

Waverley Community Garden

Terms and Conditions – Individual Members

October 2023



Terms and Conditions

These terms and conditions relate to all plots in the Waverley Community Garden.

Relevant Terms:

“Plot” means Plot number(s)

“Garden” means the Waverley Community Garden, in Clementson Park, Ebley Street, Bondi Junction

“Fee” means the annual plot licence fee set by Council

“Rules” means the garden rules set out in this document and the current version of the Community Garden Handbook

“Licence” means the licence granted by the agreement.

A Licence allows the Licensee to:

- Enter the site at any time during daylight hours.
- Use the communal facilities on the site, including the storage sheds and composting facilities.
- Use the communal tools and equipment stored in the sheds on site.
- Use a reasonable amount of water from the communal water tank on site to maintain their plot.

Council will:

- Keep the Garden paths tidy.
- Repair or replace any communal equipment or facilities that are old, in disrepair, or dangerous.
- Ensure all licensees abide by the licence conditions and Garden Rules.
- Provide mulch to the Garden, for the use of the licensees.
- Inspect the plots regularly.
- Give appropriate notice of any change of rules or regulations.
- Pay all rates and other outgoings with respect to the Garden.

Council retains the right to:

- Change plot licences if needed.
- Revoke a licence if it is determined that a licensee is not complying with the rules, guidelines, and code of conduct.
- Alter the rules and regulations at any time.

In the event of a dispute:

Council reserves the right to make determinations with respect to compliance with Garden Rules, and any dispute that may arise within the Garden.

When making a determination, the nominated Council Officer will seek to establish the facts and will arrange for mediation, when appropriate. Failure to resolve a dispute through these means may result in termination of the licences of all of the parties in the dispute.

Terminating Licences

Council may terminate a licence at any time if it determines that a licensee:

- a) Is not complying with the Garden Rules or Waverley Council's Code of Conduct.
- b) Demonstrates behaviour is inconsistent with the Garden's Values.
- c) Persists in non-compliance after one warning.
- d) Is engaged in a dispute that Council has been unable to resolve despite establishing the facts and facilitating mediation.

e) Behaves in a way which would be considered harassment or a bullying type of behaviour or acts in any way unlawfully.

In the event a licence is cancelled, any amounts payable to council are forfeited by council, any monies paid in advance by the licensee for a plot, will also be forfeited.

A plot holder may end their licence at any time by giving Council notice in writing.

Garden Rules

The licensee must:

- Pay an annual licence fee to the Council.
- Agree to abide by the rules and regulations as set out by the Council.
- Allow representatives from Council to inspect their plot at any time without notice.
- Comply in a prompt manner with any Council directive.
- Advise council should your contact details (including mobile number and email address) change.
- Maintain ongoing communication with Council (ie responding to emails, phone calls and text messages)
- Keep all communal areas neat and in good order, and paths free of obstruction at all times.
- Respect and help to maintain common areas and common equipment.
- Be actively involved in the maintenance and management of the communal garden areas.
 - Attend required number of working bees or participate in minimum work group requirements as outlined in the Handbook or by the Council's Local Connections Coordinator and
 - Participate in any water roster as required.
- Respect the plots and property of others.
- Treat other gardeners and their plots with respect and courtesy
- Maintain the good order of the communal sheds on site.
- Protect from damage to the best of their ability all fences and infrastructure belonging to Council.
- Notify Council's Local Connections Coordinator if any communal equipment or facilities are in need of replacement or repair.
- Garden their plot according to organic gardening principles.
- Maintain their plot in good order and work to improve the soil.
- Ensure produce grown in their plot is healthy and does not rot.
- Notify Council's Local Connections Coordinator if absent for 3 weeks or longer.
- Keep their mulch up to a reasonable quality and depth to improve water efficiency and prevent weed growth.
- Maintain site security by closing and locking the sheds and gate after entry into or exit from the site.
- Carry out all activities on site in a safe and sensible manner with reference to the Safety Health and Environment - Safe Work Method Statement for the Garden.
- Notify Council's Local Connections Coordinator of any safety incident.
- Be mindful of the safety of all users of the site, and act accordingly.
- Notify Council when they no longer want their plot and vacate their plot promptly at the end or cancellation of their licence. Return to Council's Local Connections Coordinator all equipment belonging to the Garden.
- Act honestly and in the spirit of the community garden consistent with the garden's values statement.

The licensee must not:

- Grow on their plot any plant that reaches a mature height of over 1.5m.
- Grow on their plot any plant listed as Noxious in the Waverley Council area, including Blackberries and Prickly Pear.
- Use their plot for any commercial purposes or for the production of commercial produce.
- Allow access to the site to anyone not listed on their licence.
- Allow anyone under 16 access to the site without parental or guardian supervision.
- Bring onto the site, or allow access to any animals, besides companion animals and native wildlife.
- Allow weeds to dominate their plot, or allow weeds to go to seed.
- Allow their plot to be in a poor state for more than two months in a row.
- Use chemically prepared pesticides (including herbicides, fungicides, insecticides etc) or fertilisers on their plot, or anywhere else in the garden.

- Store anything in the sheds on site without prior approval.
- Erect any building or structure (including fences/barriers) on their plot or on site without prior approval.
- Plant or prune any trees or large shrubs on site without prior approval of the Council.
- Breach water restrictions or use the water on site for anything other than maintaining their plot and cleaning any tools or equipment used.
- Take away from the site any soil, compost, or mulch. Take away from the site any tools or equipment not belonging to them.