

**ITEM NO:** 13

**SUBJECT: RENEWAL OF THE BLACKHEATH COMMUNITY GARDENS LEASE**

**FILE NO:** F03180

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**Recommendations:**

1. *That the Council not renew the lease for the Blackheath Community Gardens.*
  2. *That the Blackheath Community Garden Sub-Committee be informed of the decision and be instructed to withdraw their Development Application and remove all relevant infrastructure from Whitely Park.*
  3. *That any alternative sites proposed by the Blackheath Community Gardens Sub-Committee are investigated by the Council.*
  4. *That the outcome of any investigations be reported back to the Council.*
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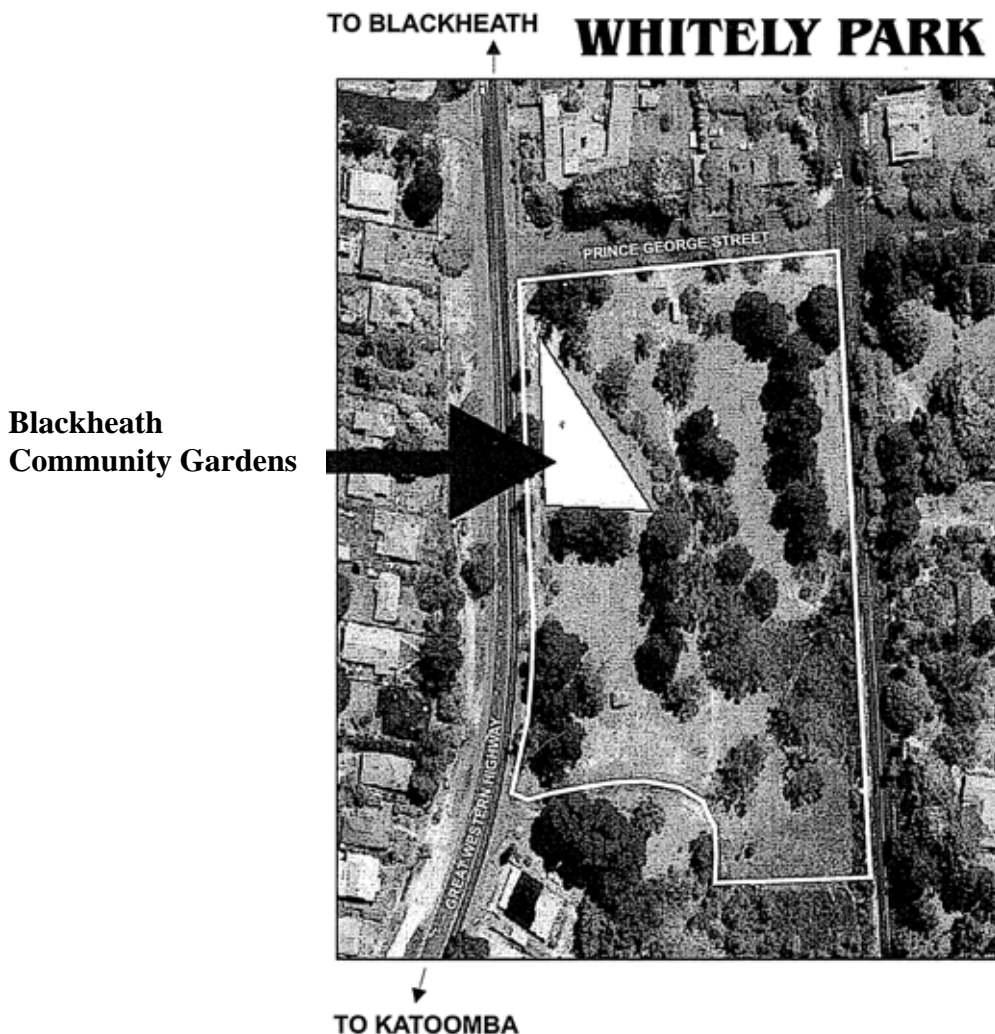
**Report by Group Manager, Community and Corporate**

**Reason for report**

The lease and the Development Application (DA) for the ongoing use of Whitley Park in Blackheath as a community gardens has expired. To permit ongoing use of the site for a community garden, the Council must exhibit a new draft lease and negotiate with the Department of Lands. This report recommends that the lease is not renewed and outlines the reasons for the decision, concerns of the community and alternative options for the provision of this facility in Blackheath.

**Background**

The Blackheath Area Neighbourhood Centre formed the Blackheath Community Gardens Sub-committee in September 1999. A temporary lease for use of part of Whitely Park, Blackheath, as shown below, was signed on the 11 February 2002 and a DA for use of the site as a community garden was approved on 16 July 2002 for a period of two years. The lease was renewed 8<sup>th</sup> May 2003.



The lease and the Development Consent have both expired. The Blackheath Community Gardens Sub-Committee has applied for the Development Consent to continue the use of the site for community gardens. For the Development Consent to be approved, the lease needs to be renewed. As manager of the land, the Council would need to undertake the lease renewal process. This involves drafting the lease, legal review, public exhibition, adoption by the Council and Crown Lands' approval.

**Issues**

Since the Blackheath Community Gardens Sub-Committee was formed, the gardens have experienced various levels of use and a number of different co-ordinators. It could be argued that very little progress towards the Sub-Committee's overall goal has been made. A shed has been erected, the area has been fenced and around six garden beds have been installed. In the time since the DA was approved, the Sub-Committee has not managed to undertake the following items from the original approved proposal: Stone entry wall, landscaping around entry, paved courtyard or seating area with pergola, orchard and connection to water or electricity. Other items which have been achieved in the last six months include: a sign/notice board, screen planting and the beginnings of the landscaping around the entry.

The following special conditions are included in the expired lease:

*“The Licensee shall accept responsibility for all maintenance associated with the gardens, landscaped areas and any building or structure associated with the Community Gardens. The licensee shall keep the said area and any building thereon clean and tidy at all times in keeping with a public park on the main road of a tourist town. The said area shall be kept free of noxious weeds.”*

This has not occurred. The Blackheath Community Gardens have, for most of its existence, looked run-down. The pile of logs in the centre of the gardens has remained, the grass is frequently not mowed and often weeds were large enough to be visible from passing traffic. A recent attempt has been made to screen the site with planting but the planting is a long way from being an effective screen.

A number of complaints about the look of the site have been received by the Council. As this site is on the highway near the southern entrance of Blackheath, a significant proportion of the Blackheath community desires a high level of neatness and tidiness in the park. The basis for the complaints are that the gardens do not reflect well on Blackheath.

The Council acknowledges that Blackheath Community Gardens are a worthwhile contribution to the community and that they can play a significant role in education about sustainability. It is believed that there are a number of contributing factors as to why this community garden has had limited success and, despite having a new and enthusiastic Subcommittee, is unlikely to be very successful in the future. The reasons for this are:

- the site has poor soil – skeletal ridge top soil with likely toxins from the *pinus radiata* on site;
- the site has no water and very limited water harvesting potential;
- the site is on the highway, and the exposure may discourage community members from working there;
- the site is not central to the town;
- that very few residences in Blackheath lack a backyard; and
- that another community garden is being developed in Blackheath at the Primary School.

Given the above, renewal of the lease at Whitely Park for a community garden is not recommended. An alternative for the group includes:

- relocating to other sites, which have less public profile and better growing conditions;
- pooling resources with the community gardens at Blackheath Public school; or
- working within the existing community gardens at Harold Hodgson Reserve, Katoomba, which has plenty of capacity for additional volunteers.

#### **Sustainability Assessment (Triple Bottom Line Reporting):**

Below is an assessment of having a Community gardens at Whitely Park Blackheath

Effects	Positive	Negative
<a href="#">Environmental</a>	Educational opportunities	Site unsuitable for sustained use as community gardens, for reasons noted above
<a href="#">Social</a>	Social networking opportunities	The past four years suggest that there is not sufficient community energy to sustain a high quality garden at this site
<a href="#">Economic</a>	Nil	Nil

**Financial implications for the Council**

If the current location for the gardens is no longer to be used, there will be a requirement to relocate or remove the existing infrastructure, which includes a shed, garden beds and fencing. The Blackheath Community Gardens Sub-Committee may wish to remove and store some of these for future use. However, given their current levels of membership, they may need some assistance from the Council. Restoration of the site after the closure of the gardens would require Council staff time and resources of around \$3,000.

**Legal and risk management issues for the Council**

By allowing the ongoing use of Whitely Park without a lease or DA, the Council places itself in a very ambiguous position in regards to legality of the site.

**External consultation**

During the time since the lease has expired, Council staff have spoken with the Blackheath Community Gardens Sub-Committee. They are keen to remain on site and have presented the Council with a Vision Statement which requires a large investment of community energy and the accumulation of more infrastructure made from donated and recycled materials.

During this time the broader community also became aware that the lease has expired and complaints have been received, both verbally and through letters.

**Conclusion**

Given the lack of progress over the last five years and the unsuitability of Whitely Park as community gardens, the lease on the Blackheath Community Gardens should not be renewed. Should Council endorse the recommendations, the community gardens committee will be requested to withdraw their current development application.

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