

## Community Gardens

### Relevant Legislation

Reserves Act 1977

Local Government Act 2002

### 1. Policy Objective

- 1.1 To provide options for members of the community who lack sufficient private open space to have their own vegetable gardens or fruit and nuts and to assist communities to become more sustainable by growing their own produce.
- 1.2 To make public open space available for community gardens and for the planting of fruit and nut trees as a form of community development and recreation.
- 1.3 To provide an opportunity for social networking, teaching and learning about gardening, waste management approaches and the planting of fruit and nut trees.
- 1.4 To establish opportunities for local pride in public open spaces.
- 1.5 To clarify Council's role as an enabler and supporter of this policy.
- 1.6 To outline the criteria for assessing proposals for community gardens and planting of fruit and nut trees on council-owned or administered land.

### 2. General Approach

- 2.1 Where a community group can establish a management entity to run a community garden or where individuals wish to plant fruit and nut trees and where a suitable site can be found, the Council will make public land available for community gardens or fruit or nut trees, subject to the criteria and process outlined in this policy.
- 2.2 Each proposal will be addressed on its merits.
- 2.3 Council's role in community gardens and the planting of fruit and nut trees is as an enabler and supporter of the initiatives, rather than a provider or funder.

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- 2.4 Tenure for community gardens will be via a licence under relevant legislation and under the terms and conditions stipulated in the Council's Generic Policies for Council Administered Reserves.
- 2.5 The community gardens licence or lease will be for a fixed term with the Council retaining the right to terminate the licence or lease with sufficient notice, if the land is required for another purpose or not maintained to an acceptable standard.

### 3. Community Gardens

#### 3.1. Assessment of Proposals

- 3.1.1. Proposals received will be assessed by an assessment panel to ensure consistency with the policy.
- 3.1.2. A proposal must be submitted by an organisation or entity who will assume responsibility for the on-going management of the garden.
- 3.1.3. Proposals will be assessed as soon as possible upon receiving the request.
- 3.1.4. It is expected that a management group will submit a proposal based on the requirements outlined below.

#### 3.2. Criteria for Community Gardens

- 3.2.1. A proposal to establish a community garden on Council-owned or administered land will be assessed based on the provision of the following information:
- Purpose of proposal including how local community members will benefit.
  - Evidence that there is a community need for a garden e.g. community meetings, support from local community organisations and groups.
  - Identification of links and synergies with other community organisations such as schools, church groups or volunteers.
  - Benefit to the local area and community, including who benefits from the produce i.e. identify participants who will be involved.
  - Once a site is identified, consider how the community garden will complement the values of the surrounding public open space.
  - A map or aerial photograph showing the proposed extent of the garden and any proposed locations for structures, storage and vehicle access requirements.

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- Establish effects on reserve users and neighbours and how adverse affects will be mitigated.
- Proximity of the proposed community garden to significant natural, cultural or heritage sites.
- Water supply requirements and in particular whether the CGMG proposes to be self-sufficient in providing or collecting water on site to sustain the garden.
- In the event the CGMG requests Council to provide a water supply, the proposal will be assessed on the basis of:
  - The proximity of the community garden to existing water mains
  - Whether other reserve facilities would benefit from a water supply
  - The availability of vehicle access
  - The ability of the CGMG to contribute financially
  - The use of bark mulch and other moisture retention measures

### **3.3. Community Garden Management Group (CGMG)**

3.3.1. A CGMG shall be established with the following requirements;

- The Group will be a legal entity (or formally affiliated with a legal entity) with approved objectives and organisational structure.
- Evidence that the Group can be sustainable including processes for decision making, problem solving, conflict resolution, ability to raise funds, recruitment, training, delegation of tasks and induction of new members.
- Details of all gardening and associated techniques proposed for the community gardens that demonstrate environmental sustainability i.e. water conservation.
- The proposed methodology for the distribution and disposal of produce.
- Proposed membership and who may participate.
- Provide explanations of how Council's requirements and conditions will be met.

### **3.4. Role of Community Garden Management Group**

3.4.1. A group wishing to establish a garden and/or to plant fruit and nut trees on Council-owned or administered land, will be responsible for the establishment and day to day management of the garden, including the following:

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- Agree the layout and site access with Council.
- Undertake consultation with neighbours to determine how the community garden and the neighbourhood can benefit and support each other.
- Meet the requirements of the licence-to-occupy including financial obligations and compliance with Council regulations including the District Plan, Use of Toxic Agri Chemicals for Vegetation Management Policy, all policies, bylaws and other regulations including Health and Safety and Hazardous Substances legislation. Council will provide policies and regulations and provide advice.
- Manage and operate the garden according to a user agreement with members.
- If a plot style garden is applicable ensure that plots are allocated to members of the local community through a fair and transparent application process.
- Ensure gardens are maintained to a minimum standard and utilised all year round.
- Ensure a comprehensive pest management programme is implemented.
- That the local community should be given priority for produce distribution. While proceeds from the sale of produce may be used to cover gardening expenses, produce cannot otherwise be sold for a profit. Surplus produce or the proceeds from sale of that produce may be donated to a charitable organisation that benefits the western Bay of Plenty.
- Promote education and learning opportunities for plot holders and the wider community.
- Ensure the site is returned to its original condition on disestablishment of the community garden or termination of the lease.
- Explore opportunities to work in partnership with other organisations and stakeholders in the community.
- Budget and timeline for establishment and maintenance, including identified sources of funding.

### 3.5. Management Plan

- 3.5.1. A CGMG shall prepare a management plan that covers:
- Gardening techniques proposed including any proposal for self-sufficiency in terms of water supply to sustain the community garden.
  - Hours of operation.

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- Identify the dedicated liaison person.
- Mowing and maintenance details.
- Weed and pest control principles.
- Management of vandalism, security and safety.
- Methods of sustainable rubbish disposal and composting.
- Health and safety, and public liability.
- Details of signage in accordance with Council requirements.
- How noise and odour issues will be managed and contained.
- Storage provisions

### **3.6. Terms of Licence-to-Occupy**

3.6.1. A Licence-to occupy (LTO) will be developed and agreed between Council and the CGMG. The LTO will outline all conditions of use of the area including:

- Term of the LTO (usually 3 years);
- Opportunities for renewing the LTO and how many renewals may be granted;
- Public access through community gardens;
- If there is a maximum tenure;
- An obligation on the Management Group to return the land to its original state at the termination of the LTO.

3.6.2. The CGMG shall be liable for the payment of a lease or licence fee for a community garden site, where applicable. Lease fees will be subject to Council's concessional lease policy.

### **3.7. Termination of Licence-to-Occupy**

3.7.1. A Licence-to-occupy may be terminated where any of the conditions of the licence are not met, provided however that the Council must first give the CGMG a reasonable period of time within which to meet any such conditions.

3.7.2. A Licence-to-Occupy may be terminated after reasonable notice has been given by the Council to the CGMG if the land on which the garden is situated is required for a strategic or operational purpose identified by Council.

3.7.3. Where a Licence-to-Occupy is terminated in accordance with section 3.7.1 Council will not compensate the CGMG for improvements to the land.

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- 3.7.4. Where a Licence-to-Occupy is terminated in accordance with section 3.7.2, Council will support the CGMG to identify and re-establish its community garden at another suitable site.

### **4. Planting of Fruit and Nut Trees**

#### **4.1. Assessment of Proposals**

- 4.1.1. Proposals received will be assessed by the Reserves and Facilities Manager.
- 4.1.2. A proposal must be submitted by groups or individuals who will assume responsibility for the supply, establishment and future health of the trees.
- 4.1.3. Proposals will be assessed as soon as possible upon receiving the request.

#### **4.2. Criteria for Planting of Fruit and Nut Trees**

- 4.2.1. A proposal to establish fruit and nut trees on Council-owned or administered land will be assessed based on the provision of the following information;
- Benefit to the local area and community, including who benefits from the produce i.e. identify participants who will be involved;
  - A map or aerial photograph showing the proposed extent of the trees;
  - An assessment of how adverse affects to reserve users and neighbours will be mitigated;
  - The species, numbers of trees to be planted and the proposed planting techniques;
  - The size and proposed placement of trees taking into account the proximity of neighbours and/or proximity to significant natural, cultural or heritage sites.
  - Specific maintenance requirements such as pruning or spraying;
  - Pest control programmes including processes to ensure the removal of ripened and windfall fruit and nuts to mitigate the risk of vermin (particularly rats) being attracted to the site
  - An assessment of public access through fruit and nut trees.

#### **4.3. Termination/Tree Removal**

- 4.3.1. Trees may be removed at any time if any of the conditions of the licence are not met or if the land on which the trees are planted is required for a strategic or operational purpose identified by Council.
- 4.3.2. If, in the opinion of staff, the trees are not maintained adequately then Council has the right to remove or manage them accordingly.

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- 4.3.3. The Proposer must seek approval from Council before any trees (proposed by them) are removed and assumes responsibility for returning the site to its original condition on removal of trees.
- 4.3.4. Council will not pay any compensation for improvements to the land.

### **5. Council's Role**

- 5.1. Council will make Council-owned or administered land available for community gardens and the planting of fruit and nut trees subject to the terms of a licence-to-occupy and subject to meeting requirements of this policy and Council Generic Reserve Management Policies.
- 5.2. Council will act as an enabler and supporter of community gardens and planting fruit and nut trees initiatives, where possible and may also undertake the following roles:
  - Encourage partnerships with other community organisations including schools.
  - Promote and raise the awareness of community gardening and planting of fruit and nut trees.
  - Maintain the public use and open space value of Council-owned or administered land by encouraging continued public access and seeking to maintain the public use and open space values of community gardens and planting of fruit trees.
  - Assess proposals to establish community gardens and fruit and nut trees on Council-owned or administered land according to the criteria and process outlined below.
  - Make available any policies and regulations required to be complied with.
  - Support/advise in the development of the individual proposals.

### **6. Relevant Delegations**

- 6.1. The implementation of this policy is delegated to the Chief Executive or his/her sub-delegate.
- 6.2. The assessment of proposals to establish community gardens will be undertaken by a panel of staff appointed by the Chief Executive, and one elected member.
- 6.3. The assessment of proposals to establish fruit and nut trees will be undertaken by the Reserves and Facilities Manager.

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### 7. References and Relevant Legislation

- Use of Toxic Agrichemicals for Vegetation Management Policy;
- Reserves Act 1977;
- Reserve Management Plans;
- Western Bay of Plenty District Council District Plan.

<b>Group</b>	Policy and Planning	<b>Contact (3<sup>rd</sup> Tier Manager)</b>	Policy, Planning and Community Manager
<b>Supersedes</b>			
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