



**Colac Otway**  
SHIRE

**UNSCHEDULED COUNCIL MEETING**

**AGENDA**

**Wednesday 6 December 2023**

**at 5:30 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE UNSCHEDULED COUNCIL MEETING

Wednesday 6 December 2023

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## COLAC OTWAY SHIRE UNSCHEDULED COUNCIL MEETING

NOTICE is hereby given that the next **UNSCHEDULED COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 6 December 2023 at 5:30 PM.

### AGENDA

#### **1 DECLARATION OF OPENING**

##### **OPENING PRAYER**

*Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.*

*AMEN*

#### **2 PRESENT**

#### **3 APOLOGIES**

#### **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

##### **RECORDING AND PUBLICATION OF MEETINGS**

Please note: Council meetings will be live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council meetings will be permitted without specific approval by resolution of the relevant Council meeting.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at [www.youtube.com](http://www.youtube.com)).

The sole purpose of this Unscheduled Council meeting is to consider the following agenda item:

- Item 7.1 - Local Sports Infrastructure Fund - Lake Oval Lighting Upgrade proposal

## **5 QUESTION TIME**

Please note that as this is an Unscheduled Council meeting, only questions pertaining to this agenda will be responded to. A maximum of 15 minutes is allowed for question time at Unscheduled Council meetings. Any person wishing to participate in question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 4 December 2023. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting. Written questions must be received by 5pm Monday 4 December 2023.
2. Questions by videoconference (by prior arrangement).
3. Questions from the floor.

## **6 DECLARATIONS OF INTEREST**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Item: 7.1

## Local Sports Infrastructure Fund - Lake Oval Lighting Upgrade proposal

<b>OFFICER</b>	Tamzin McLennan
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

The purpose of this report is to enable Council to provide direction regarding a potential application to Local Sports Infrastructure Fund (LSIF) for the Lake Oval Lighting project.

### 2. EXECUTIVE SUMMARY

The Local Sports Infrastructure Fund (LSIF) is an annual competitive funding program managed by Sport and Recreation Victoria (SRV) that is focussed on the development of high-quality, accessible and well-designed infrastructure for sport and recreation activities.

Council considered potential applications for the December 2023 round of LSIF at its Council Meeting on 22 November 2023. Council endorsed two applications and determined that it would consider a further application, the Lake Oval Lighting Project, once the required consultation had concluded and submissions could be properly considered.

This report will enable Council to consider whether to prepare and submit an application to the LSIF lighting stream. LSIF applications are to be submitted by 5pm on 13 December 2023.

### 3. RECOMMENDATION

*That Council:*

- 1. Notes and considers the submissions and survey results received through the November 2023 consultation period for the Lake Oval Lighting project.***

2. *Determines whether to lodge an application to the 2023-24 Local Sports Infrastructure Fund's Community Sports Lighting stream for the Lake Oval Lighting project.*

## 4. KEY INFORMATION

### Project background

Council adopted the City Reserves Planning Project report in May 2023, which included infrastructure planning for Lake Oval. The lighting project at the oval was one of the more significant projects identified.

The agenda for the 22 November 2023 Council meeting included a report outlining the potential benefits to existing and potential users including the Colac and District Football Umpires Association, the Colac Cricket Club, and the Colac Otway Rovers AFC (soccer club). These details are not duplicate in this report.

Broad community engagement took place for the City Reserves Master Planning project, however further consultation with residents and the community is required by LSIF guidelines and also to enable Council to understand whether the Local Oval Lighting project is ready for funding and implementation. This consultation is underway and results will be distributed to Councillors to enable Council to determine if an application for the Lake Oval Lighting project should be lodged for LSIF funding, or if the project needs further consideration.

### Project description

The scope of the Lake Oval Lighting project includes:

- Removal of the two existing nine-metre lighting poles.
- Installation of four 27.4 metre lighting poles with luminaires/fixtures to provide lighting to a 100 lux average.
  - Pole 1 to be installed near to where an existing pole is located by the electronic scoreboard.
  - Pole 2 to be located outside the boundary line mid-reserve along Queen's Avenue;
  - Pole 3 to be located mid-reserve along Fireman Street; and
  - Pole 4 to be located mid-reserve along Calvert Street.
- Upgrade of power supply to support the new lighting.

The current lighting at the Lake Oval is patchy and inconsistent due to the height of the existing poles and the positioning of the globes on the poles. Measurements taken at night in November 2023 show some sections of oval are lit up to 60 lux, whilst other areas of the oval (including the middle) are as low as 30 lux. In addition, the glare level and lighting spill to some neighbouring properties along Calvert Street currently do not comply with Australian Standards for obtrusive lighting.

Modelling for the proposed lighting upgrade indicates a reduction in the level of glare and spill lighting they is currently experienced by virtue of taller poles and better-aimed lighting fixtures. Under modelling undertaken for the preliminary designs, no properties surrounding the Lake Oval would experience a spill level above 10 lux, which complies with the Australian standard. The calculated highest reading provided in the preliminary design is 7.66 lux.

## Consultation and engagement

Council recognised that the consultation was incomplete when it considered LSIF applications on 22 November 2023, and resolved as follows:

*That Council:*

1. *Endorses the following projects to be submitted to the 2023-24 Local Sports Infrastructure Fund:*
  - a. *Football (Soccer) Facilities Feasibility Study, to be submitted under the Local Sports Infrastructure Fund Planning Stream, seeking a Victorian Government grant of \$40,000 with a Council contribution of up to \$20,000.*
  - b. *Apollo Bay Recreation Reserve Cricket Nets Upgrade, to be submitted under the Local Sports Infrastructure Fund Community Facilities Stream, seeking a Victorian Government grant of \$204,781 with a total leverage contribution of \$68,594 (with \$34,997 from each of the Apollo Bay Cricket Club and Council).*
2. *Notes that it will be required to underwrite the Football (Soccer) Facilities Feasibility Study project as per standard funding agreement obligations.*
3. *Notes that the Great Ocean Road Coast and Parks Authority, which is responsible for the management of the Apollo Bay Recreation Reserve and assets located on the reserve, has agreed to underwrite costs for the Apollo Bay Recreation Reserve Cricket Nets Upgrade.*
4. *Notes that an application to the 2023-24 Local Sports Infrastructure Fund for the Apollo Bay Recreation Reserve Cricket Nets Upgrade will be subject to written confirmation from the Apollo Bay Cricket Club confirming its financial contribution.*
5. *Authorises the Chief Executive Officer to submit applications for the endorsed projects to the 2023-24 Local Sports Infrastructure Fund.*
6. *Subject to the application(s) being successful, confirms its source of funding to meet its contributions at a future Council Meeting through a Project Budget Transfer Report.*
7. *Authorises the Chief Executive Officer to prepare an application for the projects to the 2023-24 Local Sports Infrastructure Fund, including the Lake Colac Oval Lighting Upgrade, subject to having considered community feedback to the proposed Lighting Upgrade project at a Council Meeting to be scheduled at 5.30pm on 6 December 2023.*

This report responds, in part, to point 7 of the above resolution. No detailed analysis of feedback can be provided at this time because the consultation period has not concluded.

At the time of writing this report, Council has received the following:

- 109 responses to the online survey from a variety of users, residents and other people.
- Five submissions were received via email.

General themes arising from submissions and survey results at this time include:

- Improved safety for users by providing greater level of lighting, including coverage
- Opportunity for increased usage at the oval by supporting more types of sports
- Opportunity for improved infrastructure to support growth in club membership including broader demographics
- Concerns about increased use of the oval having impact on neighbourhood
- Views that other infrastructure investment should be prioritised over lighting

- Impacts on residential amenity, particularly:
  - Visual impacts due to number and height of poles as well as brightness and light spill
  - Noise impacts from increased usage and potential for more use for night games
- Visual impact of increased sports infrastructure on the tranquil lakeside environment
- Impact on birdlife and nocturnal fauna from enhanced lighting
- Concerns about engagement process and a desire for more details to inform impacted parties

Councillors will be provided all submissions and survey results in full, prior to the Unscheduled Council Meeting on 6 December 2023.

### **Planning and heritage advice**

Since March 2009, buildings or works with an estimated cost of \$1,000,000 or less that are carried out by or on behalf of a municipal council are exempt from requiring a permit, unless there are other specific triggers for approval. This project does not require planning permit.

Council’s heritage adviser has confirmed that the only heritage control on or near the site is the Fireman Memorial in the southeast corner of the reserve. The proposed project will not have any impact on the memorial. There have been no other heritage concerns identified by Council’s Heritage adviser and there is no requirement for a Heritage Impact Statement.

## **5. CONSIDERATIONS**

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

This report aligns with most governance principles below in that it seeks to ensure that a decision can be made by Council taking into account community feedback as well as a range of social, financial and economic considerations.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

Planning matters have been noted elsewhere in this report. The project is consistent with relevant policies and law.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

The LED globes used in modern sports lighting fixtures are more efficient than older-style halogen globes, which are the current form of lighting at the Lake Oval.

### **Community Engagement (s56 LGA 2020 and Council’s Community Engagement Policy)**

To ensure Council fulfils LSIF’s requirements for recent, project-specific community consultation on the lighting project, officers have:

- Written to approximately 90 residents in Fireman/Corangamite, Calvert and Grant streets informing them of a potential grant application for a lighting upgrade at Lake Oval and inviting their feedback. The letter directs residents to an online survey, but also provides an email address and phone number for residents to use if they want more information or to speak to officers.

- Developed an online survey available on Council’s website and promoted the survey through various media channels.
- Emailed the major tenants of the Lake Oval, being the Colac Cricket Club and Colac and District Football Umpires Association, inviting their feedback on the proposed lighting project.
- Met in person with the Colac Cricket Club, the Football Umpires and the Otway Rovers (which is a soccer club with an interest in moving training and match activities to the Lake Oval).

### **Public Transparency (s58 LGA 2020)**

Decisions relating to the proposed lighting upgrade at the Lake Oval will be made by Council in open Council meetings.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 3 – Healthy and Inclusive Community

Objective 1: All people have the opportunity to achieve and thrive in our shire

Objective 2: People are active and socially connected through engaging quality spaces and places

Objective 3: We are a safe, equitable and inclusive community

The proposed lighting upgrade at Lake Oval aligns with priorities outlined in the City Reserves Masterplan.

### **Financial Management (s101 Local Government Act 2020)**

The total estimated project budget at this time is \$480,000 to replace current lighting with upgraded compliant lighting. The LSIF provides an opportunity for up to \$250,000 to be provided by the Victorian Government. The new lights would have minimal change to Council’s operating costs as there are existing lights.

### **Service Performance (s106 Local Government Act 2020)**

Service planning for a variety of sporting groups and users has been considered through the development of the City Reserves Master Planning project. This has guided the development of this lighting proposal. While the Lake Oval users have basic infrastructure currently, the lighting upgrade aims to support growing sports participation in the Colac Otway Shire.

### **Risk Assessment**

Currently the Football Umpires train under lighting that doesn’t meet current Australian Standards. The proposed upgrade would assist in providing a safe environment that minimises risk of injury to users playing or training for sport.

### **Communication/Implementation**

Consultation with residents and users is underway at the time of writing this report.

Communication about this project has already been rolled out to neighbouring residents, tenant clubs and clubs who wish to use Lake Oval in the future. Council’s decision on whether to proceed with this project will be communicated to all interested parties.

### **Human Rights Charter**

The rights outlined in the Human Rights Charter have been considered and no impact on these rights has been identified.

### **Officer General or Material Interest**

Ian Seuren, General Manager Community and Economy, declared a general conflict of interest pursuant to section 126 of the Local Government Act 2020 for the Lake Oval Lighting Upgrade project due to being a member of the Colac Cricket Club. Mr Seuren has not been a reviewer of this report and had no role in the assessment of the Lake Oval Lighting Upgrade project as a potential candidate for the Community Sports Lighting stream.

### **Options**

At the November 2023 Council meeting, Council resolved to support a grant application to LSIF for a Football (Soccer) Facilities Feasibility Study, which will help identify future sites for soccer facilities in Colac, undertake a site masterplan and obtain designs and cost estimates for a future construction project. Whilst this will help address the longer-term needs of the club, the Otway Rovers also need assistance with finding venues to support their immediate and shorter-term needs.

#### Option 1 – Endorse the Lake Oval Lighting project as an application for the December 2023 round of LSIF funding

Council could endorse the project as the third submission to LSIF in December 2023.

If Council chooses this option it would need to:

- Underwrite the project as per standard funding agreement obligations.
- Allocates funds to meet its contribution to the Lake Oval Lighting Upgrade project at a future Council Meeting.

#### Option 2 – Not endorse the Lake Oval Lighting project as an application for the December 2023 round of LSIF funding

Council could choose not to endorse the project for submission to LSIF in December 2023.

If Council chooses this option it should consider:

- How sporting clubs and users are to be supported in the absence of upgraded lighting.
- Whether the merits of the project need further consideration and review to provide Council more confidence if future funding opportunities arise.
- Whether there is further technical or other information required to address some of the concerns raised through the consultation processes.

