

6.1.1 Community Gardens

Type:	Community - Activities
Legislation:	
Delegation:	
Other Related Document:	- Town of East Fremantle Community Garden Agreement Template (proposed) - Town of East Fremantle Community Garden Toolkit (proposed)

Objective

To facilitate and promote community gardens, on Town of East Fremantle owned or managed land, that are sustainably managed and led by the community in such a way that the needs of all stakeholders are taken into account.

Purpose

This Policy seeks to enable gardeners within the Town of East Fremantle to activate public spaces, participate in community initiatives and interact within a community space, with varying types of open communal garden areas available in accordance with the needs of those stakeholders participating in the initiative.

Users of community gardens on local government owned or managed land have traditionally been, and in this instance will be, required to be an Incorporated Association. This ensures that adequate insurance coverage and access to funding support can be made available. If the Incorporated Association is not based within the Town of East Fremantle they will need to show evidence of how their proposal will benefit residents within the Town

Definitions

“Council owned or managed land” includes present and future Town freehold land (land owned by the Town of East Fremantle) and Crown land (land owned by the State, under the care and control of the Town, usually by way of a management order). It excludes privately owned or controlled land, and land owned or controlled by State Departments.

“Incorporated Association” is a registered group that is not for profit and holds a current Certificate of Incorporation under the Associations Incorporations Act 2015. It is noted that a group may also enter into a satisfactory auspice arrangement with an existing incorporated association which holds the appropriate insurance cover (including public liability cover that indemnifies the Town).

“Community Garden Agreement” refers to the licence, lease or Memorandum of Understanding applicable to the **Community Garden** space.

“Community Garden”, a piece of land operated collectively by a group of people for the primary purposes of community food production and recreational gardening. There are a number of different structures of community gardens. The most common types are:

- Community gardens with individual allotments allocated to individual members;

- Community gardens where the entire garden is run collectively as a shared enterprise; and
- Community gardens that integrate both allotment and shared gardens.

“Garden for the Community”, an area that is intended to be enjoyed and cared for by the community, but for which the ultimate maintenance responsibility lies with Council. As such, the Council would undertake planning, care and control of the area, with a relevant level of consultation, in order to make sustainable decisions on appropriate infrastructure and planting.

“Memorial Gardens” are a **“Garden for the Community”** created to commemorate someone or something lost, as an ongoing tribute which holds significance for the Town.

“Pop Up” the term pop-up refers to a temporary installation that will be in situ for a period of up to 6 months.

It should be noted that all **Community Gardens** and **Gardens for the Community** will be;

- “Smoke Free” zones;
- dog on lead friendly areas (where appropriate);
- in an easily accessible location suitable for active and passive surveillance;
- of a suitable size and topography for the proposed use;
- subject to community consultation with residents within at least a 400 metre radius; and
- formally endorsed by Council.

Community Garden Process

“Community Garden”

1. Interested residents should form a Community Garden Committee consisting of at least five (5) members to formally approach the Town of East Fremantle with the proposal to establish a **Community Garden**. This enables the Town to ensure that there is a group willing to take a leadership role in the establishment and ongoing management of the proposed **Community Garden**. The proposal should include;
 - Demonstration of the group’s capacity (commitment, knowledge, experience) to establish and manage the site
 - Evidence of support from possible partner organisations and / or residents
 - A basic design and construction plan, including identified funding sources
2. If not already incorporated, the Community Garden Committee becomes an Incorporated Association, under the Associations Incorporations Act 2015, in order to manage their legal structure and insurance / fund management requirements.
Unincorporated groups cannot be considered by Council as an organisation suitable to manage or control a community garden due to legal and insurance requirements.
3. The Incorporated Association enters into an agreement with the Town, and agrees to abide by the terms therein, designating them as the manager of the **Community Garden**.
*The terms of the **Community Garden Agreement** will include reference to water access and the responsibility for the payment of costs associated with this supply.*
4. The Incorporated Association sources any necessary funding for the establishment of the Community Garden.
5. No statutory approvals are required unless the proposal includes building, structures or retaining walls greater than 500mm in height which require Development Approval. Such buildings and structures will be required to consider the Town’s Wood Encouragement Policy.
6. The Incorporated Association maintains financial viability and appropriate insurance cover.

7. The Incorporated Association remains responsible for ongoing maintenance.
8. The Incorporated Association will return the site to its original (or a mutually agreed) condition should they disband or the lease not be renewed.

“Garden for the Community”

- The Town will identify and allocate suitable land under the Town’s control and management for the facilitation of a community accessible garden area.
- No statutory approvals are required unless the proposal includes building, structures or retaining walls over 500mm in height which require Development Approval. Such buildings and structures will be required to consider the Town’s Wood Encouragement Policy.
- The Town will as required provide suitable infrastructure and / or vegetation to provide shaded areas for public recreation.
- The Town will have a requirement, where deemed appropriate to plant native species of vegetation.
- The Town will endeavour to increase the Town’s urban forest canopy where appropriate.
- The Town will project manage the establishment of the garden, with a concept design to be developed and advertised for public comment.
- The Town will endeavour to deliver Water Wise and Waste Wise outcomes, and sub funding under these programs. However, it is acknowledged that the Town will have limited access to external funding (as the space will not be recognised as an Incorporated Community Garden).
- Community members who wish to work in the garden will be registered as volunteers.
- The garden will be recognised as a public open space for visitors.

Policy for Incorporated Community Gardens

It is the responsibility of the Town of East Fremantle to;

- connect groups and community members to;
 - foster relationship building;
 - encourage knowledge and skill sharing; and
 - strengthen community cohesion and interaction, particularly for groups that are considered marginalised such as the elderly or disabled;
- facilitate, where appropriate ***Community Gardens*** through the provision of advice and support for interested groups;
- provide a streamlined and consistent approach to the assessment and management of ***Community Garden*** requests on Council owned or managed land;
- prepare and maintain ***Community Garden Agreement*** as relevant; and
- manage established ***Gardens for the Community***.

Garden Maintenance

The recognised Incorporated Association is responsible for maintaining their ***Community Garden*** so that the health and safety of the surrounding community is not adversely impacted. They become the manager of the space.

The Town of East Fremantle is responsible for maintaining **Gardens for the Community** so that the health and safety of the surrounding community is not adversely impacted. They are the manager of the space.

Community Garden and **Garden for the Community** managers shall:

- abide by all relevant Town and State legislation and regulations;
- ensure that the space is kept free of litter;
- ensure any water leaving the garden is not contaminated by chemicals, herbicides, pesticides, sediment, fertiliser, manure or excessive organic matter that might pollute waterways or cause injury or harm to humans or animals;
- ensure that excessive water does not enter into the Town's stormwater infrastructure;
- not use Glyphosate, use of this herbicide is not permitted on Council owned or managed land.
- ensure that food organics are not composted directly within the garden space. The Town encourages the composting of food and garden organics through the use of the FOGO system;
- ensure rainwater harvesting systems are maintained so that water is of a high quality;
- ensure compost, worm farming systems and fertilisers are maintained so as not to attract vermin, produce unpleasant odours or present a fire risk; and
- ensure any materials delivered to, or stored at the garden are maintained so as not to create an unpleasant or unsafe environment for other residents in the community.

Termination

The Town and the Incorporated Association will take all reasonable steps to resolve any issues or disputes that may arise, however, the Town reserves the right to terminate a **Community Garden Agreement** for a breach of conditions by giving 30 days' written notice of termination.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Executive Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	18/02/20
Policy Amended/Reviewed:	