requirements at all times;
- (l) Obtain and comply with any local law regulations and approvals relevant to the undertaking; and
- (m) Inform Council of any intentions/reasons to cease use of the community garden or relinquish lease/permit/licence.

5.1.2 Council’s Roles and Responsibilities

Council’s roles and responsibilities include:

- (a) Provide guidance and advice on the application process to establish a community garden;
- (b) Assist with enquiries, completion of relevant forms and provide advice on site suitability, land tenure, planning and local law requirements;
- (c) Identify community engagement requirements of a proposed community garden, and through public consultation responses identify and manage risks;

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- (d) Develop and issue the required documentation relating to the permissible uses and operation of the community garden;
- (e) Promote community gardens through its website and provide information to the public;
- (f) Conduct regular site visits, touching base with community garden groups to ensure the ongoing safe operation of the community garden;
- (g) Other assistance may be provided at the discretion of Council.

5.2 Site Selection

When selecting a site for a proposed community garden, the following site selection considerations apply and will assist with the design of the garden. This ensures the selected site is suitable for the intended use and minimises any potential conflict with surrounding land uses.

Location	It is desirable for community gardens to be located in appropriate areas which minimises potential conflict with surrounding land uses but which also maximises and embraces the potential users of adjacent and nearby sites. Land should preferably be vacant, devoid of structures, have limited vegetation and be generally underutilised. The use must be permitted under the planning scheme.
Ownership	Only public open spaces are considered. Where Council is the trustee of the land, owner's consent from the relevant State Government department is required.
Topography	Preferred sites shall be unencumbered, have a flat or relatively flat gradient, be outside of a drainage line or significant flow path and be devoid of embankments and retaining walls.
Flooding	Sites located outside of the Q100 inundation area and storm tide surge are given preference over sites within this area.
Size	The site must contain an adequate area capable of containing all of the proposed uses. Sites must be a minimum of 1000sqm in size.
Proximity	Council does not support more than one community garden per suburb or within a 2km radius on public open spaces. The community garden must be visually unobtrusive and set back a reasonable distance from residential or other land uses to minimise amenity impacts. Sites should be setback from riparian areas such as creeks and streams to minimise impacts to the stream bank.
Water	Access to clean and readily available water is required. Any connection to Council's water supply must be metered and have an approved backflow prevention device. Any plumbing work or water connections requires a plumbing permit.
Access	Sites should be accessible by foot as well as people with a disability. Proximity to public transport and public car parking areas is an important consideration. Existing on-site car parking is preferable however use must not impinge upon existing car park users. The community garden must not prevent usual public access requirements, for example, gardens must not be placed on footpaths.
Infrastructure	Toilets are generally not supported in community gardens. Any infrastructure works must have prior consent from Council.
Legislative Requirements	The existence and/or location of any easements, leases, existing development approvals, environmental covenants or other restrictions as to user needs to be determined. Often the use of a site will be restricted or prevented by these.
Vegetation	The site should preferably be free from vegetation or have no significant vegetation (for example large trees or remnant vegetation) located on the site. The removal of areas of natural bushland, forest, rainforest or riparian areas to create a community garden is not supported.

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Contamination	Sites must be checked for contamination through the relevant State Government Department. If the site is potentially contaminated another site should be considered or an expert must be engaged by the community garden group at no cost to Council to ascertain the levels of contamination and what remediation is necessary. A site must be free of contamination before it can be used for the production of food.
Safety	Crime Prevention Through Environmental Design matters must be taken into consideration. Sites should have no safety or health concerns and must have a good level of passive surveillance and must be designed to ensure it is maintained. Fences and structures should be designed to minimise harm to garden users. Investigation for unexploded ordinance is required. The presence of biting insects such as crazy ants, electric ants, mosquitos should be considered.
Waste	Removal of waste and access to appropriate waste facilities should be considered.
Soil	If soil is to be imported to the site, it must be sourced/treated appropriately to reduce the likelihood of weed seeds and pathogens.
Biodiversity	The presence of rare, threatened, or endangered plants and animals needs to be considered and appropriately managed.

5.3 Application Process and Management

5.3.1 Application and Approval Process

The applicant must follow the steps outlined in the Community Gardens Factsheet. The group is required to complete and submit an application via the Request to Establish and Operate a Community Garden Application Form, accompanied with a Community Gardens Plan. The receipt of these documents to Council begins the assessment process.

Upon notification of approval, Council works in conjunction with the community garden group to formalise a design and management process.

Council notifies and gives reasons for unsuccessful applications.

5.3.2 Operation and Management of a Community Garden

The community garden must be operated and managed at all times in accordance with the conditions outlined in the usage agreement (i.e. lease/permit/licence) and all relevant legislation, including local laws, and approvals.

Safe work methods must be developed and safe work plans must be adhered to by all users of the garden.

Council conducts regular site inspections and annual meetings are held between Council officers and community garden groups as stipulated in the usage agreement in order to discuss any issues and to ensure the community garden is successful long term.

5.2.1 Cessation of Use

If the community garden group is no longer viable, the site of the garden is to be reinstated to a good condition in line with the termination conditions outlined in the usage agreement apply.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Parks
Policy Quality Control	Legal and Governance



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