

Cairns Region Community Gardens Guidelines



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1. Introduction

There has been increasing interest in recent times from community groups to establish community gardens in the Cairns region. To address this interest, these guidelines have been assembled to provide information, a framework and a process for establishing community gardens in the parks and open spaces within the Cairns Regional Council area.

This document sets out the steps that need to be undertaken to set up a community garden group, to select an appropriate site for a community garden, to prepare relevant documents for submission to council, to obtain the necessary permission and approvals to facilitate the operation of a community garden and what the roles and responsibilities are for Council and community gardeners.

2. What is a community garden and what are their benefits?

A community garden is a garden which is started by a group of individuals in a local area for the purpose of growing plants and/or food for the community. The garden may be used for growing, propagation and cultivation of fruit, vegetables, flowers, plants and for the production of compost all which can then be provided to the local community for no cost.

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 personal financial gain.

Community gardens may come in many shapes and forms, including but not limited to:

- A mix of plots that are either allocated to each member or are shared by members;
- A single plot that is collectively managed by the whole group. An example of this is a permaculture plot where a mix of plants, trees and layers of vegetation are provided on a single plot that enables year round food production; and

Gardens may be located in a park or in the road reserve and may be for the production of food. Some gardens may not be for food production and may serve aesthetic, amenity, relaxation, environmental or biodiversity functions.

Community gardens provide a range of benefits within the neighbourhood including, but not limited to:

- Aesthetic improvements to the landscape of an area;



- Sustainable production of items for the community including fruit, vegetables, herbs, spices, flowers, compost and plants;
- Social interaction between a wide range of individuals in the community from a variety of age groups, ethnic groups, religious groups, cultural groups and the like,
- A cost effective means of providing food to the local community;
- An educational experience where the dissemination, sharing and use of knowledge between individuals and groups in the community occurs;
- Attraction for native wildlife;
- Creating an integrated and connected community which builds positive relationships;
- Fostering enjoyment of the outdoors and enabling people to make new friends;
- Improving the health and well-being of residents in a community;
- Activation of underutilised open spaces; and
- Enabling relaxation, learning and passive leisure and recreation opportunities.

3. Where do the guidelines apply?

These guidelines apply to community gardens proposed to be set up on Council owned or controlled land (e.g. parks, drainage reserves, road reserves and other public land). They can also be used as a guide for people wishing to set up a community garden on private land. The potential location of a community garden requires significant consideration against the site evaluation and selection criteria contained in this guideline.

4. What are the guiding principles for these guidelines?

1. To provide a mechanism that allows access by the public to underutilised public spaces for the purpose of a community garden;
2. To encourage the appropriate and safe use of under-utilised public land for the purpose of food production, aesthetic improvement to the landscape and improvement to the health and well-being of residents;
3. To generate strong community involvement, participation, partnerships and relationships within an area; and
4. To ensure that community gardens are operated and managed in a harmonious, fair and enjoyable manner.

5. What steps do I need to follow to set up a community garden?

To ensure that community gardens are set up in an appropriate manner, the following steps are required to be followed:

- Formation of community garden group;
- Meeting with Council to discuss concept, location and what is required to be submitted for Council to assess the application. Site and garden location is a very important

consideration and requires an assessment against location and siting criteria contained in this guideline;

- Community garden group conducts site survey and assesses the proposal against relevant selection criteria in consultation with an agreement by Council;
- Community garden group chooses site that is agreed upon by Council and prepares submission for Council;
- Community garden group makes submission to Council for approval of garden and Council publicly notifies the proposal to adjacent and nearby residents;
- Council assesses submission from the Community garden group - taking into consideration any submissions from the public - and provides written determination;
- Meeting with Council to discuss determination if necessary;
- If approved, the group will enter into a Community Garden Agreement with Council which stipulates conditions required by the group to operate the garden;
- Community garden group acts on obtaining relevant licenses, insurance, leases, and other requirements; and
- Community garden group commences construction and operation of the garden.

Council will be available at any time during this process to assist with information and direction.

Greater detail with respect to achieving the above steps is provided following.

6. How do I form a community garden group?

Community garden groups can start with a group of friends or people with a common interest in gardening. Networking within the community to gather interested participants is the best way to see who might be interested. Good places to start are places such as bulletin boards at local shopping centres, through local schools, sporting clubs, resident groups (e.g. neighbourhood watch) and through local land care groups. Word of mouth amongst friends in the neighbourhood is effective as is social media such as facebook, twitter and the like.

When a desirable level of community interest is achieved, a meeting should be convened where ideas, concepts and relationships can be formed. Matters such as the structure, motivation, vision, aims, goals, objectives, priorities and management of the group can be discussed. It is recommended that the group visit an existing community garden to observe how it operates, to discuss the pros and cons with the operators of the garden and to gain ideas and support. It is important to define what the purpose of the group is – is it for the production of food, is it to create an informal/passive garden for appreciation of nature or for relaxation or as a meeting place, or is it for social interaction.

The community garden group will be required to be incorporated in accordance with the Associations Incorporation Act 2009, or have an incorporated group as the auspicing body. Being an incorporated group provides structure to the group, requires regular meetings to be held, establishes a management committee, allows the group to be a legal entity, provides the ability to obtain public liability insurance and allows the group to apply for grants.

7. Preliminary meeting with Council officers

Once the group is formed and the structure, purpose, vision and objectives of the group are agreed upon it is recommended that the group has an initial meeting with Council officers to discuss ideas, concepts, issues and the necessary steps to move forward.

Council can assist in providing information and guidance with respect to various sites, constraints, opportunities, legal issues and other relevant considerations. Council can also advise what applications may be required at this time including leases, local law approvals, permits or other requirements. The group may have already chosen a site which can be discussed with Council at this time.

8. Site evaluation and selection criteria

When the community group has been formed the group will need to consider potential sites for the proposed garden. To evaluate the appropriateness of a site for the intended purpose, a set of selection criteria is provided following to assist groups. This list is a guide and is not meant to be definitive. The key location and site selection criteria which must be addressed by the applicant are listed below and further in section 9:

- Preference is that community gardens are on private land or are on land operated by an existing community group. Land such as schools, churches, leased facilities with vacant unused areas and the like should be considered. If all these avenues are exhausted and no other non-Council owned and operated land is available, Council land may be considered if it can meet the criteria below and in section 9
- Gardens can only be located within parks that have a suitable land area to accommodate the park without encroaching on the core purpose of a park for recreational uses. A park must have a minimum area of 0.5ha before a community garden will be considered. Smaller parks may be considered on merit by Council and will largely only be considered if they are unused for recreation purposes.
District/Destination and Citywide level parks are more desirable for community gardens, however some local parks and linear open spaces may be appropriate on the condition that the garden does not dominate the park/site and/or is acceptable to Council and the community
- A community garden should not take up more than 10% of the area of a park (except in exceptional circumstances approved by Council) and is to be located and designed such that it is visually unobtrusive, including fencing and sheds
- Gardens are to be located in unused parts of a park
- Gardens are not be located in those parts of a park that are earmarked under a master plan or other plan for future park improvements or use
- Gardens are not permitted to be located in areas of a park currently developed or used for recreational use, including kick about areas,
- Gardens are not permitted in natural areas
- Gardens are permitted in areas that are already cleared only

- Not more than one community garden per suburb is permitted on Council controlled or owned land subject to Council’s discretion. This does not include smaller gardens that are not registered community gardens that are run by volunteers under the Green Space My Place Program
- Gardens must be set back a reasonable distance from surrounding residential or other land uses to minimise amenity impacts (setback to be determined by Council based on site and surrounding land uses)
- Sites need to have good natural surveillance and meet CPTED principles when considering location and other factors
- Gardens should preferably be located close to public transport and walking and cycling networks
- Sites must have suitable street frontage to allow maintenance vehicles and occasionally delivery vehicles
- Consideration is to be given to presence of other Community Gardens in the area. New gardens will not be permitted if they are in close proximity (i.e. 1km) of another garden.

9. Table of site selection criteria for a community garden

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. Sites that are located close to higher densities of people, schools, aged care facilities, community centres, higher education facilities and the like are desirable as the use of the site can potentially be partnered with these groups. Land should preferably be vacant, devoid of structures, have limited vegetation and be generally underutilised by the public. The Planning Area or Zone of the site should be investigated to ensure the use is permitted under the planning scheme.
Ownership	The ownership and tenure of the site must be ascertained. Only sites that are owned or leased by Council, such as public parks, drainage reserves, road reserves, nature strips and other open spaces will be considered for the purpose of a community garden. In cases where Council is the trustee of the land, owner’s consent from the relevant State Government department may be required.
Topography	Consideration should be given to the topography of the site. In particular, 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	Where structures, sheds, fencing, garden beds and the like are proposed, consideration with respect to drainage, flood levels and storm tide surge at the site needs to be made. Sites located outside of the Q100 inundation area and storm tide surge should be given preference over sites within these areas. Sites should also be setback from riparian areas such as creeks and streams to minimise impacts to the stream bank.
Size	The site must contain an adequate area capable of containing all of the proposed uses and associated necessary resources, such as plots, garden beds, structures, seats, sheds, water tanks, shade shelters, pathways and the like.

Water	Access to clean and readily available water is required. This may include in part, water tanks, diversion of roof water, other sustainable means of access to water and a water connection to Council infrastructure. Provision and cost of water is the responsibility of the group. Any connection to Council's water supply would be via a metered connection and an approved backflow prevention device. Any plumbing work or water connections require a plumbing permit and Council's Water and Waste unit should be contacted prior to commencement of works.
Access	Sites should be chosen so that they are readily accessible by community gardeners on foot as well as people with a disability. Proximity to public transport and public car parking areas is an important consideration. Existing on-site parking is preferable however use of such parking is not to impinge upon existing users of the car park. The community garden must not prevent usual public access requirements, e.g. gardens must not be placed on footpaths to an extent that they restrict pedestrian access and force people to walk on the road.
Infrastructure	An investigation into the existing infrastructure at the site needs to be made. Access to water and power needs to be considered. Consideration of the location of gardens and buildings in relation to existing underground infrastructure needs to be considered, including drainage lines and access. Toilets are generally not supported in community gardens. Contact with the dial before you dig hotline is recommended. Contact Council's Plumbing Unit for as-constructed information. A Sewer Plan Search Request Form can be lodged at Council's customer service.
Legal	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 (e.g. 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 will not be supported.
Contamination	Some public land within the Cairns Regional Council area is contaminated or potentially contaminated due to previous land uses. Sites must be checked for contamination through the relevant State Government Department. If the site is potentially contaminated then an expert will need to be engaged by the group at no cost to Council to ascertain the levels of contamination, what remediation is necessary and what the costs of such remediation might be. A site must be free of contamination before it can be used for the production of food.
Safety	Crime Prevention Through Environmental Design (CPTED) matters must be taken into consideration. Sites should have no safety or health concerns and must have a good level of passive surveillance. Any proposed gardens must be designed to ensure passive surveillance is maintained. Fences and structures should be designed to minimise harm to garden users. Investigation for unexploded ordinance is also required. The presence of biting insects such as crazy ants, electric ants, mosquitos and the like should be taken into account.
Waste	Access to waste services is an important consideration. Significant green waste and compost may be produced by the garden. Removal of waste and access to appropriate waste facilities should be considered. Councils Water and Waste section can be contacted with respect to this matter.
Soil	The suitability of the soil at the site needs to be considered to ensure that an appropriate soil type is available for the type of garden intended. If soil is to be imported to the site, ensure it has been 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 taken into consideration and appropriately managed.

10. How do I apply to Council to run a community garden and who is notified?

After consultation with Council, completion of a site evaluation (using the site selection criteria) and selection of a suitable site, the community garden group can prepare a submission to Council for use of the site for a community garden.

The submission to Council will require the following:

- Details of the name and contacts of the community group, the number of members, whether adequate public liability for the garden has been secured and if the group is registered as an incorporated association. Adequate public liability insurance (i.e. up to \$20 million dollars) and registration as an incorporated association or auspice must be provided. Details of any proposed or approved lease for use of the site is required;
- Detailed description of the site including Lot and Plan number, area, address, existing structures, vegetation, distance from surrounding residences, access to user groups (including people with a disability), tenure, ownership, access to parking, any proposed onsite car parking and public transport;
- Detailed description of the proposal including: hours of operation, number of members, how the site is secured, what structures are proposed, who has access to the site, how people can join the group, type of community garden (i.e. single plot or a variety of allotments, shared garden or mix of the two), access to water and other infrastructure, irrigation methods, composting methods, removal of waste, how the site is promoted, commentary on all aspects of the site selection criteria, an exit strategy to return the land to its previous use should the garden become unviable and the appropriateness of the site with respect to the selection criteria;
- A detailed plan/design of the proposal including layout of plots, types of plants, landscape buffering to adjacent properties, pathways, any structures, fencing, signage, seats, infrastructure (water, sewer, power, etc.), retaining walls, mounding, lighting, drainage, retention or removal of vegetation, flood prone areas, parking, easements, drainage lines and ornaments. Weed species and plants which are toxic when ingested or identified as a pest species in Council's Pest Management Plan as well as illegal substances, will not be permitted;
- A Community Garden Management Plan. The requirements of the Community Garden Management Plan are provided at attachment 1; and
- Owners consent if the land is non-Council owned land.

Council may require additional information during the assessment process upon request.

After this information has been submitted to Council, the applicant is to notify the proposal by way of a letter to adjacent land owners and tenants inviting comment with respect to the proposal. The letter is to advise that responses are to be provided to Council within 14 days of the date of the letter.

11. What is the Council assessment process?

When the submission requesting consideration of a community garden is submitted to Council, Council will assess the proposal including any submissions from the public received as a response to the public notification. During this time, Council may require additional information and may request to hold meetings to discuss issues. The assessment process is likely to take several weeks but may take longer depending on a variety of factors. A report will need to be prepared and submitted to a Council meeting for Council endorsement.

At the completion of the assessment the applicant will be advised in writing of Council's determination. If the proposal is successful, a Community Garden Agreement will be issued with an attached set of conditions detailing the requirements and responsibilities that the community garden group must adhere to at all times. If the proposal is unsuccessful, Council will invite the applicant to meet with Council to investigate alternative designs or more suitable locations. The fee for Council to assess the submission/application is outlined in Council's Fees and Charges Schedule.

12. Will I need a development application or building application?

In some instances a development application or building application will be required for the community garden depending on the scale of the proposal, the requirements of the relevant Planning Scheme (e.g. zoning, overlays, codes, etc) and the type and number of structures. Council will advise you in the preliminary meeting as to whether a building or development application is required, or any other permits (e.g. local laws requirements for housing of animals).

13. What permits, insurances, leases and other requirements will I need to get?

The community garden group is required to obtain a Community Garden Agreement from Council which is the document which stipulates the conditions and requirements that the group must operate under. If Council is the trustee of the land, owner's consent may need to be obtained from the relevant State Government Department. .

If the site area is contaminated, the site area will need to be remediated and may need to be removed from the contaminated lands register currently held by the Department of Environment and Heritage Protection.

Public Liability Insurance will be required to be obtained to the value of up to \$20 million. The group will also need to be an incorporated group or as an auspicing body of an incorporated group.

Local Laws approval may be required from Council for certain aspects of the development such as advertising, access or works on a public road.

A permit may be required from Council to remove vegetation. In some cases depending on the size of the garden and associated buildings, a building and/or development approval may be

required. Any proposed shed will require a building approval from a private building certifier prior to its construction.

An approval may be required from the State Government for the removal of unexploded ordinance.

14. How should a community garden be operated and managed?

The community garden must be operated and managed at all times in accordance with the Community Garden Agreement and conditions contained within the agreement, any necessary development approval, building approval, local law approval, licence, permit or lease approved by Council or other relevant regulators.

The costs associated with the establishment, operation and management of the community garden are to be borne by the community garden group, not Council. Costs may include preparation of site, purchase of plants, soil, irrigation systems, fertiliser, pesticide, structures, use of water and connection to water, power, removal of waste, relocation of infrastructure, removal of vegetation, weed management, legal fees, consultants fees, engineering fees, surveying fees, licence fees, public liability insurance, application fees or any other fees are to be paid for by the community garden group.



The community garden group is to provide a brief submission to Council as required - as outlined in the Community Garden Agreement - advising how the operation is performing, any issues that have arisen, future intentions for operation and any changes which may have

occurred which Council should be aware of. In the event that it is proposed to alter the garden beyond the scope of the approval, the applicant is to make Council aware of this as soon as possible. Council can then advise what steps, if any, need to be undertaken to amend the Community Garden Agreement.

At no time shall the layout and operation of the garden impinge upon Council's ability to access the surrounding public open space.

15. How do the guidelines relate to other policies?

These guidelines have been prepared for community garden groups to ensure that community gardens are established, designed, prepared and managed in accordance with the requirements and objectives of Council's Community Gardens Policy.

16. What are Council's roles and responsibilities?

Council's role in the process is to provide guidance, advice and assistance where relevant and to assist in facilitating the process of gaining a Community Garden Agreement where appropriate. Council will promote community gardens through its website and provide information to the public with respect to applying for and operating community gardens. Council will assess and determine submissions requesting establishment of a community garden. Council will assist with enquiries, provide advice on site suitability, land tenure, planning requirements, local law requirements and connect gardeners in the community to help build relationships, share knowledge and experiences. Council will maintain a community gardens register which will be available for the public to access. Council will issue a Community Garden Agreement for the garden group after all processes have been satisfactorily completed and if the proposal meets Council and community requirements and expectations. Council may provide other assistance at its discretion, including water connections and water supply, however the garden needs to be financially self-responsible.

17. What are the community garden group's roles and responsibilities?

The community garden group is responsible for the establishment, maintenance and operation of the garden and associated costs, and is to ensure that the health and safety of the surrounding community is not adversely impacted by the operation. The community garden group is responsible for ensuring that:

- Gardens are managed and implemented by the group in accordance with the Community Garden Agreement and any other relevant approvals, leases, permits and the like. This must be undertaken in such a way that the needs of all stakeholders are taken into account;
- The garden is operated in an appropriate manner such that it does not pose a risk to users or surrounding residents and does not generate adverse impacts to the environment, biodiversity, surrounding land and properties – including but not limited

to unreasonable noise and odour levels, drainage/flooding impacts, slope stability impacts, soil erosion, waste impacts, contamination and spread of pests and weeds (particularly vermin, declared plants and animals and chemicals associated with herbicides, pesticides and fungicides). Planting of weeds or plants which are toxic when ingested, that are illegal substances or that are listed in Councils Pest Management Plan are not permitted. Any illegal substances will be reported to the Qld Police Service;

- They are responsible for the maintenance of improvements at the site and the associated costs of establishing, maintaining and operating the garden, including but not limited to rent and services including water, sewerage, electricity, waste, construction of fencing, sheds, and other structures, purchase of stock, removal of waste, etc. Council may decide to cover the costs of some of these items at its discretion;
- At no time are any domestic animals permitted to be kept on the site such as chickens and the like. Assistance animals are exempt from this requirement.
- The group cooperates and has effective relationships with the surrounding neighbourhood, other gardeners, schools, community groups and the like;
- No person is discriminated against due to differences in age, cultural background, religious beliefs, gender, ability or sexuality;
- Democratic, transparent and inclusive decision making occurs;
- Any water leaving the site is not contaminated by sediment fertiliser, manure or excessive organic matter that might pollute waterways;
- Gardeners work in a safe and healthy environment and are educated with respect to safety hazards, use and storage of chemicals, safe use of gardening equipment, etc;
- Where possible, gardens incorporate measures which result in a high level of sustainability;
- Produce may be sold to the public on the condition that any funds obtained from the sale of food goes back into the management, maintenance and operational costs of the garden only. At no time are such funds to be used for personal profit or personal expenses that are unrelated to the garden;
- At no time shall permanent or portable toilets be permitted on site; and
- The site is kept clean and tidy at all times.

Community gardeners should have the right to:

- Develop their own internal policies, procedures and management plans providing they liaise with and get support from the landowner;
- Be consulted with regard to any decision that may affect the project and to be advised by the Council in a timely manner of any policy changes that impact them; and
- Be treated with respect by other gardeners, local residents and partnering organisations.

Community garden groups should aim to promote an environment that generates respect, harmony, tolerance and enjoyment. Inevitably conflicts may arise from time to time with members, residents and stakeholders. It is recommended that should such a conflict arise, steps should be taken immediately to ensure that the conflict does not escalate. Prompt

resolution of the issues by communicating respectfully with those involved is recommended as well as engagement of a mediator where necessary.

18. Where can I access further information?

Additional information with respect to community gardens can be accessed on Council's website at www.cairns.qld.gov.au. The website also provides information with respect to local laws for keeping animals, development and building application requirements, contacts and other information.

Community Gardens and associated policies and guidelines have been established in many Council areas across Australia. In Queensland, examples can be found at the Sunshine Coast, Gold Coast, Logan and Brisbane Council's. In New South Wales examples can be found at Marrickville Council, Randwick City Council, Woollahra Council, Waverly Council and City of Sydney Council.

19. References

Logan City Council 2011, *A Guide to community gardening in Logan*, Logan City Council

Randwick City Council 2010, *Community garden guidelines and Community garden template for a plan of management*, Randwick City Council

Marrickville Council 2007, *Community Gardens Policy Directions for Marrickville Council*, Marrickville Council

Sunshine Coast Council 2012, *Draft Community Gardens Policy and Draft Community Gardens Guidelines*

City of Sydney 2009, *Community Gardens Policy*, City of Sydney

Attachment 1: Requirements for a Community Garden Management Plan

Any proposal to establish a community garden must include a management plan. The management plan is to outline all aspects of the organisational structure of the group and the management of the garden. The management plan should include, but not be limited to, the following:

Name of the community garden and main contact person

The purpose of the proposed community garden

The objectives of the community garden group

Legal and organisational structure outlining what the responsibilities are for each member (including membership fees if applicable), meetings and requirements (including induction /training of new members). Please include the expected number of gardeners and proposed allocation of individual garden beds

Site management including waste management, composting, type of garden practices proposed, use and management of fertilisers and chemicals, protective clothing requirements, sun protection measures, pest and weed control (including methods to prevent dispersal of declared pest plants and animals), water management, drainage, soil erosion and sediment control measures, storage, security, allocation and management of plots, mowing, and keeping the site clean and tidy

Expectations of behaviour on site by members and garden users

A dispute and conflict resolution process whereby the gardeners make decisions, solve problems and resolve conflicts

Decision making process that is democratic, transparent and inclusive

Security plan for the site including safe storage of gardening equipment and supplies, fencing, access to keys and addressing vandalism, theft and damage

Safety for members

Any proposed methods which improve the sustainability of the garden

Water connection, supply and storage

Impact on current function of the site, including other users, flora and fauna and how this might be managed should an issue arise

Risk assessment with respect to public liability and Workplace Health and Safety obligations

Disaster management plan for the site (e.g. flooding, fire, cyclones, storm surge)

Maintenance requirements and responsibilities

Hours of operation

Proposed community activities including educational activities

An estimated budget, finances and timeline for establishment and maintenance, including identified sources for funding and other resources (such as mulch, compost etc)

Detailed design drawings showing plots, structures, fencing, access, parking, etc

Provision of access to all necessary infrastructure including any proposed car parking

Planned review periods

Noise and odour management

Clarification of ownership of any produce grown on the site and clear acknowledgement that produce is not to be sold for commercial purposes

Reporting to Council as required with respect to how the operation is performing, future intentions for the site and the operation and any other issues

Exit strategy for returning the garden to its original use