

P09-005 Community Gardens Policy

Approved by the Council on 4 August 2009.

Section 1: Purpose

The purpose of this community gardens policy is:

1. To make available public open space for gardening as a form of community recreation.
2. To provide opportunities of outdoor community education about gardening.
3. To provide opportunities to foster social wellbeing through community interaction.
4. Establish opportunities for local pride in public open spaces.
5. To provide options for those members of the community who lack sufficient private open space to have their own vegetable or fruit gardens.

Section 2: Delegation

The Manager Parks is delegated the power and responsibility to administer this policy and to consider applications for community gardens. The Manager Parks may sub-delegate these responsibilities to any Council officer within the parks team.

A site for a community garden may be approved by the Manager Parks if it is contemplated in a reserve management plan or the land is not subject to the Reserve Act 1977. In all other cases the Council is required to approve a site for a community garden, subject to this policy and the Reserves Act 1977.

A lease, agreement or licence under the Reserves Act 1977 may be subject to the public notification and Council approval process set out in the Act and any other relevant legislation.

Section 3: Definitions

Community Gardens are small-scale, low investment, neighbourhood communal gardening ventures, where the primary purpose is growing vegetables or fruit. Community gardens may have an explicit gardening philosophy, i.e. organic growing, they may be treated as one garden or they may allow participants with individual plots to manage them as they see fit.

Management entity – means a charitable trust, charitable entity or incorporated society.

Tenure – the term for which a lease or licence is held.

Public Open Space – means New Plymouth District Council owned or administered land available to the public for their recreational, cultural, conservation and leisure purposes.

Section 4: Principles

1. Where a community group can establish a management entity to run a community garden and where a suitable site can be found, the Council will make public land available for community gardens, subject to the criteria and process outlined in this policy.
2. Each garden proposal will be addressed on a case by case basis.
3. New Plymouth District Council's (the Council) role in community gardens is as an enabler and supporter of community garden initiatives, rather than a provider or funder.
4. Tenure will be via a licence or lease under relevant legislation and under the terms and conditions stipulated in the Council's General Policies for Council Administered Reserves. The 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.

Section 5: Objectives

This policy defines the Council's criteria for assessing proposals for community gardens on public land. It provides guidelines for potential applicants about what the Council expects from a proposal for community gardens and how the Council will consider applications for community gardens on its land.

Section 6: Policies

Establishment of Community Gardens

Community gardens must be established by a management entity. The Council will not lease or licence land for a community garden to an individual.

Prior to a community garden being established:

- a) A management entity must submit a written proposal subject to section 7.
- b) Council officers must assess the proposal in accordance with section 8.
- c) The Council must approve the proposal, unless it is caused by the delegation in section 2.
- d) Public notification or consultation required under the Reserves Act 1977, the Local Government Act 2002 or any other relevant legislation has been completed.
- e) The licence or lease has been signed by the Council's delegated representative and the management entity.

Funding

It is the responsibility of the management entity to secure funding for its community garden. The management entity may sell produce grown at the community garden to fund gardening activities.

Fees

The management entity 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 the Council's concessional lease policy.

General Conditions of Occupation

Tenure will be for a maximum of five years. Extensions of this period will require approval via the process outlined in sections 7 and 8.

Maintenance of the community garden and any improvements to the site such as, but not limited to signage, fencing, garden furniture or features will be responsibility of the management entity and will be maintained to the satisfaction of the Manager Parks.

On disestablishment of the community garden the management entity is responsible for the reinstatement of the public open space to the satisfaction of the Manager Parks.

Public Open Space Values

The Council will seek to maintain the public use and open space values of any land used for a community garden.

The location of community gardens within public open space should consider and be compliant with the primary function of that public open space and its associated uses and users. Community gardens will be located so as to minimise potential conflict with other uses and users.

Public Access

As a general principle, where possible, public access will be encouraged. Management entities for community gardens should have open membership. However, a management entity may restrict membership numbers to a size appropriate to the particular site. Public access through community gardens will be addressed in the management entity's lease or licence.

The Council's Responsibilities

The Council will maintain a contact database for all community gardens and notify representatives when there are planned works that may affect the community garden operation.

Section 7: Requirements for Community Garden Proposal

A proposal to establish a community garden should include the following:

- a) Purpose of the proposed garden.
- b) Objectives of the management entity and information to demonstrate that the entity is viable.
- c) Benefit of the garden to the local area and community including who will benefit from the produce.

- d) Information on alternative locations considered and a discussion on why those locations cannot be used.
- e) Opportunities for links and synergies with community organisations such as schools, church groups or volunteers.
- f) Discussion of innovative techniques proposed for the community gardens that demonstrate environmental sustainability.
- g) Proposed legal and organisational structure.
- h) Identification of a liaison person.
- i) Skills and competencies of the management entity
- j) Proposed membership.
- k) Processes for decision making, problem solving, conflict resolution, training and induction of new members.
- l) Requirements from the Council.
- m) A map or aerial photograph showing the proposed extent of the community garden and any proposed locations for structures and storage.
- n) An analysis of how the community gardens will compliment the values of the surrounding public open space including effects on reserves users and neighbours and how adverse affects will be mitigated.
- o) Budget, sources of funding and whether there is a sponsor support.
- p) Hours of operation.
- q) A management plan that covers:
 - Management of vandalism, security and safety.
 - Gardening techniques proposed.
 - Mowing, maintenance.
 - Weed and pest control.
 - Composting.
 - Health and safety and public liability.
 - Details of any buildings or structures proposed.
 - Signage.
 - How noise and odour issues will be managed and contained.

Section 8: Criteria for assessment of proposals

Criteria are needed to help assess the likely success of any proposal to locate community gardens on public open space. Assessment criteria for community garden proposals fall within the following categories:

1. The nature of the receiving environment.
2. The characteristics of the proposed community garden activity.

Assessment Criteria: consideration of the receiving environment

The receiving environment covers not just the physical and natural environment. It includes the social, cultural and policy environments that influence the decision-making. Factors for assessing a community gardening proposal include:

- Whether the natural and physical characteristics of the proposal are conducive to successful community gardening. These include aspect, topography, soils and soil toxicity, the presence of other vegetation, exposure/shelter and flooding potential.
- Whether health and safety issues, such as poor access or lighting, steep or eroded banks, unfenced watercourses or previously contaminated sites or landfills, can be addressed.
- Whether the location allows good access to the site for community groups or individuals.
- Whether the location has good access to site infrastructure such as water, drainage and transport.
- The presence or proximity of significant natural, cultural or heritage sites, which may be protected through the District Plan or the Historic Places Register.
- The site's compliance with any regulations or development controls, including the site's zoning, classification and management plans prepared under the Reserves Act 1977, where applicable.
- Whether the proposed community garden would enhance the social amenities and economic wellbeing of the neighbourhood, and whether or not it will be supported and used by nearby residents.
- How the proposal fits with relevant legislation, Council policies, strategies and plans.
- Whether the space is suitable for other uses.
- Potential conflict with adjoining land uses.
- Consideration of the views of affected parties including neighbours.

Assessment criteria: consideration of the proposed community gardening activity

Factors for assessing the proposed gardening activity cover the establishment and operation of a community garden on a particular site. This will be assessed according to the ability to meet aspects of the proposal, set out in section 7.