

Community Garden Policy



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REVISION RECORD	Version	Revision Description
August 2025	V2	Clarified language, roles and responsibilities; and removed operational detail to supporting Procedures document

1. Purpose

This Policy provides a clear and consistent process for establishment and maintenance of *community gardens* on *Council land*. Specifically, it:

- outlines Council's position in relation to *community gardens* on *Council land*;
- defines Council's role and responsibilities in supporting development and maintenance of *community gardens* on *Council land*; and
- defines the role and responsibilities of *community garden* organisations.

2. Scope

This Policy applies to new and existing *community groups* and organisations who wish to establish, or who have already established, a *community garden* on *Council land*.

The Policy also applies to employees and volunteers of Kingston City Council.

Detailed procedures in support of the Policy are provided in the associated *Community Garden Procedures (the Procedures)*.

3. Governance Principles and Council Plan alignment

3.1. Governance Principles

This Policy has considered the following governance principles:

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law.

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (c) - the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

3.2. Council Plan Alignment

The Policy aligns with Council's strategic direction:

Healthy & Connected - *We are a healthy, inclusive and accessible community, where social connections thrive and everyone feels supported and safe.*

4. Policy Context / Background

Council recognises that *community gardens* are places where individuals can be part of a community that grows food and other plants such as pollinator species.

Community gardens promote sustainable practices, build new skills, expand community networks and enable individuals to feel part of their local community. They support healthy lifestyles and reduce food insecurity.

Activities beyond food production encourage non-members to participate in activities such as community education and workshops, open days, fundraising, and partnering with likeminded groups.

There are three main types of *community gardens* in City of Kingston. Council supports all three types, as well as combinations of these types.

a) Shared gardens:

Where gardeners have responsibility for the entire garden, working together to care for the plants and taking a share of what is produced.

b) Allotment gardens:

Where gardeners each have their own plot.

c) Facilitated gardens:

Where gardens are integrated into an existing community hub (such as a Neighbourhood House) that manages the garden and takes responsibility for ensuring the garden is well attended and diverse. This also allows for integration with training and educational opportunities offered by the community hub.

5. Policy Details

5.1. Establishment of a *community garden*

Council will consider supporting a *community garden* on *Council land* on a case-by-case basis. Applicants for community gardens must consider **the Procedures** and all relevant Council policies and strategies when applying for the use of *Council land* for this purpose.

All applicants wishing to utilise *Council land* to develop a *community garden* must follow the application process detailed in the Procedures.

Council will assess applications for new *community gardens* against the criteria outlined in **the Procedures**. These criteria are subject to change from time to time depending on changes in law, change of land requirements, and Council's strategic and operational requirements.

Applicants must provide sufficient information to enable Council to assess their application.

Community groups must be an incorporated entity for the *community garden* to be established.

If successful, Council will require the *community group* to enter into a *lease* or a *licence* agreement for the use and development of the *Council land* for the permitted purpose of a *community garden*.

Community gardens should be safe and accessible for all people. This can be achieved through location, design and operation of the site. Specific guidance is available in the **Procedures**.

5.2. Maintenance of a *community garden*

Council is not responsible for the maintenance of the *community garden* or its associated assets. Any direct involvement by Council is subject to available resources.

Community garden organisations are expected to:

- support a safe and welcoming environment;
- maintain the *community garden* at an acceptable standard;
- provide good governance and membership processes;
- ensure the group has the financial capability to meet the ongoing costs of maintaining the *community garden* at an acceptable standard and associated outgoings;
- maintain active membership of the group;
- report concerns or problems to the relevant Kingston *Council Officer*;
- report changes in leadership, *community garden* structure and memberships;
- provide a site report as required by Council or as set out in the *lease* or *licence*;
- comply with conditions in the *community gardens lease* or *licence*; and
- obtain Council consent, as per the terms of the *lease* or *licence*, before implementing any works or alterations.

5.3. Funding, fees and charges

Community garden organisations will be responsible for all costs associated with development and ongoing operation of the *community garden*.

Council may undertake site improvements valued up to \$5,000 to support development of the *community garden*, subject to agreed terms and conditions for its use.

In addition to Council-delivered site improvements, Council will consider funding requests solely through its established [Grants Program](#), in line with program eligibility and application requirements.

Funding requests received outside these programs will not be considered.

Council sets fees for *leases* and *licences* as per the Lease & Licence Policy. [Information regarding fees is available on Council's website](#). Fees and charges are reviewed annually as part of Council's annual budget process. Property Services will advise groups if a *community garden* would attract any fees. Cost sharing arrangements (e.g.: utilities) may also be required.

5.4. Relocation, closure or decommissioning of a *community garden*

Notwithstanding that a *community group* may obtain a *lease* or *licence*, the *lease* or *licence* will have relevant provisions dealing with compliance and termination. If a *community group* ceases operation of a *community garden* on *Council land*, the

community group is responsible for decommissioning the *community garden* and restoring the site back to its original state, including any associated costs.

Further, Council may require the *Council land* on which the *community garden* is located for another purpose or for redevelopment, or the *Council land* may not be able to continue to be used for some purpose beyond the control of the parties. Should this occur, the *lease* or *licence* will govern the situation.

6. Key Stakeholders

Key internal stakeholders involved in the development of this Policy:

- Environmental Planning
- Property Services
- Open Space
- Inclusive Communities
- Kingston Hubs
- Community Grants
- Governance, Risk and Integrity
- Legal

External stakeholders include:

- Community Garden Groups
- Community Garden Programs
- Kingston residents

7. Internal and External Assessments

In developing this Policy, the following assessments were undertaken.

7.1. Risk Assessment

This Policy has been reviewed by the Risk Management Coordinator and is in line with Council's risk appetite statement of having a moderate risk appetite for risks in pursuit of a long-term sustainable development and economic growth.

7.2. Delegation and Authorisation (Compliance Framework)

There are no delegated positions with responsibilities for this Policy.

7.3. Gender Impact Assessment

A Gender Impact Assessment was completed and identified that there is a low impact which may affect some groups such as aging Kingston residents and those with diverse care needs. The safety and accessibility requirements included in the Procedures address these concerns.

7.4. Privacy Impact Assessment

A Privacy Impact Assessment is required for this Policy.

Personal information is only collected to facilitate *community garden* applications and for related purposes.

7.5. Human Rights Charter

This Policy has been reviewed against and complies with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*. The policy has been reviewed by the Team Leader of Environmental Planning and the Gardens for Wildlife Officer. The review supports the right to human dignity, equality and freedom to build community and individual right to participate or engage in the formation, maintenance and ongoing participation in *community gardens*.

8. Roles and Responsibilities

The responsibilities for *community gardens* are shared across Council departments and teams, as detailed in Table 1.

In general, Council is not responsible for the maintenance or management of *community gardens* and associated assets.

Table 1: Council responsibilities for *community gardens*

Team	Responsibility
Environmental Planning	<ul style="list-style-type: none"> • Manage <i>community garden</i> enquiries as the first point of contact, liaising with relevant departments • Liaise with applicants and assess applications for establishing new <i>community gardens</i> • Provide gardening advice, education opportunities and general support • Promote and connect the community with existing <i>community gardens</i> • Review condition reports in conjunction with Property Services Department in relation to <i>leases / licences</i> • Update <i>community garden</i> webpage on the City of Kingston website
Inclusive Communities	<ul style="list-style-type: none"> • Provide information and advice to existing not-for-profit <i>community garden</i> groups with <i>lease / licence</i> and incorporation requirements where they operate on <i>Council land</i> • Support new <i>community garden</i> groups to obtain a <i>lease / licence</i> and for the use of <i>Council land</i> where land is available • Provide updates regarding inclusive and safe community standards that may impact such groups
Property Services	<ul style="list-style-type: none"> • Issue and manage <i>lease / licence</i> agreements, including advertising intention to grant a <i>lease/licence</i> if required • Notify Gardens for Wildlife Officer/ Community Gardens Officer of changes to <i>lease / licence</i> agreements • Track payments for leased and licenced <i>Council land</i> • Receive and process capital works <i>Approval in Principal</i> requests
Open Space	<ul style="list-style-type: none"> • Undertake approved maintenance requests • Manage site concerns and if necessary, ensure appropriate Council department is involved • Provide service/s such as mulch or repurposed resources when available, as appropriate • Manage decommissioning of the <i>community garden</i> if required (in situations stipulated in the Lease)
Kingston Hubs	<ul style="list-style-type: none"> • Facilitate <i>community garden</i> programs (on-site) • Promote <i>community garden</i> program at Kingston Community Hubs • Recruit and manage registered Kingston City Council volunteers to support <i>the community garden</i> program • Budget the <i>community garden</i> program through the Community Hub's programming budget
Grants	<ul style="list-style-type: none"> • Provide advice to <i>community garden</i> groups regarding grant funding opportunities provided by Kingston City Council
Kingston City Council responsibilities	<p>Depending on the location of the <i>community garden</i>, cross-team coordination may require the following to be resolved:</p> <ul style="list-style-type: none"> • Water access and management • Fencing replacement and/or maintenance • Waste, recycling, green waste and hard waste management

9. Related documents

9.1. Legislation

- *Child Wellbeing and Safety Act 2005* (Vic).
- Kingston City Council Community Local Law
- [Kingston Planning Scheme](#)
- *Planning and Environment Act 1987* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)

9.2. Documents and resources

- Child Safety and Wellbeing Policy
- Fencing Policy
- Kingston Grants Program Policy
- Lease and Licence Policy

9.3. External resources

- [Community Gardens Australia](#)
- [Consumers Affairs Victoria](#)
- [Sustainable Gardening Australia](#)

10. Definitions

Term	Definition
<i>Approval in Principle</i>	The process for receiving consent to undertake works on Council properties.
<i>community garden</i>	A communal space used for growing food and learning about gardening
<i>community group</i>	A recognised not-for-profit organisation or group of people who are linked by social ties or share common perspectives who engage in joint action that is of altruistic motivation intended to advance the community
Council	Kingston City Council
<i>Council land</i>	Council owned or managed land
<i>Council Officer</i>	Specified Kingston City Council employee
<i>food insecurity</i>	Insufficient access to affordable and nutritional food
<i>lease</i>	A deed under which the lessor (Council), grants exclusive possession of land to a tenant (group or organisation) for a specified purpose and term
<i>licence</i>	A contract under which the licensor (Council), grants non-exclusive use of land to a licensee (group or organisation) for a specified use and period