



City of
Joondalup



Community Garden Guidelines

For more information about Community Gardens in the City of Joondalup, please contact the Community Development Officer on **9400 4226** or **info@joondalup.wa.gov.au**

This document is available in alternative formats and languages upon request.

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1.0 Introduction

Welcome to the City of Joondalup's Community Garden Guidelines. This publication aims to assist your community group to establish and manage a successful, sustainable community garden on public land within the City of Joondalup.

Community gardens are reported to bring many benefits such as enhanced social connections, education around sustainable practices and edible produce. Community gardens can create a sense of belonging and be very rewarding for people of all ages and abilities.

Community gardens can also be hard work and cost more than expected to set up and run. They take a great deal of time, energy and commitment. Once a garden is established in a public place, there is a responsibility for it to be kept at a suitable standard.

The City helps facilitate community gardens to be self-managed in a sustainable way by the community. It is not anticipated the City take an active role in establishing gardens directly or provide funding for the establishment or operations of gardens. Once a community garden group is established and incorporated it will have the opportunity to apply for funding through the City's Community Funding Program for eligible projects which fit the scope, priorities and objectives of the Community Funding Program.

2.0 Getting started

If you are thinking about setting up a community garden on City land:

- Contact the City of Joondalup Community Development Team on: **9400 4226** or via email to **info@joondalup.wa.gov.au**. Team members can provide guidance and advice on how to begin your community garden journey.
- Do your research – invest time and planning into reviewing the elements of this guide.
- Submit an Expression of Interest form to the City. This enables the City to learn some key information about your proposed garden.

Expressions of Interest must consider the following criteria in accordance with the Community Gardens Protocol:

- Community gardens must be managed by an incorporated, not-for-profit community group.
- The proposed garden must have sufficient community support and a minimum of six people who can form a committee for the purpose of incorporation.
- The community group must be sufficiently resourced and prepared to fund and manage all aspects of the garden such as governance, membership, finances, insurances and operations of the community garden. As part of the approval process, the City will need a detailed budget outlining the costs of establishment and first year of operation as well as evidence outlining the group's ability to meet these costs.





3.0 Researching your project

Volunteers of successful community garden projects invest considerable time into research and planning. You are encouraged to visit existing community gardens and talk to the community group managing the garden to learn first-hand knowledge. Based on their experiences, you may learn valuable advice, tips and guidance about how to begin your community garden.

Some questions you may wish to ask include:

- How did their garden begin?
- What is their vision and purpose?
- How do they recruit and retain members and volunteers?
- What type of management structure do they have?
- How do they make decisions, solve problems and resolve conflict, both within their group and within the community?
- Where do they obtain resources (e.g. mulch, compost, seeds)?
- What are their lessons learned and would they do anything differently?
- How did they build a sense of community around the garden?
- How do they sustain community interest to ensure the garden is maintained over the long term?
- How do they make sure the garden is safe and accessible?
- What is their advice to you?

The City encourages individuals who are interested in participating in community gardens to join an existing community garden first to get an understanding of day-to-day operations.

4.0 Establishing a new community group

Once you have gathered information and an understanding of what is required to manage a community garden, you will be in a better position to start your own community garden group.

Community garden groups can be as big or small as you need to reflect your local community. This section outlines aspects for you to consider when establishing a new group.



Governance structure

A community garden is built on a sense of community and is more likely to succeed with the enthusiasm and collaboration of many people. Forming a group of committed people with a range of skills and experience is the first step in establishing a community garden. The size of the group will naturally depend on the scale of your proposed project, and groups can be as small as six people.

You will need a core group of volunteers to form a committee. This includes a Chair/President, Secretary, Treasurer and a minimum of three other committee members. This structure is necessary to gain incorporation, which is a requirement of the City for any group to implement an approved community garden on City owned or managed land.

Clarify aims and objectives

A community garden can be many things to different people and members need to agree on a clear purpose of the garden. Ensure that your group develops a shared vision for your garden project and what it wants to achieve and make sure that all members of the group have an equal opportunity to provide input. Aims and objectives can include short, medium and long-term strategies to ensure that the group is sustainable, cohesive and willing to work to achieve common goals.

Incorporation

It is a City requirement that any group wishing to manage a community garden be incorporated under the *Associations Incorporation Act 2015*. Garden groups can apply to the Department of Mines, Industry Regulation and Safety: Consumer Protection Division, to become incorporated associations.

It is not necessary to be incorporated at the time you submit your Expression of Interest, however if your project is approved you will be required to sign a Land Use Agreement. To sign this agreement your group must be incorporated and have the appropriate insurances. You will not be able to start the implementation of an approved garden until your group is incorporated and has signed a Land Use Agreement with the City.

An incorporated association is considered a legal entity with certain rights and responsibilities under Australian law. It allows an organisation to do such things as sign a lease for land and obtain insurance without risk to individual members. Additionally, incorporation affords group's flexibility in the management of funds and enables them to open a bank account, obtain public liability insurance cover and apply for government and philanthropic grants.

Incorporation as an association requires groups to establish a management committee with annually elected office bearers, and to commit to regular meetings. This is beneficial for the community garden as it maintains a structure that can address management issues.

Having a committee also helps share the tasks of garden management and avoids excessive responsibility being placed on a few people or the garden management becoming dominated by one person. Further information regarding the incorporation process can be found at the Department of Mines, Industry Regulation and Safety website at dmris.wa.gov.au

Through the Department's incorporation process you will be required to develop a set of rules that govern the day to day management of the association. You may use the Department's model rules or draft your own, however all rules must:

- Be consistent with the requirements of the Act;
- Provide for all the matters set out in Schedule 1 of the Act; and
- Comply with any taxable status provisions the group is seeking.

The Department has up to date information on how to do the above; it can also provide you with templates which will assist.

The City can also assist small community groups with incorporation through generalised advice from the Community Development team about the incorporation process as well as the provision of grants to assist with the initial costs of incorporation. Funding is not guaranteed.



Insurance

The group will also be required to obtain public liability insurance to cover its activities on the land, so it is important to research insurance policies thoroughly. There are insurers which provide insurance specifically for community gardens and community groups. Below are some links that may be helpful in assisting you to find the appropriate insurance for your group.

- communitydirectors.com.au/icda/risk/
- communityunderwriting.com.au
- gardenclubs.org.au

Site considerations

Your group will be responsible for identifying a preferred site and working with the City to assess the site's initial suitability, and any information that needs to be considered prior to lodging an Expression of Interest.

It is important for your community group to consider the following points when assessing potential community garden sites:

- Proximity of other nearby community groups or businesses;
- Proximity to residential housing;
- Proximity to bushland and other natural areas;
- Pathogen levels;
- Parking and accessibility for vehicles and people;
- Lighting;
- History of the site (e.g. any risk of existing soil contamination);
- Impact on existing assets, infrastructure or services;
- Contour of the land;
- Land suitability – soil quality, drainage, sunlight, shade;
- Competing interests for the site;
- Approvals required (e.g. Crown land, planning approvals);
- Access to toilets, water, electricity, storage; and
- Parking.



Garden structures

It is necessary to ensure that public spaces are visually pleasing and safe. Depending on the intentions of a garden group, the City may be required to provide advice or approval for structures or elements of a garden.

Your group will need to consider the types of structures you would like to include within your proposed community gardens (e.g. water tank) and provide a general description of this within your Expression of Interest. If your garden is approved, the approval will detail what structures are included.

If you would like to add new structures to your community garden, after its initial approval, you may need to seek additional guidance or approvals from the City. Please review section 6.0 of this document for the process of requesting infrastructure changes to your established community garden.

Funding your community garden

There is a range of direct and indirect costs to consider when establishing and maintaining a community garden. In-kind support (such as donations from local businesses), fundraising, reusing waste resources and applying for grants are some of the ways community garden groups have resourced their projects.

It is not intended that the City will provide funding for the establishment of gardens. Your group will need to have the funds to set up and continue operations. As part of your proposal to the City you will need to develop a budget and consider how you will obtain the necessary financial resources.

The requirements of each unique garden will vary, but most gardens will need to consider the following:

- Costs of involving the community (e.g. producing promotional material, mail-outs, local advertising and venues for meetings);
- Public liability insurance;
- Incorporation;
- Construction materials;
- Organic material for soil enrichment and/or no-dig bed construction;
- Plants;
- Tools and equipment (e.g. hand-tools, wheelbarrows, watering cans, hoses and propagation supplies);
- Irrigation equipment;
- Storage;
- Infrastructure (i.e. rainwater tanks, including costs of fittings and professional installation); and
- Utilities.



Gaining community support for your community garden

As part of your application process, you must be able to demonstrate community support (via letters or lists which include names and addresses of supporters) and that your group has engaged with the community most likely to be impacted by your garden plans.

Your group will also need to consider what its approach will be to address some common community garden related concerns. To do this, speak to the adjacent land owners and services, and show you have support to manage the garden long-term.

Common issues and concerns include, but are not limited to: compost and fertiliser smell, visual appearance, noise, the use of public open space, increase in traffic and parking requirements/issues. It is important to reassure your community that items such as these have been considered and resolved.

Depending on the proposed site, a formal community consultation may also need to be undertaken prior to the City providing approvals for a community garden. The City will advise you if this needs to occur, and will manage the consultation process.

Land Use Agreement

The City will liaise with your group to negotiate a Land Use Agreement for the use of City land and finalise any approvals required prior to the implementation of the garden. There will be standard terms included in all Land Use Agreements between a successful community garden group and the City. These will include:

- The group being required to indemnify the City (and the Minister for Lands if the land is part of a reserve managed by the City) against any injury or loss which may be suffered by any person because of the group's use of and activities conducted on the land;
- Obtain and maintain a policy of public liability insurance;
- Ensure that no noxious weeds or environmental weeds, as listed in the City's Environmental Weed Guide, are grown in the community garden; and
- Not operate outside of the community garden or erect any structures outside of current approvals in the community garden without the prior written consent of the City.

Other terms will be based on the specific nature and location of the approved garden. Section 8 of this documents contains a sample Land Use Agreement for your reference.

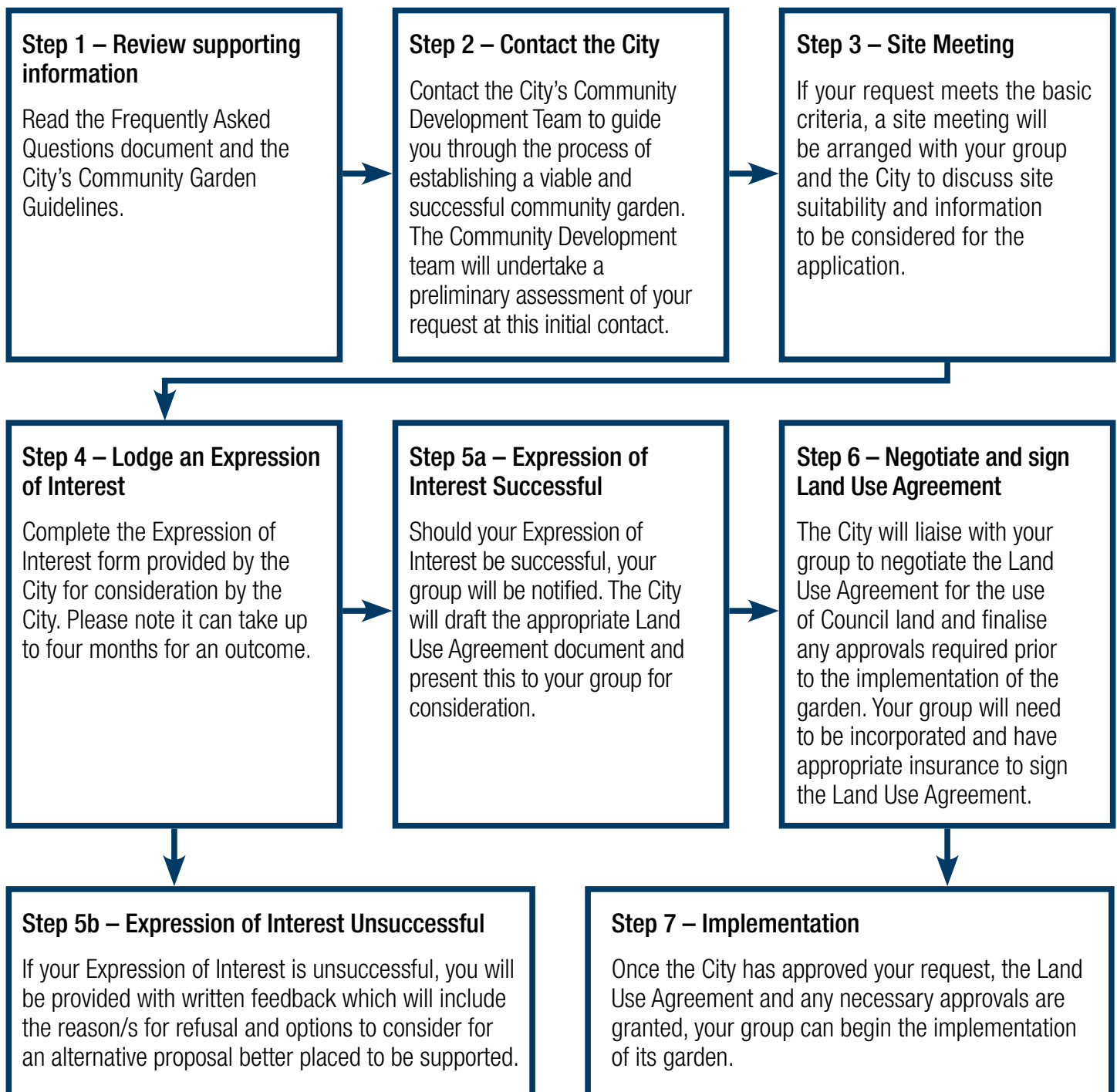
To sign this agreement your group must be incorporated and have the appropriate insurances. You will not be able to start the implementation of an approved garden until your group is incorporated and has signed a Land Use Agreement with the City.



5.0 Process for requesting a new community garden

The below flow chart outlines the process you will need to take to request the establishment of a community garden in the City.

Some elements of your proposed community garden may require planning and building approvals. These will be outlined as a condition of approval if your Expression of Interest is successful. Applying and waiting for these approvals is a separate process and may cause delays in implementing your approved community garden.



If you have any questions about this process please contact the City's Community Development Officer on **9400 4226** or via email **info@joondalup.wa.gov.au**

6.0 Requesting infrastructure changes to your established community garden

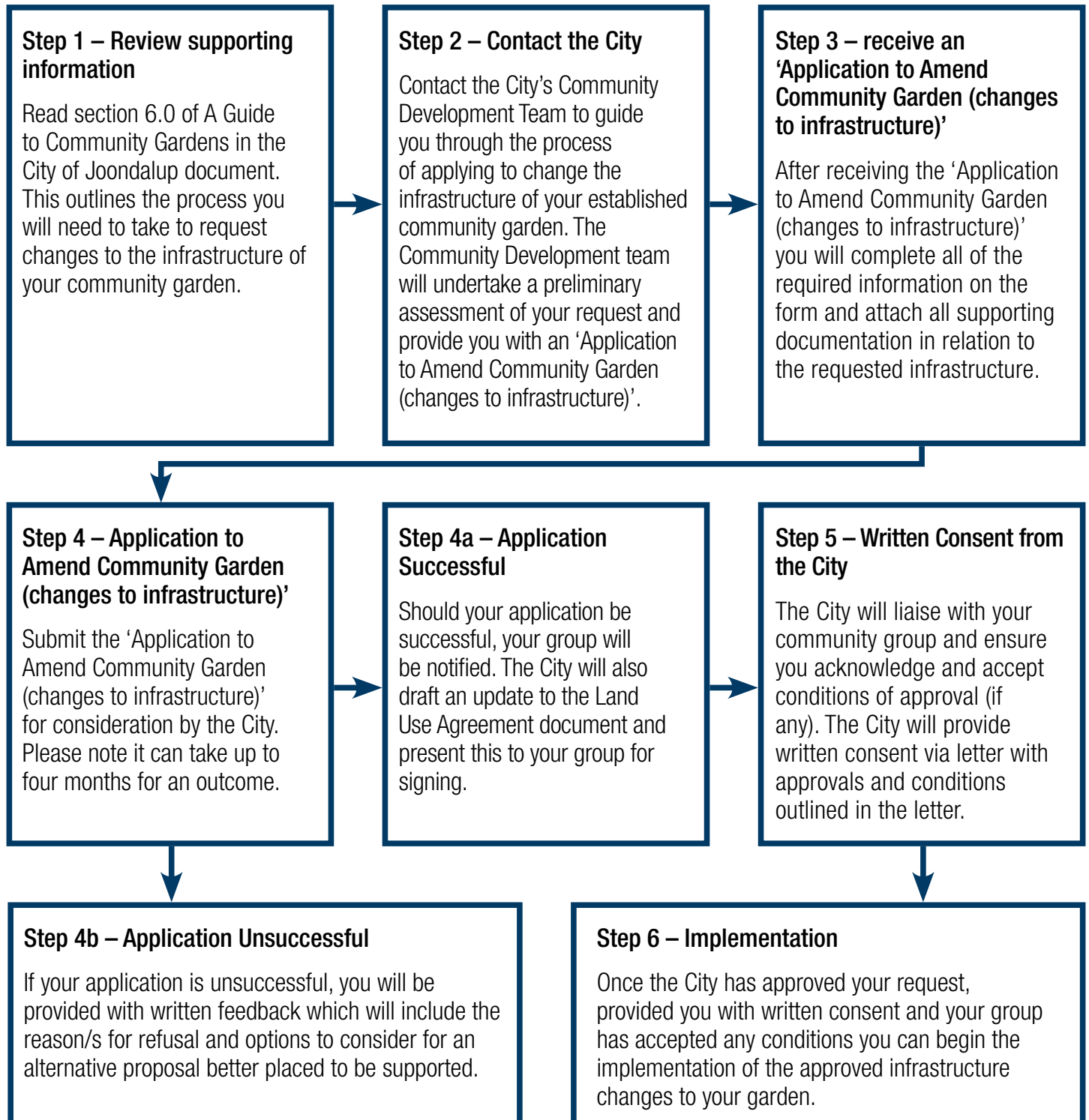
If you would like to add new structures to your community garden after its initial approval you will need to seek additional guidance and approvals from the City.

To make requests to change the scope of your garden you will need to complete an Application to Amend Community Garden (changes to infrastructure) which will be assessed by the City.



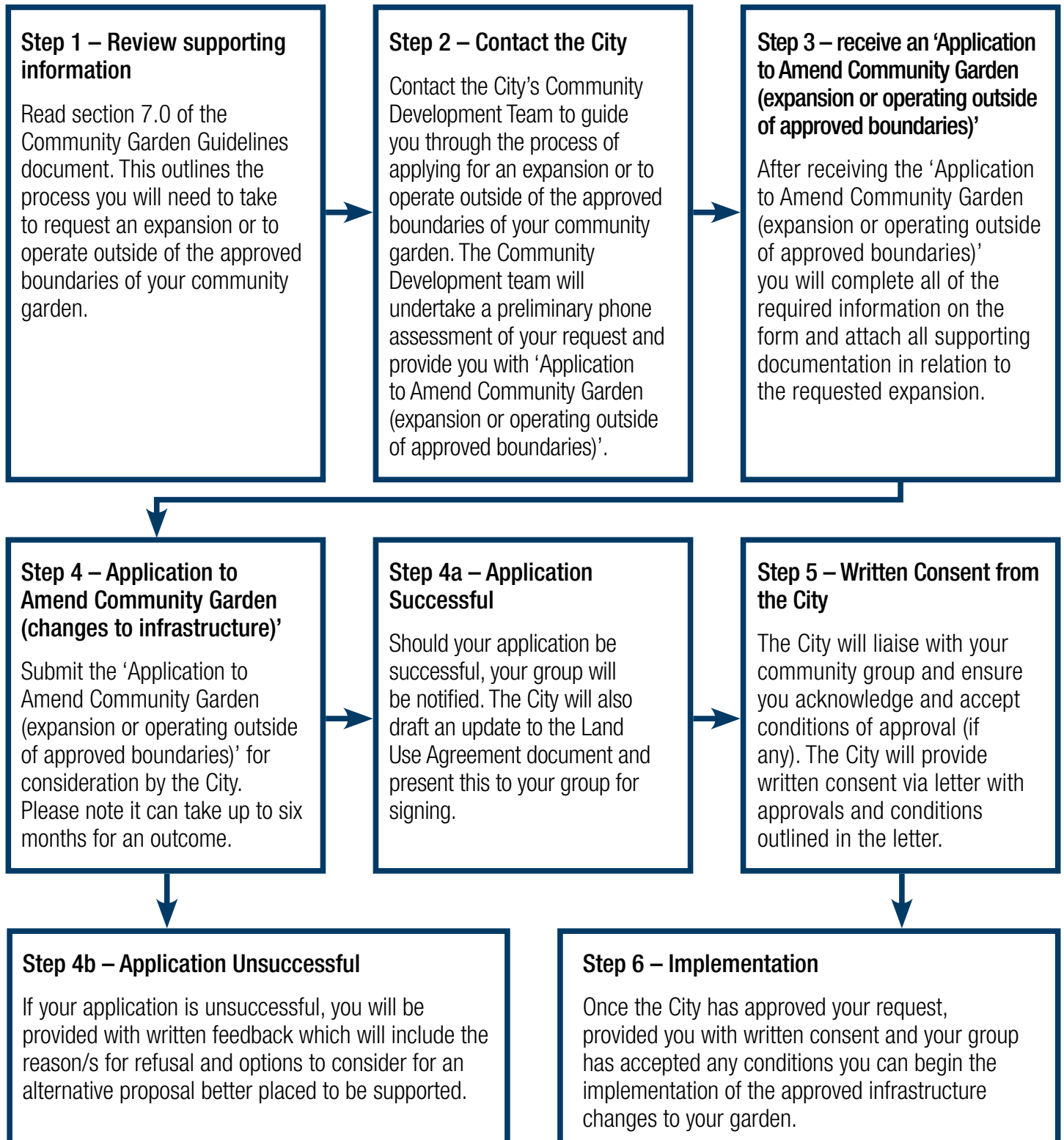
The following flow chart outlines the process you will need to take to request changes to infrastructure of an established community garden.

Some structures may require planning or building approvals. These will be outlined as a condition of approval in a successful 'Application to Amend Community Garden (changes to infrastructure)' approval. Applying for and waiting for these approvals is a separate process and may cause delays in implementing the infrastructure approved in your 'Application to Amend Community Garden (changes to infrastructure)'.



7.0 Requesting approval for expansion or to operate outside of the approved space of your established community garden

Please note a request for expansion or to operate outside of the space approved for your community garden may require Council approval.



8.0 Sample Land Use Agreement

**Community Gardens Land Use Agreement between
City of Joondalup, Boas Avenue, Joondalup, WA (City)
and**

(Insert garden name and address)

1. Summary

The City of Joondalup (the City) has agreed to the establishment of a community garden on City-owned land at (insert address of garden)

(insert name of community garden)

can carry out gardening activities at (insert address of garden)

in line with the approved site and project plans contained in their Community Garden Application form and in line with this Land Use Agreement. This includes the installation and/or erection of garden infrastructure. This agreement outlines the requirements and responsibilities of both parties regarding the care and management of the community garden.

2. Purpose

This Land Use Agreement:

- Defines the relationship, expectations, requirements and responsibilities of both parties in relation to the community garden being established.
- Provides the framework for management of the community garden.
- Acknowledges that the City owns the land at

(insert address of garden)

(‘the site’).

- Notes that nothing in this Land Use Agreement compels the City to continue its involvement in

(insert name of community garden)

project beyond the term of this Land Use Agreement or to provide alternative sites for a community garden in the locality.

3. Preliminary information

- a) This agreement pertains to land use between the City and the Incorporated Association of ('the parties').
- b) This agreement is intended to be legally binding on the City and the members of the committee.
- c) Members of are granted a non-exclusive right to conduct community gardening activities on the site.
- d) Nothing in this clause prohibits members of the public from entering the site at such times and for such purposes as members of the public are entitled to enter.
- e) The site plan for the community garden identifies the area designated for the community garden.
- f) Management of the garden will be conducted in accordance with relevant City procedures.

4. City - Roles and Responsibilities

The City agrees to:

- a) Make available the land identified in the attached site plan for use as a community garden for a period of .
- b) Be responsible for the maintenance of any existing infrastructure (such as pathways, verandas and buildings) that does not form part of the community garden.
- c) Provide an outcome to requests within the timeframe set out in the document Community Garden Guidelines. This may include consent to erect structures necessary for a successful garden such as shade, seating and water tanks. Consent will be given to structures which are reasonable and do not require further approvals under City policies, local laws, state or federal legislation.

5. Roles and Responsibilities

(insert name of Incorporated Association)

agrees to:

- a) Indemnify the City against any claim for loss, damage or injury arising out of (insert name of Incorporated Association)'s occupation and use of the community garden. (Incorporated Association)'s liability hereunder is reduced proportionately to the extent the City contributed to such claim.
- b) Obtain and maintain a policy of public liability insurance indemnifying the City against any claim for damages which may arise out of (Incorporated Association)'s occupation and use of the community garden and provide the City with a valid certificate of currency upon request.
- c) Ensure that (Incorporated Association) members and their guests behave in the community garden in accordance with their obligations under Part 4 of the *Local Government and Public Property Local Law* to not interfere with the enjoyment of other users of the Reserve or place the public at risk.
- d) Adhere to best road safety practices while planting on any verge areas. This may include wearing personal protective equipment such as high visibility clothing or implementing appropriate traffic diversions.
- e) Maintain, manage and keep tidy the community garden, including incidental structures such as the sink, benches, garden furniture, planter boxes and retaining walls, in good condition and to the City's reasonable satisfaction.
- f) Maintain public access to the community garden generally, subject to such garden activities which may interfere with the safety of others and require the public to be excluded on a temporary basis.
- g) Resolve any disputes amongst its members in accordance with its Constitution.
- h) Not operate outside of the community garden or erect any structures outside of current approvals in the community garden without the prior written consent of the City.
- i) Ensure that no noxious weeds or environmental weeds, are grown in the community garden.
- j) Manage composting practices to ensure that vermin and pests are not attracted to the community garden and be responsible for the management and removal of any vermin or pests.

- k) Ensure that any materials delivered to or stored at the community garden do not cause any unpleasant odours or create a hazardous environment for other users of the reserve and people living or working nearby.
- l) Keep any allocated storage areas locked when not in use.
- m) Be responsible for regularly removing all rubbish generated through community gardening activities.
- n) Only use hand-held trigger nozzle hoses, watering cans or drip lines for watering, and not use sprinklers or other irrigation equipment unless agreed to in writing by the City.
- o) Ensure that manures, compost systems and fertilisers do not produce unpleasant odours, particularly if there are adjoining facilities, during their opening times, and that all tools and materials are safely stored and secured.
- p) Ensure that any noise-generating activity in the community garden is kept to a reasonable level and is only carried out between 7.00am – 8.00pm on weekdays and between 8.00am – 8.00pm on weekends and public holidays.
- q) Report any vandalism, graffiti or damage sustained in the community garden to the City as soon as reasonably practicable after it becomes aware of such event.

6. Term

This Land Use Agreement will commence

and expire on

The City reserves the right to vary, withhold or withdraw any funding or approvals should

committee breach any of its responsibilities under this Land Use Agreement.

The City has a responsibility to provide safe and accessible public open space for all users. If, contrary to the terms of this Land Use Agreement, the community garden falls into disrepair, is poorly maintained or presents a risk to safety or use of the area, the City may direct

to rectify the problem. Failure to comply with such directions within a reasonable time could result in the withdrawal of the approval and termination of this Land Use Agreement and decommissioning of the site the expense of

7. Dispute Resolution

If a dispute arises about this Land Use Agreement the parties must give appropriate written notice and seek to resolve the dispute within a reasonable time. If the dispute is not able to be resolved, then either party is at liberty to terminate the Land Use Agreement in accordance with clause 7.

8. Variation

Any variation to this Land Use Agreement may be made with the prior written agreement of the parties.

9. Termination

This Land Use Agreement can be terminated:

- By mutual agreement between the parties; or
- Where in the opinion of a party there has been a significant breach of this Land Use Agreement by the other party or the breaching party has failed to comply with written notice seeking remediation of the breach within a reasonable timeframe; or
- Where there exists any dispute relevant to this Land Use Agreement and despite best endeavours the parties are unable to resolve that dispute; or
- At any time by the City in its absolute discretion.



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