

A close-up photograph of a person's legs wearing red rubber boots with white stars, standing in a garden. A blue-handled shovel is stuck into dark, rich soil. The background is a blurred green lawn.

Public Place Gardening Policy



WAVERLEY COUNCIL AUGUST 2013

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Policy Statement

Waverley Council supports public place gardening as a valuable activity that contributes to health and well-being, positive social interaction, community development, environmental education, protection and enhancement of the environment. Council is committed to ensuring that public place gardening contributes to sustainable public spaces.

Purpose

This Policy aims to enable the community to participate in public place gardening in the Waverley Local Government Area (LGA) and ensure that these public place gardens conform to clear guidelines. It will achieve this by outlining a clear framework for how the community can be involved, management requirements and the role of Council in public place gardening.

Objectives

- Enable and encourage residents to participate in public place gardening in Waverley in permissible areas on public open space, community land or road reserves, where appropriate, feasible and with community support.
- Define responsibilities of Council and community members for the establishment and maintenance of public gardens.
- Reduce health and safety risk by identifying key issues and providing guidelines to underpin the Policy.
- Provide equity, accountability, consistency in reporting and management of all public gardening activities.
- Ensure public place gardens in the Waverley LGA conform with this Policy and the related guidelines to ensure consistent approach to public access, safety and public place management.
- Set out the principles for ongoing care and management of public gardens.
- Balance varied and sometimes conflicting public interests.
- Ensure public gardens are sustainable in terms of energy, water, materials, and chemical use.
- Ensure that all public land is managed in accordance with the Local Government Act 1993.

Scope

This policy covers activities related to 'gardening' or growing and caring for plants by community members on public or council land. It excludes council or contracted land management activities.



Policy Context

This Policy replaces Council's *Footpath Garden Policy 2007*. This policy has been developed in accordance with the following Council Plans and Policies:

- Code of Conduct Procedure for Staff, Delegates and Volunteers 2013
- Complaints Management Policy 2007
- Disability Action Plan and Access Policy 2002
- Environmental Action Plan 2 2009
- Local Village Centres Public Domain Improvement Plan, and Technical Manual 2006
- Public Domain Technical Manual - Bondi Junction Centre 2008
- Street Tree Masterplan 2008
- Sponsorship, Grants and Donations Policy 2006
- Tree Management Plan 2006
- Water Savings Action Plan 2008
- Waverley Council Code of Conduct 2013
- *Waverley Together 3* including 'Sustainable Community' and Sustainable Environment strategic directives
- Waverley Council Volunteering Policy and Strategy 2010

Legislative Context

There are many Acts, Regulations and Environmental Planning Instruments relevant to Public Gardening activities. Some of the key pieces are:

- Disability Discrimination Act 1992
- Environmental Planning and Assessment Act 1979
- Environment Protection and Biodiversity Conservation Act 1999
- Local Government Act 1993
- Noxious Weeds Act 1993
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Threatened Species Conservation Act 1995
- Waverley Development Control Plan 2012; Parts B3 - Biodiversity, and B4-Tree Preservation, E1 Bondi Junction Centre, E2 Bondi Beachfront Area and E3 Local Village Centres
- Waverley Local Environmental Plan 2012 Terrestrial Biodiversity Map
- Waverley Local Environment Plan 2012
- Work Health and Safety Act 2011

Public Place Gardening Types

Public Place Gardening in the Waverley Local Government Area (LGA) includes a range of 'gardening' activities carried out on public land. Public Place Gardening may be an individual activity, such as a single resident wanting to plant out the nature strip or adopt a street tree out the front of their homes. Public Place Gardening may also be carried out as a group activity working to an agreed plan. Examples of group Public Place Gardening include a bushcare group working to conserve and rehabilitate remnant bushland, a shared garden where members care for a pocket park, or a community garden dedicated to growing food plants.

1. COMMUNITY GARDENS



Community gardens are non-profit, community based gardens primarily growing food for members. They are usually multi-functional garden spaces that can provide demonstration sites for education of sustainable practices for gardening, food production and resource and waste efficiency, as well as other environmental, social and economic benefits.

- *Waverley Community Garden*: Council managed garden facility
- *Communal*: Waverley Park Community Garden managed by a community group

2. SHARED GARDENS



Shared gardens are groups formed within small 'pockets' of parkland or green spaces (generally 1,000m² or less). Council may support volunteers with plants, training and materials to help 'plant up' these areas during working bees.

- O'Donnell Street Reserve
- James Street Reserve
- Tamarama Park

Shared Garden groups may also be a Communal Community Garden, such as the Waverley Park Communal Garden.

3. BUSHCARE GROUPS



Bushcare groups maintain areas of remnant vegetation or bushland, and create and maintain habitat. Volunteers work alongside trained bush regeneration supervisors and meet regularly.

- Diamond Bay Bushcare Group
- Eastern Reserve Bushcare Group
- Hugh Bamford Bushcare Group
- Tamarama Bushcare Group
- Bronte Gully Bushcare Group

4. STREET GARDENS



Street Gardens: Are gardens on council land, generally on publicly visible areas of green within the streetscape. They are planted and maintained for native habitat, ornamental, food or other green infrastructure purposes. Street Gardens are small in size and mostly located on nature strips and footpaths. In-ground gardens and planter boxes may be installed in some areas as long as they meet the requirements of this policy, related guidelines including checklists and application process.

5. ADOPT-A-TREE



Adopt-a-tree: is the program that encourages the community to adopt and care for street trees. The program is mostly for whole of street planting and occasionally as single plantings outside a resident's property.



Public Place Garden Controls

All public place gardening activities covered by this Policy must satisfy the following requirements to allow establishment and ongoing use.

GUIDELINES

Council's Public Place Gardening Guidelines for each Public Gardening type detail specific criteria, application forms and checklists on establishment and ongoing use of public place garden types. These guidelines form the basis of public garden implementation and management in the Waverley Local Government Area.

EXCLUSION ZONES (Refer to map)

The following areas are excluded from this policy:

1. Bondi Beachfront Area
2. Bondi Junction Commercial Area
3. Local Village Centres
4. State Roads
5. Median strips and roundabouts (Council will consider new shared garden applications for the median strip in Blair Street, North Bondi, as it is planted with indigenous food plants and is a large available planting area). All other median strips are excluded from this Policy.

Zones 1, 2 and 3 are shown on the Exclusion Zones Map in the appendices.

Streetscape improvements in these areas may be implemented through partnerships with Council's Events and Business Management Division, the Civic Pride program and through the development process.

BIODIVERSITY PROTECTION

Waverley's pockets of remnant vegetation are protected under the Waverley Land Environment Plan 2012. Areas containing remnant vegetation or bushland are devoted entirely to conservation and habitat enhancement activities. The only public gardening type permissible in these areas is bushcare. See **Waverley LEP 2012 Terrestrial Biodiversity Maps**. These maps show the location of all remnant vegetation or bushland within the Waverley LGA

Land adjacent to remnant vegetation is protected through the Waverley Development Control Plan 2012 - **Part B3 - Biodiversity**. Also refer to Appendix 2. Waverley Habitat Corridors Map.

HABITAT CORRIDORS

Linkages between our remnant vegetation, and identified habitat are known as habitat corridors. Habitat Corridors may include all types of public gardening activities, but any new plantings must include 50% local native species.

This is a requirement of the Waverley Development Control Plan 2012 - Part B3 - Biodiversity which shows the locations of Waverley's habitat corridors. See Appendix 2. Waverley Habitat Corridors Map.

TREE MANAGEMENT

The management of our urban trees must always be taken into consideration as the provision of shade for cooling our city is an important environmental benefit. Trees are vulnerable to root disturbance. When tree roots are cut the impact on the health and appearance of a tree may not be visible for many months afterwards.

All trees in Waverley including those in streets, parks and reserves are protected under the provisions of the Development Control Plan 2012, **Part B4 - Tree Preservation**.

PLANS OF MANAGEMENT

Council has Plans of Management (POM) for many parks and open space areas in the area. Public Place Gardening activities that occur in an area with an existing POM must be consistent with this Plan.

Where relevant, Council will incorporate public place gardens into plans of management for 'community land' such as our parklands and consult regarding any intended changes to land use.

PUBLIC LAND MANAGEMENT

Council manages public land located in the Waverley Local Government Area in accordance with relevant legislation and guidelines.

Use of public land for 'gardening activities' is subject to Council approval. Council reserves the right to withdraw approval to individuals or groups to participate if terms of agreed use are breached.

Use of public land for gardening activities does not assign or imply rights to individuals or organisations for use of the land other than the terms set out in user agreements or Site Action Plans, and specific operational guidelines.



ACCESS

Public place gardening sites must maintain community safety. Access to existing footpaths and walkways must be maintained.

Street Gardens:

- Should not use plants that will overhang or obstruct pathways and roadways, or impede sightlines. Specific requirements are outlined in the Public Place Gardening Guidelines - Street Gardens.
- Planter boxes may only be installed according to the Public Gardening Guidelines - Street Gardens.

Bushcare Sites: May discourage pedestrian access within bushcare sites for conservation purposes.

APPLICANT

Applications for public gardens can be made only by the land owner or strata manager of the land next to the intended public garden site.

CONSULTATION

Gardening in public spaces preserves, enhances and creates green spaces that will benefit the greater community and requires community support to succeed in the long term. This policy requires consultation with and endorsement from neighbours or nearby property owners for new activities. The type of consultation required is outlined in relevant guidelines.

PUBLIC GARDEN COMPOST FACILITIES

On-site composting facilities will be permissible on public land where the size, and type of compost facility, location and ongoing maintenance have been approved by Council. Any facilities that are not maintained to the required standards may be removed or relocated at Council's discretion.

NON-COMPLIANCE

Waverley Council may revoke an approval and reserves the right to remove a garden where the public gardener or group or activity is not meeting the terms of this policy; related guidelines and conditions of approval. An example of this is no longer being able to keep up maintenance on the garden.

Compliance will be assessed on a case by case basis. Gardeners will be advised in writing of the non-compliance, and given an opportunity to reinstate the garden to the approved standards.



Standard Conditions

RISK AND SAFETY MANAGEMENT

All public gardening must consider the safety of people working in the garden, and the safety of the general public. Risk assessments must be carried out for all sites during establishment to determine appropriate work methods and locations.

Refer to guidelines for safety information

SOIL CONTAMINATION

A range of chemicals occur in urban soils, including trace elements and heavy metals. Their distribution and concentrations are largely unknown. Lead could occur in high levels alongside major roads due to our past use of lead based fuels. Other contaminants may also be present depending on past uses. Lead does not readily move from soil through to the edible parts of the plant such as leaves and fruits. Council advises that:

- Non-edible and low maintenance plants are generally preferred such as local native species.
- If residents are concerned about lead and other contaminants, they should carry out soil testing to confirm levels or only garden with non-edible plants. It is their responsibility to carry out testing.
- Personal protective equipment should always be used.

WEED MANAGEMENT

All public gardens must manage and control noxious and environmental weeds. See **Waverley Council Weed Management Policy 2012**.



NEW GARDEN ESTABLISHMENT:

New garden groups or activities can be established where the proposed site is available for intended use and is in accordance with this Policy, relevant guidelines and terms of approval.

INSURANCE

Waverley Council's public liability insurance may be extended to cover public gardening by residents, where a risk management process has been followed or developed in conjunction with Council Staff.

- Garden groups can become an incorporated association through the NSW office of fair trading and manage their own insurance.
- The garden group may be auspiced by another organisation or agency, such as neighbourhood centre, and as a project of that organisation will be covered by their insurance.
- A group of community gardens with similar objectives might obtain insurance together.
- Any business, commercial enterprise must have a minimum of \$10,000,000 public liability insurance policy.

FUNDING

Council will consider proposals for any approved public gardening group or activity through existing Council programs and partnership and in accordance with the small grants program.

USER AGREEMENTS

All public place garden activities require a user agreement or Action Plan approved by Council, which outlines the key requirements and activities to be carried out.

Individual activities under Street Gardens and Adopt-a-tree will complete and sign an application and checklist that will form the user agreement.

All Group activities such as Shared Garden Groups, Bushcare Groups and Community Gardens will develop Action Plans that reflect the work to be carried out onsite over the upcoming year or agreed period. These will be reviewed annually, or as the site, group or proposed works changes.

GROUP MANAGEMENT

All public place gardening carried out by more than one gardener or group of gardeners should demonstrate their capacity to self-organise, start and manage the gardens activities over the long term, with minimal Council support and assistance.

Bushcare, shared and street gardens may be supervised, depending on the User Agreement.

Waverley Council recommends that groups develop a management plan which includes a garden agreement that all members agree to follow. An agreement should provide information on the expectations of behaviour and practices onsite, and a conflict resolution process.

Public gardening activities should aim to promote an environment that is tolerant and accepting. However, it is inevitable that conflicts may sometimes arise. In this situation, individuals and groups should immediately take steps to resolve conflict including communicating respectfully with those involved.

VOLUNTEERING

Works carried out in public places shall be not-for profit and volunteering policy and principles apply.

Refer to Waverley's Code of Conduct Procedure for Staff, Delegates and Volunteers. **Waverley's Code of Conduct Procedure for Staff Delegates and Volunteers and Waverley's Volunteering Policy 2010.**

SHARING

Public places are shared spaces. All public gardening activity must respect other uses, such as pedestrians and other traffic. Skills, knowledge and produce and social activity should be shared amongst the community.



Council Responsibilities

Waverley Council supports public gardening and will:

- Help to identify appropriate sites for gardening activities.
- Assist interested individuals and groups to join or establish new sites.
- Promote and raise awareness through council's website, newsletters, publications, workshops and events.
- Provide information to the public about the operation of groups and activities.
- Provide grant funding opportunities and advice. Groups will be eligible to apply for funding under the small grants program once in principle support has been established.
- Host workshops on practical skills, including group management.
- Assist with establishing worm farms and composting facilities.
- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information and experiences.
- Prioritise resourcing to projects with greatest community benefit.
- Develop guidelines in consultation with key stakeholders.

SUMMARY OF REQUIREMENTS

NEW PUBLIC GARDEN	APPROVAL REQUIRED	INSURANCE	SITE RISK ASSESSMENT	ACTION PLAN	FUNDING	REPORTING TO PROGRAM COORDINATOR
Street Gardens	Yes.	Businesses only	Yes	Yes	Self-funded. Groups eligible for grants	No
Shared Garden	Yes.	No	Yes	Yes	Council funds materials for 4 x working bees / year	Yes
Community Garden - Allotment	Yes.	No	Yes	No	Self-funded. Groups eligible for grants	No
Bushcare	Yes.	No	Yes	Yes	Council funded	Yes



Definitions

BIODIVERSITY

The variety of life: the different plants, animals and microorganisms, the genes they contain and the ecosystems of which they form. Biodiversity is vital in supporting human life. It provides many benefits, including our food, clean air and water and fertile soils.

BUSH REGENERATION

Bush regeneration is “the practice of restoring bushland by focusing on reinstating and reinforcing the system’s ongoing natural regeneration processes” (Australian Association of Bush Regenerators).

COMPOST BIN

A container to hold organic and biodegradable waste while it is being converted into soil conditioner, compost or humus by a biological decay process.

ENVIRONMENTAL WEED

Plants that can impact negatively on natural systems such as remnant bushland and habitat and parkland areas within the Waverley LGA. They are regarded as causing public and private nuisance, and have the potential to be declared noxious weeds.

HABITAT

The place where an animal, plant or microorganism exists and includes areas such as rocky shorelines, beaches, cliffs, still and running water as well as particular vegetation communities. Habitats often have a diverse range of physical features that enable the plants and animals to obtain food, water, and shelter and are able to reproduce.

LOCAL NATIVE PLANTS

Local native plants are those that have been propagated from local seed stocks from Sydney’s Eastern suburbs, not specifically from the Waverley area, and not from outside the Sydney Basin.

LOCAL VILLAGE CENTRE:

Are the areas identified in Waverley’s Local Village Centres Public Domain Improvement Plan (2006), and Local Village Centres Technical Manual (2006). Twelve commercial areas have been identified as Local Village Centres in the Waverley Local Government Area:

- 01 Bronte Beach;
- 02 Bronte Macpherson Street;
- 03 Charing Cross;
- 04 Murray Street;
- 05 Bondi Road;
- 06 Old South Head Road Neighbourhood Centres (at Murriverie Road, Blair Street, Flood Street);
- 07 Hall Street;
- 08 Glenayr Avenue;
- 09 North Bondi;
- 10 Murriverie Road;
- 11 Rose Bay Small Villages (north and south)
- 12 Blake Street.

NOXIOUS WEED

A plant declared noxious under the *Noxious Weeds Act 1993* **Waverley Council’s declared Noxious Weeds List**

PUBLIC DOMAIN

All land and facilities open for public use, including open space, streets, lanes, pedestrian thoroughfares, parks and public buildings.

STREETSCAPE

Is the term given to the collective appearance of all buildings, footpaths and gardens along a street. The streetscape is the visual identity of a neighbourhood and plays an important role in facilitating interaction between residents and creating a community.

TREE

Any woody perennial plant or any plant resembling a tree greater than 4 metres in height or with a canopy spread greater than 4 metres.

REMNANT VEGETATION

Is taken to be the original (pre-1788) vegetation which has survived to this day. These patches of trees, shrubs and grasses are also referred to as bushland.

Appendices

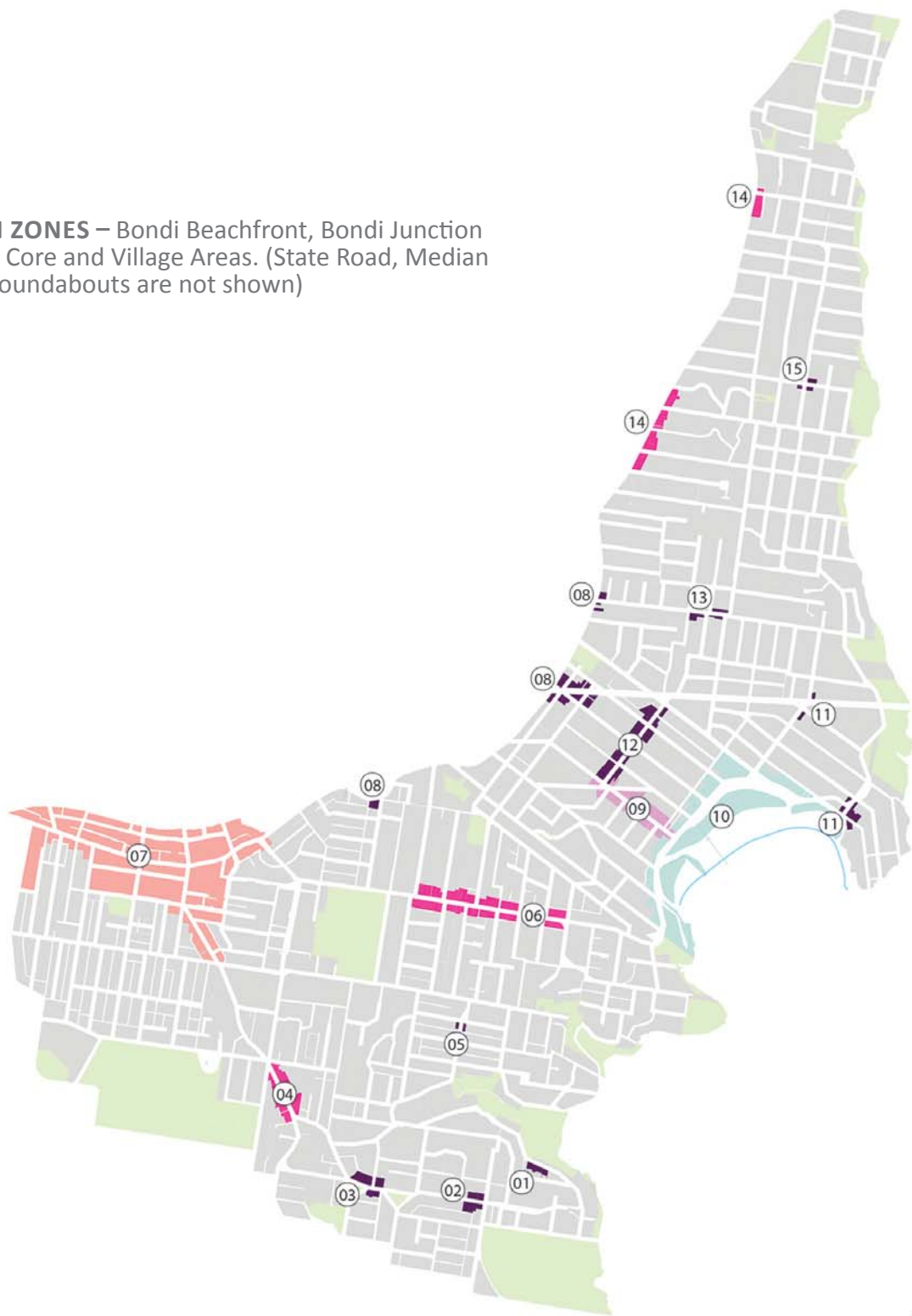
APPENDIX 1. EXCLUSION ZONES

APPENDIX 2. HABITAT CORRIDOR MAP



MAP 1.

EXCLUSION ZONES – Bondi Beachfront, Bondi Junction Commercial Core and Village Areas. (State Road, Median Strips and Roundabouts are not shown)

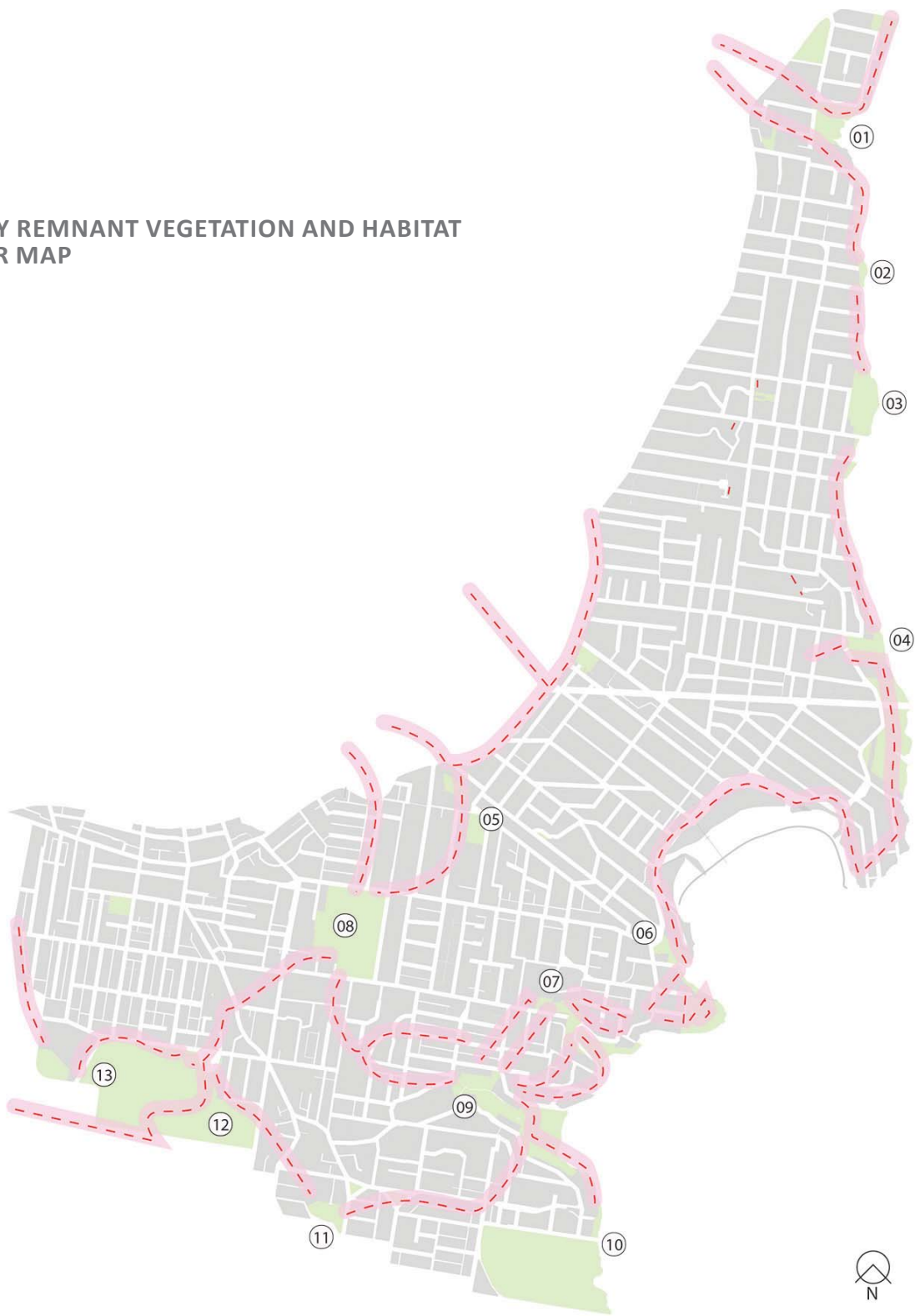


- ① Bronte Beach Centre
- ② Bronte Macpherson Street
- ③ Lugar Street
- ④ Charing Cross
- ⑤ Murray Street
- ⑥ Bondi Road
- ⑦ Bondi Junction Commercial Core
- ⑧ Old South Head Road, Neighbourhood Centres (south/ central/ north)
- ⑨ Hall Street
- ⑩ Bondi Beachfront (Campbell Parade)
- ⑪ North Bondi and Wairoa Avenue
- ⑫ Glenayr Avenue
- ⑬ Murrivierie Road
- ⑭ Rose Bay Small Village Centres (south/ north)
- ⑮ Blake Street

- Town Centre
- Village & Small Village Centre
- Neighbourhood Centre
- Bondi Junction Commercial Core
- Bondi Beachfront Area



**MAP 2.
WAVERLEY REMNANT VEGETATION AND HABITAT
CORRIDOR MAP**



Key Habitat Areas:

- ① Diamond Bay*
- ② Rodney / Raleigh Reserve*
- ③ Eastern Reserve*
- ④ Hugh Bamford*
- ⑤ Thomas Hogan Reserve
- ⑥ Hunter Park / Marks Park*
- ⑦ Tamarama Park*

- ⑧ Waverley Park
- ⑨ Bronte Park
- ⑩ Calga Reserve / Waverley Cemetery*
- ⑪ Varna Park
- ⑫ Queens Park*
- ⑬ York Road Reserve*

- Recognised Habitat
- Habitat Corridor
- Habitat Buffer (50m)
- Built Form

* All areas of remnant vegetation can be viewed online: http://www.waverley.nsw.gov.au/council_services?online_mapping

