





Introduction

Food is an essential and enjoyable part of daily life. We look forward to sharing meals, celebrating occasions, trying new flavours and remembering key moments with food. Food has a significant influence on our physical and mental health, is a major feature of socialising and offers key economic opportunities.

Local government is one of many influencers on the food system. Food systems include all aspects of producing, transporting, processing, retailing and consuming food, plus disposing of food and packaging waste. The food system influences our food choices - where we buy food, how we consume food and what we consume.

Today's dominant food system is urbanised, globally connected and creates multiple challenges for society. Key features of this dominant food system include year-round access to seasonal foods which are transported large distances, purchasing from a small number of large retailers and buying more processed foods with less nutritional value. This system, which forms a disconnect to our local producers, also makes it easy for people to consume foods without developing skills to grow and prepare foods.

This City of Ballarat Food Strategy has been developed in the context of state, regional and local government plan priorities, following consideration of local data and consultation with community and stakeholders over the past 12 months. It outlines the City of Ballarat's role in the local food system and the actions council will take over the next four years to begin to address these challenges.

Challenges created...

The food system is creating many difficult challenges for our health and for the environment:

Physical and mental health – Today’s food system makes it easier for people to make poor food choices, choosing food which is low in nutrients but high in energy. Easy access to low nutrient foods is driving the local obesity epidemic and associated chronic diseases, and high rates of dental health issues. Over 61% of Ballarat adults and 27% of children are now either overweight or obese¹, and dental caries are the most common but potentially avoidable reason for a child to access health services². Recent research has also shown clear linkages between a poor diet low in fresh foods, and a higher incidence of depression, across all age groups³.

Reduced food security – The right to adequate food is an international human right and yet many people in Ballarat are experiencing reduced food security. Food security has been defined as access by all people at all times to enough food for an active, healthy life. At a minimum this would include having acceptable, nutritionally adequate and safe foods available and the ability to acquire food in socially acceptable ways without resorting to emergency food supplies or coping strategies⁴. In Ballarat, a recent analysis of welfare agencies showed at least 12% of our population were food insecure and had accessed emergency food relief at least once in the past 12 months⁵. When people do not have enough food, it affects all aspects of daily life and can severely restrict economic, social and educational participation in the community. Food insecurity can have short and long-term detrimental effects upon children who have poorer education and health outcomes and are more prone to obesity and chronic diseases⁶.

Food literacy – As communities become more urbanised and globally connected, we have also lost connection with where and how our food is grown, the seasonality of foods, and the skills required to grow, harvest, store and prepare healthy foods. As growing and cooking skills are lost, people are buying more pre-prepared meals and snacks, which tend to be higher in energy and lower in nutrients than meals prepared at home. The average annual spend on food eaten outside the home is estimated at nearly \$4,900 per household, and while food marketers have noticed a big trend in the past year (14%) towards healthy eating preferences in food retail⁷, research shows 58% of the food budget is currently being spent on junk (high energy but low nutrient) foods⁸.

Food and resource waste – If food is thrown into the rubbish bin and goes to landfill, it releases methane, a potent greenhouse gas. When food is wasted, it also wastes the resources used to grow, harvest, transport, store and process the food. Generally, a third of household rubbish bins are made up of wasted food, estimated at \$2,136 per household per year⁹. As processed foods take up a large proportion of the diet, the packaging of these foods also contributes substantially to household waste.

Environmental impact – The current typical Australian diet, which is high in processed and non-local foods and includes high intakes of red meat, is not only unhealthy, it is also environmentally unsustainable¹⁰. Australia’s ecological footprint is three times the world average and food production accounts for around 30% of this footprint¹¹. Recent economic analysis shows if communities continue to follow the current unhealthy diet, increasing water deficits, land degradation and no reduction in greenhouse gas emissions will threaten Australia’s food security and increase reliance on imported foods¹².



Role of local government

The Victorian Local Government Act 1989 requires councils to provide the best outcomes for the community, while having regards to the long-term cumulative effects of decisions. The City of Ballarat recognises that local government is ideally placed to contribute to locally relevant, integrated and long-lasting strategies to strengthen the local food system and to increase access to healthy food in our community.

Local government can positively influence the food system, particularly in the following areas:

Public spaces and facilities – ensure healthy food and drink options are available for staff, visitors and in public spaces and facilities managed by local government

Regulation and planning – support local food production through the local planning scheme and assist food businesses with regulatory compliance

Waste education and recycling – educate the community to avoid, reduce and recycle waste

Community development – support community groups and organisations to increase community capacity and individual skills to grow and prepare foods

Facilitate partnerships – develop strong relationships with key stakeholders, organisations and government to strengthen the local food system

Data and evidence – gather information to support decision-making on the local food system and associated challenges

Education and information – provide information and support development of skills through communication tools and educators

Service delivery – contracted services to support eligible clients with a nutritious home delivered meal.



Role of individuals, community groups and other organisations

Individuals and organisations can influence and strengthen the immediate food system and how it impacts locally. Daily choices and decisions of many individuals, and people making decisions within organisations, workplaces, educational settings and sports clubs, can bring about change at the local level, and address the challenges of the current food system.

A key action which individuals and community groups can take to help create a resilient local food system is to undertake various forms of urban agriculture such as school gardens, community gardens and backyard vegetable gardens.

Participating in school and community gardens teach young people about local and healthy food, develop skills in gardening and food literacy and contribute to positive physical and mental health.

There are numerous projects being delivered across the city where the key issues of food security, healthy eating and sustainable food production are actively being addressed. A key part of this strategy is to raise awareness of these projects, so community members can become more involved in food projects in their local area and take a proactive approach to strengthen the local food system.



A selection of local projects which support a resilient local food system are:

Education

Stephanie Alexander's Kitchen Garden Programs – currently operating in 16 local primary schools and one early learning centre | **Get Grubby** program in early learning centres | **Food is Free** Green Space runs gardening workshops for children | **Ballarat Permaculture Guild** workshops

Promoting healthy food and drinks

Ballarat Community Health supporting schools, early learning centres and workplaces to become accredited as healthy eating settings through the Achievement Program | **YMCA** 'no red drinks' policy at their facilities | **Ballarat Health Services** offering Healthy Choices at food outlets

Improving food security

SecondBite – administered by Ballarat Community Health, collecting surplus food from local supermarkets and redistributing to local schools and food relief agencies | **Food Access Network** – group of local food relief agencies which work collaboratively, share information and resources and advocate for greater food access and food security in the Ballarat region | **Ballarat Foundation** has food security as a key priority area and raises funds through Feed Ballarat campaign | **Foodbank** has secured Victorian Government funding of \$5m to build a warehouse and support local emergency food relief agencies | School breakfast programs



Sustainable food production

Community gardens in Ballarat East, YMCA Delacombe, Buninyong, Learmonth and Ballarat North Neighbourhood House | **Food is Free** Green Space | Backyard vegetable gardens | School vegetable gardens

Reducing food waste

Hidden Orchard harvest fruit from backyards or public areas and share with owners, pickers and local charities | **ShareWaste.com** – online platform linking people who want to get rid of waste sustainably with others who have a compost heap | **Grampians Central West Waste Resource and Recovery Group** – run sustainability programs through schools (Resource Smart Schools)

Developing a local food culture

Plate Up Ballarat – month long celebration of local food supporting local producers through cafes and restaurants | **Eat Drink West** – central source for Western Victorian food information | **Central Highlands Regional Food Hub** – new regional project situated in Daylesford and supported by surrounding councils

Alternative markets

Brown Hill Market | **Ballarat Farmers Market** – Lake Wendouree | **Bridge Mall Farmers Market** | **Ballarat Local Produce Swap** | **Ballarat Wholefoods Collective** | **Buninyong Community Collective**



Community consultation

The key issues raised by stakeholders and the community on what actions the City of Ballarat should take to strengthen the food system focus on:

Reducing food waste:

“Provide resources to support the use of worm farms, composting and backyard chooks, connect people to sites where they can take their waste – what a lovely way to connect neighbours and look after our environment at the same time.”

Supporting education:

“Support relevant community organisations to provide education programs, classes or demonstrations of just how easy and rewarding it is to grow food.”

Leadership and advocacy:

“Advocacy and support for the Ballarat food hub and associated activities such as cooking education and training.”

Supporting local producers:

“Connect producers with community, develop council-led healthy local food initiatives like discounts for residents at pick-up points or local producer food boxes for delivery.”



Creating healthy council facilities:

“Ensure all council run facilities adhere to a healthy food and drink policy for food procurement, provision and promotion.”

Developing local events:

“More food-oriented festivals funded by council supporting local producers to celebrate their wares.”

Healthier options at food businesses:

“Encourage businesses to offer healthy options for kids’ meals – other than just chicken nuggets and chips – perhaps a Ballarat Healthy Dining campaign?”

Edible plants in public spaces:

“Encourage and provide food-producing plants in public areas – fruit trees in parks, nature strips, front verge gardens.”



Vision:
All community members have access to and celebrate a vibrant, nutritious and sustainable food system.

To achieve this vision, the City of Ballarat will work with community and partner organisations to undertake advocacy and action which support the following priorities:

- **Increase access to and promotion of safe and nutritious food**
- **Support a sustainable local food system**
- **Celebrate a vibrant, inclusive food culture**

Local governments are required under the Victorian Public Health and Wellbeing Act to **protect** public health, **prevent** disease and illness, **promote** conditions in which people can be healthy and **reduce health and wellbeing inequalities**. Taking lead from these directives, considering the community feedback, the local health and wellbeing status and the context of state government priorities, the City of Ballarat has developed a series of achievable actions given the resources and timeframe available.

Priority 1: Increase access to and promotion of safe and nutritious food

Key aims for this priority are to:

- Encourage greater consumption of healthy food and drinks
- Improve community knowledge and skills to grow and prepare healthy meals
- Support community food system programs

Actions

Short-medium term

- 1.1 Develop procedures which ensure council-managed facilities and workplaces follow Healthy Choices guidelines
- 1.2 Develop a healthy catering guide based on Healthy Choices guidelines which supports local food businesses
- 1.3 Develop a strategy which encourages sports clubs using council facilities to follow Healthy Choices guidelines
- 1.4 Investigate the feasibility of a program which encourages local food providers to offer healthy children's menu options
- 1.5 Support local schools and early learning centres to deliver programs which improve skills to grow and prepare healthy foods
- 1.6 Support local community groups and organisations to deliver programs and information which improve food literacy skills
- 1.7 Create and promote a list of local community kitchens and public barbecues
- 1.8 Increase the number of water drinking taps in public spaces

Ongoing

- 1.9 Support a regional approach to healthy eating by participating in the Central Highlands Prevention Network
- 1.10 Advocate for increased food security through support of projects and actions undertaken by the Food Access Network and community groups, including initiatives funded through council's grant programs
- 1.11 Undertake and support research into local food system issues
- 1.12 Support businesses and community groups to comply with Victorian Government food safety regulations
- 1.13 Be responsive to clients' needs for provision of a nutritious, appropriate meal within the home for eligible clients within an active service model
- 1.14 Provide weekly support of local emergency food relief agencies with main meals, which are excess to the delivered meal service and promote existing food relief services to the community

Strategic Linkages

Council Plan 2017-21, Municipal Public Health and Wellbeing Plan 2017-21

Priority 2: Support a sustainable local food system

Key aims for this priority are to:

Reduce food and packaging waste

Support local food production and sales

Manage the use of agricultural land to support agriculture and food security

Actions

Short-medium term

- 2.1 Register for the Compost Revolution program and promote the composting and worm farm products available
- 2.2 Promote local shared composting sites through online platforms such as ShareWaste
- 2.3 Encourage use of current promotional platforms to raise the profile of local producers
- 2.4 Support alternative retail opportunities for local producers including farmers markets and farm gate sales
- 2.5 Trial planting of food trees in public reserves as outlined in the Urban Forest Action Plan

Ongoing

- 2.6 Support the Grampians Central West Waste Resource and Recovery Group with educational programs and advocacy around reducing waste
- 2.7 Support community groups to deliver gardening and composting workshops through the Community Impact Grants program
- 2.8 Support planting of edible gardens in public areas through the Nature Strip Policy and guidelines
- 2.9 Review the Ballarat Rural Land Use strategy to ensure it continues to appropriately manage agricultural land in alignment with future values and aspirations for the agricultural sector, and to ensure resilience in the context of climate change projections
- 2.10 Collaborate with surrounding local government authorities to support industry development of a coordinated local food supply chain
- 2.11 Engage with Rural Councils Victoria and other key stakeholders to identify state wide opportunities for better managing the rural interface area and protecting agricultural land from encroachment
- 2.12 Consider 'Food Sensitive Planning and Urban Design' recommendations when undertaking strategic planning projects and reviewing the local planning scheme

Strategic Linkages

Resource Recovery and Waste Management Strategy 2019-22, Urban Forest Action Plan, Economic Program 2015-19, Ballarat Strategy, Municipal Public Health and Wellbeing Plan 2017-21



Priority 3: Celebrate a vibrant, inclusive food culture

Key aim for this priority is to:

Encourage a healthy and inclusive food culture which supports and promotes local producers and strengthens community connections

Actions

Short-medium term

- 3.1 Support inclusive community events which focus on celebrating nutritious and local foods
- 3.2 Provide opportunity for local producers to promote products at City of Ballarat events and festivals
- 3.3 Increase the range of healthy eating options at City of Ballarat-run and supported events

Ongoing

- 3.4 Encourage celebration and knowledge of Indigenous and culturally diverse foods through community events
- 3.5 Promote tourism opportunities and projects which feature local food producers

Strategic Linkages

Municipal Public Health and Wellbeing Plan 2017-21, Intercultural City Strategic Plan 2017-21

Monitoring impacts and outcomes of actions...

Short-term outcomes	Data source	Baseline measure	Target (by 2022)
Workplace healthy food and drink procedures developed	Engaged Communities	Currently no procedures regarding workplace food and drinks	Procedures in place and being implemented by end 2019
Catering guide produced	Engaged Communities	Currently no catering procedures or guidelines	Catering guide produced and being implemented by end 2019
An increase in the number of households purchasing products each year through Compost Revolution	Compost Revolution	27 orders	250
Increase in local sites registered on ShareWaste platform	Online data	28 sites	50 sites
Medium-term outcomes			
An increase in the number of food system projects supported each year through the Community Impact Grants program	Engaged Communities	2	6
An increase in the number of schools and Early Learning Centres using vegetable gardening as part of the learning program	Engaged Communities	16 schools 1 ELC	20 schools
A decrease in the proportion of people accessing emergency food relief	Food Access Network	12%	8%
Long-term outcomes			10-year target
A decrease in the proportion of adults who are overweight and obese	VPHS* 2014	60.5%	57%
A decrease in the proportion of young people who are overweight or obese	VCAMS* 2014	26.7%	24%
A decrease in the proportion of adults who consume sugar-sweetened beverages daily	VPHS 2014	13%	10%
A decrease in the proportion of adults consuming take-away meals or snacks between 1 and 3 times per week	VPHS 2014	11.9%	10%
An increase in the proportion of adults consuming 3-4 serves of vegetables per day	VPHS 2014	31%	37%
An increase in the proportion of young people consuming the minimum daily recommended serve of fruits and vegetables	VCAMS 2016	3.2%	5%
An increase in the proportion of children consuming the minimum daily recommended serve of fruits and vegetables	VCAMS 2014	6%	8%
An increase in the diversion rate of recyclables and organics from kerbside rubbish	Sustainability Victoria	46%	70%

*VPHS – Victorian Population Health Survey * VCAMS – Victorian Child and Adolescent Monitoring System



Consultation process

The consultation process for the Food Strategy has extended over a six-month period, with approximately 325 people either providing feedback, having input into development of the draft or accessing relevant documents.

Date (2018)	Event	Notes
1 June	Facilitated workshop for City of Ballarat staff	15 attended
29 June	Facilitated workshop for health and community organisations	Document of responses available 30 attended
10-16 September	Public display - Ballarat Library	Document of information displayed available
17 September	Public display - Miners Rest PS – library outreach	
18 September	Public display – Lucas Community Hub	
18 September	Information available – Warrenheip Memorial Hall	
19 September	Public display – Learmonth Bowling Club	
20 September	Public display – Eureka Centre	
20 September	Public display – BCH, Sebastopol	
21 September	Information available – Delacombe library outreach	
22 September	Information available - Buninyong library outreach	
12 Nov–10 December	Online survey through City of Ballarat website	Document of responses available 26 responses, 69 downloads, 154 unique visits
16 May-16 June 2019	Draft strategy available for feedback	4 responses, 77 downloads, 126 unique visits

Context

This strategy has been developed in the context of global, national, state, regional and local plans which have prioritised similar challenges.

Global	<p>UN Sustainable development goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture</p> <p>UN Sustainable development goal 12: Ensure sustainable consumption and production patterns</p> <p>WHO: Healthy Cities Program</p>
National	<p>Eat for Health: Australian Dietary Guidelines: Outlining types and amounts of foods, food groups and dietary patterns for good health</p> <p>Food Regulation Secretariat: A key priority is to support public health objectives to reduce chronic disease related to overweight and obesity, with activities focused on labelling schemes. Also reducing foodborne illness and maintaining a robust food regulation system</p> <p>COAG Health Council: Ministers committed to actions that limit the impact of unhealthy food and drinks on children</p> <p>National Food Waste Strategy: Aiming to halve Australia's food waste by 2030</p> <p>Agricultural Competitiveness White Paper: Vision is to build a more profitable, more resilient and more sustainable agriculture sector to help drive a stronger Australian economy</p>
State	<p>Victorian Public Health and Wellbeing Plan 2015-19: Healthy Eating and Active Living is a key priority outlining the importance of consuming healthy, sustainable and safe food and supporting healthy food choices, with an associated Outcomes Framework providing targets for monitoring and reporting</p> <p>VicHealth: Healthy Eating Strategy 2017-19: Priority is for more people to choose water and healthier eating options</p> <p>Healthy Choices: Food and drink classification guidelines for hospitals and health services, workplaces, sports centres and parks</p> <p>Agriculture Victoria Strategy 2017-27: Relevant priority areas include climate change, capability and regulation</p> <p>Artisanal Sector Program: \$2m initiative to help grow Victoria's high value food and agricultural offerings</p> <p>Food Source Victoria: Objective is to build stronger agri-businesses and regional communities</p> <p>Food and Fibre Sector Strategy 2016-25: Supporting Regional Partnerships, growth in food and wine tourism, reducing regulatory burden</p> <p>State government commitment of \$5m to Foodbank to build a warehouse in Ballarat for emergency food storage and distribution</p> <p>Peri-urban strategic agricultural land: DELWP are currently consulting with community on criteria to determine what is strategic agricultural land in Melbourne's peri-urban areas, which includes the potato farming areas in the south-eastern part of the Ballarat LGA</p>
Regional	<p>Central Highlands Regional Partnership: Preventative Health has been identified as a key priority with \$500K being allocated in 2018-19 for a regional obesity prevention project, Prevention Lab. Other relevant state-funded projects include \$50K toward developing a hub for premium produce in the region (based at Hepburn)</p>
Local Government	<p>Council Plan 2017-21: Relevant to themes of Liveability, Sustainability and Prosperity</p> <p>Ballarat Strategy, Municipal Public Health and Wellbeing Plan 2017-21, Resource Recovery and Waste Management Strategy 2019-22, Urban Forest Action Plan, Economic Program 2015-19, Intercultural City Strategic Plan 2017-21, Social Policy Position Statement: Access to Safe, Affordable and Nutritious Food</p> <p>The City of Ballarat is a signatory to the Urban and Regional Food Declaration, which has a vision of a sustainable, healthy and fair food system</p>

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10.4. INTENTION TO DECLARE LANEWAY AS A PUBLIC HIGHWAY

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Vaughn Notting – Executive Manager Infrastructure

OFFICER RECOMMENDATION**Council resolves to:**

- 1. Undertake an investigation of laneways in Ballarat for the purpose of identifying laneways where ownership is in dispute or may be disputed.**
- 2. Provide in principle support to a process leading to a Council declaration of laneways to be officially registered as public highways under Section 204 of the Local Government Act 1989 including a Section 223 Submission process.**

EXECUTIVE SUMMARY

There are many laneways throughout the City of Ballarat (the City) that provide access for multiple properties. These laneways have usually been established on Parish plans pre-1988 and are often unnamed. They are owned by the City and may or may not be maintained by the City. In some cases, a laneway serves no particular purpose and may be sold to adjoining property owners.

In other cases, despite the use or need of a laneway by multiple residents, some take it upon themselves to either make an adverse possession claim for the exclusive ownership of a laneway, or simply claim ownership of a laneway by gating or fencing it off and denying access for other users.

Historically, this issue has caused conflict resulting in anxiety and frustration for affected residents. Officer time and resources are wasted in efforts to resolve the conflict, usually resulting in costly legal proceedings over an extended period. Some of these laneway conflicts have been unresolved for several years.

To effectively deal with this problem, a Council declaration of laneways as public highways will provide Council with clear and decisive control. The declaration is made under Section 204 of the *Local Government Act 1989* which enables the City to act and remove unlawful obstructions within the laneways or deny any adverse possession claims.

RATIONALE**BACKGROUND**

In some cases, perceived laneway ownership or entitlement historically becomes a legal issue with residents either claiming adverse possession via the Land Titles Office or simply believing that they have exclusive ownership or rights over the laneway. A stalemate situation often develops, and the issue is slow to be resolved with some cases spanning multiple years. Legal expenses can grow to unreasonable levels and relationships between owners, neighbors and the City become strained.

In terms of Land Law, a 'public highway' is land over which any member of the public has a legal right to come and go.

Roads created in post-1988 subdivisions are public highways by default. Pre-1988 roads may become public highways via two means; by common law doctrine or via declaration. The common law doctrine is known as dedication and acceptance where a road (including laneways) is dedicated by the landowner and accepted by the public to be a public highway. The second means is via declaration of laneways to be public highways and this is achieved under Section 204 of the Local Government Act 1989.

As the common law doctrine of dedication and acceptance is subjective and can be argued, a declaration of a laneway as a public highway will provide undisputed clarity for Council in terms of laneway ownership. Once declaration is made, Council becomes the undisputed true owner of the laneway and may respond efficiently and effectively to any disputes.

In the case of adverse possession, there can be no adverse possession claim made if the laneway is declared as a public highway. In the case of denial of access via fencing or gating, the City may act under Schedule 11 Clause 5 of the Local Government Act 1989 and have the owner remove or remove any obstruction within a road reserve.

This represents a strategic approach in dealing with laneway disputes. The proposal is designed to save on legal costs, time and property owner anxiety in dealing with laneway disputes. It is considered that the proposal will greatly improve customer relations by having a proper mechanism in place.

It is anticipated that future reports will be put to Council for consideration. The reports will include a listing of the most vulnerable laneways within Ballarat where ownership is under dispute or may be disputed. It is further anticipated that these reports will culminate in a bulk declaration of laneways as public highways.

PROPOSED PROCESS

The laneway ownership dispute process including declaration of laneways to be public highways, is proposed as follows:

- A report presented to Council with the recommendation to make its intention to declare a list of laneways to be public highways.
- Public Notice and Section 223 submission process in which anyone can make a submission in relation to Council's intention to declare the laneways as public highways.
- Submissions panel hearing process where Council can consider and hear submissions from the affected residents and the general public.
- A further report to Council declaring the laneways as public highways (pending outcome of the hearing process)
- Notification to the affected property owners and advice relating to potential VCAT applications for appeal.
- Potential VCAT hearing (if any).
- On confirmation of the declaration, property owners are notified of the final decision.
- A 'Notice to Comply' is sent to offending residents.
- The City may act in accordance with Schedule 11 Clause 5 of the LGA if offending residents are non-compliant with their notice to comply.

The process described above provides for the declaration of laneways as public highways and does not impact on Council's obligations to maintain laneways of this status, with Council able to determine specific maintenance regimes separately under the Road Management Act 2004.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- Road Management Act 2004
- Local Government Act 1989

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – It is considered that the proposed declaration process for handling laneway disputes will greatly improve social outcomes for the affected residents. This will be achieved by alleviating stress and anxiety caused by the actions of some property owners who have a perception of ownership or entitlement over a laneway. Also, a proper process will assist Council Officers resolve laneway disputes in a more efficient and effective manner.

Economic – It is considered that the proposed declaration process for handling laneway disputes will mitigate the need to initiate costly legal proceedings to resolve conflict.

Financial/Resources – It is considered that the proposed declaration process for handling laneway disputes will save Council time and money caused by prolonged legal proceedings and the need for protracted staff interaction and resourcing to bring disputes to a reasonable conclusion.

Risk Management – Currently, laneway disputes can be damaging to Council's reputation due to a perception of inaction and uncertainty around the resolution of disputes. It is considered that a proposed declaration process for handling laneway disputes will mitigate risks from a finance, resource and reputation perspective.

Implementation and Marketing – The introduction of a declaration process to handle laneway disputes may attract attention from the media. It is considered that the process could be marketed as a 'good news story' for Council once confirmed.

Evaluation and Review – The proposed declaration process has been identified via legal advice and training provided by the Public Land Consultancy. Skills and resourcing are available 'in house' for its implementation.

CONSULTATION

Not applicable at this stage. Should the recommendations in this report be confirmed, consultation with affected residents and the general public will be provided via formal and informal means should future resolutions be made. Consultation will be carried out above the minimum requirements of the Local government Act 1989.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

ATTACHMENTS

Nil

10.5. COMPASSIONATE BALLARAT CHARTER

Division: Community Development
Director: Neville Ivey
Author/Position: Belinda Hynes – Coordinator Health and Social Planning
Nick Locandro - Social Planning & Engagement Officer

OFFICER RECOMMENDATION

Council resolves to:

- 1. Affirm its commitment to being a Compassionate City and sign the Global Charter for Compassion.**

EXECUTIVE SUMMARY

Council has been an active participant in the relatively recent establishment of the Compassionate Ballarat network and ethos in the city. This report presents an overview of the work of Compassionate Ballarat and recommends that Council sign the Global Charter for Compassion.

The Charter for Compassion is a document and worldwide movement designed to restore compassionate thinking and action with chapters at a local level (Compassionate Ballarat) and national (Australian Charter for Compassion) level. Internationally the Charter operates in over 53 countries and 430 compassionate cities.

In signing the Charter Council will commit to;

- Continue its involvement in the establishment and growth of Compassionate Ballarat
- Participate in, and where appropriate support Compassionate Ballarat forums and events
- Regular communication and connection with Compassionate Ballarat network members and organisations

RATIONALE

Compassionate cities support the physical, mental, emotional and social wellbeing of residents and they do so on the basis that there is now considerable evidence that when people are caring towards others, and feel cared for by others, their physical and mental health improves.

Compassionate Ballarat aims to raise awareness and promote compassion across Ballarat by:

- Enabling and resourcing people in Ballarat to see, notice and take compassionate action;
- Engaging the cities leaders in applying and evaluating the application of compassion throughout their organisations;
- Contributing to the global charter outcomes by piloting and testing international compassionate city measures;
- Providing a framework and resources for residents wanting to participate in creating Compassionate Ballarat;

- Creating opportunity for City of Ballarat to participate and contribute to the global work of the Charter for Compassion.

For the past 14 months under the guidance of a steering group Compassionate Ballarat have been working in the areas of public policy, education, health, business and the community. The steering group for 2018/19 was comprised of representatives from Ballarat Health Services, Victoria Police, Federation University and community members. Promoting and connecting the compassionate work occurring across the city and providing education resources, organising tools and avenues for communication are also roles undertaken. To date the following local organisations are supporting the work of Compassionate Ballarat.

- Ballarat Health Services,
- Victorian Police,
- UFS,
- Federation University,
- Catholic Education Office,
- Art Gallery,
- Sovereign Hill,
- Buninyong Community Bank,
- CFA,
- St John's Hospital,
- Ballarat Hospice,
- Regent Theatre,
- Loreto College,
- Big W.

Compassionate Ballarat's work with City of Ballarat:

Compassionate Ballarat has provided input and feedback into a number of recent Council policies and projects such as Social Policy Framework, Place Making for Graffiti Prevention Project, Community Attitudes to Gambling Survey, Community Safety Committee and Historical Urban Landscape Workshop and further opportunities exist to work collaboratively.

Placemaking for graffiti prevention - Little Bridge Street Bus Interchange

Compassionate Ballarat has also played a role as a partner in a Department of Justice and Community Safety initiative at the Little Bridge Street Bus Interchange. This is an innovative place making project applying compassionate city design to prevent graffiti and improve perceptions of safety. Compassionate Ballarat reviewed the concept plan created by the City Design Team to ensure the principles of compassionate urban design were addressed. In addition to ensuring social and physical infrastructure supports a sense of safety and comfort, Compassionate Ballarat will run public education sessions with local retailers and community members. The sessions will be aimed at building empathy for people impacted negatively by homelessness, mental health conditions, drug and alcohol misuse and gendered violence.

Other examples of work Compassion Ballarat has undertaken includes;

Compassion Walk (September 16th 2018)

Community event promoting and celebrating compassionate actions in Ballarat. Engaging over 200 participants.

CEO Forums (2018-2019)

Training local CEO's in the application of compassion within their organisations. The forums have included presentations by noted authors and practitioners on compassionate leadership and emotional intelligence skills.

Compassionate Design Forum (March 2019)

This forum discussed the intentional creation of nurturing and connected spaces. Compassionate city incorporates design qualities that inspire and invite people to do things that support their well-being, because the quality of their surroundings provokes the desire to do so.

Future opportunities**Celebrating Compassion (October 20 - 27 2019)**

A range of professional development events and activities led by Compassion Ballarat to raise awareness and inspire how in applying the evidence base of compassion the key social issues in health, education, business and the community can be supported.

OPTIONS

1. Endorse that City of Ballarat sign the Global Charter for Compassion and become a Compassionate City.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- *Ballarat Events Strategy 2018-2028*
- *Disability Access and Inclusion Plan 2019-2022*
- *Municipal Public Health and Wellbeing Plan 2017-2021*
- *Intercultural City Strategic Plan 2018-21*
- *Ballarat Creative City Strategy 2018 – 2028*
- *Social Policy Framework*

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	No
Risk Management	No	No
Implementation and Marketing	No	Yes
Evaluation and Review	Yes	Yes

Human Rights – It is considered that becoming a signatory of the Charter will not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – Social and cultural implications are considered in the work of Compassionate Ballarat. Social and cultural inequities are evidenced throughout our community and Compassionate Ballarat aims to encourage people to act in a compassionate manner, supporting and improving the wellbeing of residents.

Financial/Resources – Compassionate Ballarat is not seeking any direct financial support from Council. Officer time, participation in events and forums and minor contributions towards

the cost of events is the level of commitment. These minor contributions can be met within existing budget.

Evaluation and Review – The program and charter and outcomes from participation will be reviewed annually.

CONSULTATION

Compassionate Ballarat have held several discussions with Council Officers and Councillors to outline their work and the opportunity to become a Compassionate City.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

ATTACHMENTS

Nil

10.6. ROAD DISCONTINUANCE DUGGAN STREET

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Darren Sadler – Executive Manager Property Services and Facilities Management

OFFICER RECOMMENDATION

Council resolves to:

1. Proceed with a road reserve discontinuance situated in Howitt Street, Black Hill being part of LP212989A and consolidate with Lot 1 on LP212989 being 3 Duggan Street, Black Hill.

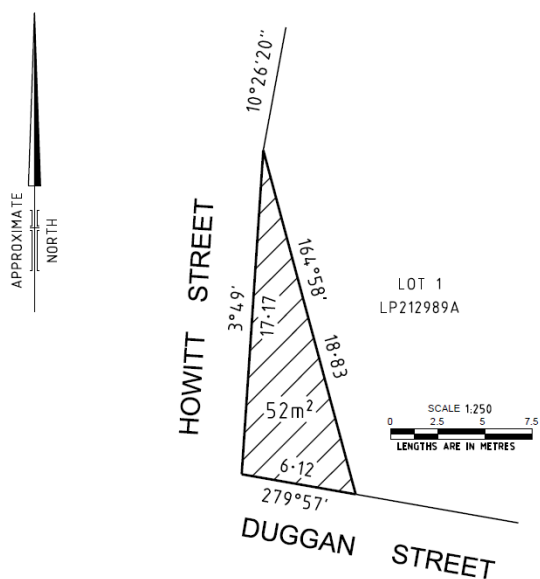
EXECUTIVE SUMMARY

The purpose of this report is for Council to consider proceeding with a road discontinuance for part of Howitt Street being LP212989A, and determine if the road should be discontinued and then consolidated with Lot 1 on LP212898, also known as 3 Duggan Street, Black Hill.

The Shire of Bungaree in 1990 excised a portion of 3 Duggan Street with the intention to include in the Howitt Street road extension, but with a commitment that any land not required within the extension be returned to the owner of the property.

The owner has made representation to Council to have this portion of the excised property returned and reinstated within the original parcel.

Council placed a Public Notice on the 1 August 2019 in order to comply with the requirements of Section 223 of the *Local Government Act 1989* with no submissions received.



RATIONALE

The Shire of Bungaree in 1990 excised a portion of 3 Duggan Street with the intention to include in the Howitt Street road extension with a commitment that any land not required within the extension be returned to the owner of the property.

The owner has made representation to Council to have this portion of the excised property returned and reinstated within the original parcel.

Council has undertaken the statutory process in accordance with Section 223 of the *Local Government Act 1989* with no submissions received.

Given the commitment was made to the land owner it is recommended that Council returns this portion of land to be consolidated with original parcel.

The portion of land is not required to deliver the road infrastructure for which it was originally required and to that end it is considered appropriate that the commitment provided by the previous Local Government entity be honored and that the land be transferred back to the owner at no cost to be consolidated back into the parcel and rationalise the residential lot given the land is for all intentional purposes used as part of the residential parcel.

It is considered that the public interest is served appropriately by this recommended approach.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- Local Government Act 1989

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	No	No

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural – This proposed road discontinuance has been requested by the property owners of 3 Duggan Street, Black Hill. Given the Shire of Bungaree made a commitment in 1992 to return the subject land this report is to support that commitment.

Financial/Resources – Given the Shire of Bungaree made a commitment to the owner in 1992 Council will be bearing the costs associated with the reinstatement.

Risk Management – If Council were to renege on its commitment in 1992 there is a considerable reputational risk.

Implementation and Marketing – Council in accordance with Section 223 of the *Local Government Act 1989* has advertised its intention to discontinue part of the road reserve situated in Howitt Street, Black Hill being part of LP212989A and consolidate with Lot 1 on LP212989 being 3 Duggan Street, Black Hill with no submissions received.

CONSULTATION

Consultation has occurred with relevant Council officers and a public notice in accordance with Section 223 of the *Local Government Act 1989* with no submissions received.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- *Local Government Act 1989*
- *Road Management Act 2004*

ATTACHMENTS

1. 29 April 1992 - Bungaree Shire - Road Easement Discontinuance Proposal [**10.6.1** - 3 pages]