



Colac Otway
SHIRE

UNSCHEDULED COUNCIL MEETING

MINUTES

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

MINUTES of the *UNSCHEDULED COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on Wednesday 6 December 2023 at 5:30 PM.

MINUTES

1 DECLARATION OF OPENING

The Mayor declared the meeting open at 5.58pm then adjourned the meeting for a short break.
The meeting resumed at 6.05pm.

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

Cr Margaret White (Mayor)
Cr Max Arnott
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
Cr Stephen Hart
Cr Chris Potter

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Doug McNeill, Acting General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance
Carmen Lawrence, Coordinator Council Business

3 APOLOGIES

Nil

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.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at 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

Colac Otway Shire Council encourages community input, and integral to this, is the opportunity provided to ask questions at Council meetings.

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.

Community members wishing to ask questions of Council by videoconference were requested to register their intention before 5pm on Monday 4 December 2023. No requests were received.

I have received questions in writing Brigid Finlayson, James Judd and David Coventry.

These questions will be read out and a response will be provided by the Chief Executive Officer.

In accordance with sub-rule 56.6.3 of Council's Governance Rules, an individual written response will only be provided to questions that have not been read out today. All written responses will be available in the minutes, on the Colac Otway Shire Website, once confirmed at the following Council meeting.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Brigid Finlayson

New Lights – Lake Oval Colac Cricket Ground

Preamble by the Mayor

“Ms Brigid Finlayson has asked 25 questions relating to Agenda Item “7.1: Local Sports Infrastructure Fund – Lake Oval Lighting Upgrade proposal”, which is a matter that will be considered by Council at the meeting today.

Ms Finlayson submitted these questions before the agenda was published and so we hope that some of her questions may have been addressed by the report.

A number of questions pre-empt a decision of Council at this meeting and so it’s not possible to answer all these questions in advance of our deliberations or decision today.

I will read through Ms Finlayson’s 25 questions and then the Chief Executive Officer will provide a series of responses that have been prepared to address the questions to the best of our ability at this time.”

1. **Who is driving this proposal? Is it Lake Oval users, Council, other?**
2. **What are the precise plans for the location of the new lights? How can stakeholders properly assess the merits of the project without accurate information and plans?**
3. **What is the name of the firm who will undertake these lighting works?**
4. **What tender process has been undertaken to undertake this project?**
5. **What are the ongoing costs of this project?**
6. **What are the ongoing costs of this project?**
7. **Who is responsible for insurances such as Public Liability Insurance for this project and into the future?**
8. **What are the implications of the new lighting towers at Lake Oval on emergency services, particularly the Air Ambulance helicopters?**
9. **Have aircraft regulatory bodies been informed of the proposed lighting changes at Lake Oval?**
10. **Given the Lake Oval proximity to the Colac Lake and the Botanical Gardens, both of which can affect air turbulence, what additional risks to helicopters have been assessed? And what are those risks?**
11. **Has a professional and qualified aeronautical risk assessor been engaged by Council to qualify and quantify risk to aircraft, crew and passengers, local residents and infrastructure?**
12. **What are the environmental impacts of the proposed new lighting to the local fauna, particularly the flying foxes, birds, and insects?**
13. **Have local environmental groups been informed of the proposed lighting change at Lake Oval?**
14. **What will the actual impact of the new lights be on adjacent properties, user groups and the wider Colac community?**
15. **As the Colac cricket oval is elevated from the western side, Grant Street residents what will the exact impact of the lights be?**
16. **What will the precise light spill of each light to local residents?**
17. **What are the implications of these new lights on increased use of the Lake Oval?**

18. How will increased use of the Lake Oval affect car parking, noise, rubbish toilets etc...?
19. Who will be responsible for costs incurred by increased use of the Lake Oval?
20. Are there any existing planning restrictions such as heritage overlays that affect the proposed lighting project?
21. What are the hydrology implications of changing any ground height for the installation of the proposed lighting pylons or changes to car parking areas?
22. Has anyone ever actually complained about the current lighting at Lake Oval?
23. In the Colac City Reserves Planning Project the installation of the new lights at Lake Oval is only rated as a medium priority. There are four other items ahead of it on the priority list. Why has this order and priority changed?
24. Who is responsible for changing Council's own list of priorities at Lake Oval?
25. Who is responsible for supervising the conduct of the proposed installation of new lights at Lake Oval?

Response from Chief Executive Officer

Five questions (numbers 1, 2, 22, 23 and 24) seek to understand the background of the project, how it has been prioritised and been out for consideration as a funding application and how the community can understand the merits of the project.

Council adopted a Master Plan for the Lake Oval in May 2023, along with Master Plans for three other Colac reserves. This work was informed by:

- an understanding of current and emerging sports demands
- consultation with sports clubs and the broader community
- an assessment of how the various reserves might collectively support the existing and emerging needs of the community.

While cricket is a summer sport, the umpires are dependent on decent lighting and have complained about the quality of lighting at the oval over a period. There are limited options to move the umpires to an alternative site without causing other problems elsewhere. Councillors heard various views about the lighting and had the challenge of trying to balance the competing issues. In the end Council adopted the Master Plan for Lake Oval including a proposal to upgrade the lighting to support safe training for the football umpires.

There is an overall prioritisation of projects in the masterplans. Some are dependent on other things happening in a certain order, but some may be brought forward when funding opportunities arise. This is basically what has happened in this case, however it doesn't mean that masterplan priorities are ignored or changed.

There is a funding stream specifically for lighting open under the Local Sports Infrastructure Fund. It is officers' responsibility to bring these opportunities to the attention of Councillors which we have done. Councillors can choose to take up this opportunity or wait and reconsider it for another time.

Four questions (numbers 3, 4, 7 and 25) relate more directly to tender and contract matters. As stated already, Council has not yet given a direction to seek a grant for the Lake Oval Lighting project or commence a project. Therefore, we haven't moved to preparing for tender and no contractor is engaged.

If a contract is awarded in the future, one of Council's project managers will be responsible for supervising the contract and the contractor will be responsible for public liability insurance during construction, after which Council maintains public liability insurance for the overall reserve.

Two questions (number 5 and 6) relate to the up-front and ongoing costs of the lights if installed. Page 9 of the agenda addresses financial implications and outlines that the project budget required is \$480,000. Construction costs are only part of this as the budget also includes design planning, removal of existing lights, upgrade of supply and a contingency allowance. The operating costs are likely to be similar to current costs because while there are more poles, the actual globes will be much more efficient. The four poles and lights will translate to an increase in annual depreciation, and this increase is likely to be in the order of \$7,000 per year.

Four questions (numbers 8 to 11) relate to the potential use of the oval by air ambulance helicopters. The oval hasn't been used by air ambulance for a number of years and they have not requested Council to make it available for emergencies. Therefore, specific consultation hasn't occurred with emergency services at this time.

Two questions (numbers 12 to 13) relate to concerns about lights impacting flying foxes, birds and insects. A specific assessment has not been undertaken and it is not usual to do so for these projects. Lake Oval is in an urban environment where streetlights are on from dusk to dawn. Lighting at recreation reserves is generally turned off before 10pm or earlier and is directed down to the playing surface.

Three questions (numbers 14 to 16) relate to the potential for light spill to impact on neighbouring residents.

Council has sourced a preliminary lighting design suitable for the concept stage of this project. This informs the budget and demonstrates that Australian Standards can be met in relation to the light needed for the playing surface and not exceed the standards for light spill away from the reserve.

Should Council determine to proceed with the project, this lighting design may need a final review and refinement before it is put to tender, but we are very happy to share the final lighting design, including modelling of light spill, with neighbouring residents.

Three questions (numbers 17 to 19) ask about the implications of increased usage of Lake Oval, including the effects on carparking, noise, rubbish toilets and costs that result from increased usage.

In general, sharing of facilities by different sporting clubs is encouraged. This helps to get the greatest return on investment in the infrastructure, share operating costs and support applications for other funding parties to invest. Single user facilities are harder to sustain as more burden falls to a smaller number of users, and growth in community participation may be quite limited.

If Lake Oval is able to support additional types or frequency of users, there may be more times when people use carparking, toilets etc. Costs are generally shared between Council and the community with Council taking primary responsibility for assets that it is responsible for, and the users taking more responsibility for general operating costs and helping to raise funds for upgrades.

Question 20 asks about whether planning restrictions, including any heritage overlay, affect the proposed lighting project. These issues are covered in the officer's report on page 8 of the agenda.

The Lake Oval project doesn't require a permit and there is no heritage overlay that impacts the project. The Heritage advisor has been consulted and they have not identified any concerns arising from the project.

Question 21 asks if the lighting pole foundations change the ground height and will this impact drainage. Most foundations are below or at ground level and any changes are relatively minor. Drainage is considered during both the design and construction stages to ensure water doesn't pool or get diverted where it shouldn't be.

James Judd

Why do we not bring back the Light Wardens to check on siting of light towers to make certain they only throw light into specific areas and are not visible from other areas. These wardens served a very important role in not allowing light to escape so it could be detected from other sites during a national emergency WWII, plus no one was exempt from these rules and even all street lights had to be shaded so the light was direct and could only light up the road under a light and could not send light to other areas. No buildings could have outside lights if not very carefully shaded so no light could be seen outside a property boundary. Plus, all building windows had to have black out curtains to make sure no light could escape from a building and could be seen from any place outside a building. The wardens were active throughout the nation and very heavy penalties were handed down if any person or business broke them.

Response from Chief Executive Officer

There is no identified need for engaging 'Light Wardens'. In regard to sports ground lighting, modern lighting is designed by technical professionals who ensure that lights are focussed on the playing area and that spill outside the playing area is minimised and complies with Australian Standards.

David Coventry

In the G21 Regional Football Strategy 2023-2033 published in August 2023, Beeac Recreation Reserve is recognized as the only football (soccer) facility within the Colac Otway Shire, yet the reserve is not managed by the Council. Every measured category in the report concerning the pitch quality and facilities ranks as LOW. The report acknowledges major shortfalls in infrastructure have been identified, and recommends immediate planning and investment are required. Surely, the football feasibility study and lake oval lighting upgrade are aligned with the need to do more to support a club that has battled to find a home base for more than 20 years within the shire. If the Council cannot support the submission of a grant application, what plans do they have to support football (soccer) within Colac Otway Shire? And, with a burgeoning junior interest in the game, if not now, when?

Response from Chief Executive Officer

Council has resolved to submit an application to the Local Sports Infrastructure Fund for a football (soccer) feasibility study. This will provide long-term direction for the provision of football facilities in the longer term, and officers will continue to work with the club about a shorter-term solution.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Brigid Finlayson

My question is, why was the information regarding the proposed new lighting at the Lake Oval that appeared in the Agenda for today's Special Council Meeting not included in the letter dated the 14th of November 2023, sent to residents by the Colac Otway Shire Council Recreation and Open Space Coordinator prior to the conclusion of the public consultation process?

This information including costs and location of these new lights should have been included in the letter sent to residents to properly inform their views. The fact that this information was known by the Recreation and Open Space Coordinator before the conclusion of the public consultation process and not included in the resident letters might give the appearance of being in breach of Colac Otway Shire's Public Transparency Policy which gives effect to the Public Transparency Principles adopted under Section 57 of the "2020 Local Government Act" effective from the 27th of April 2022. Thank you.

Response from the Mayor

Your question?

Brigid Finlayson

The question is why wasn't the information regarding the proposed new lighting at the Lake Oval not included in the letter that we received?

Response from the Mayor

Chief Executive Officer would you like to respond?

Response from Chief Executive Officer

Thanks Mayor. I'm not in a position to do a comparison exactly of the information that may be different between those two things, but what I would say is that as has been explained in the previous Council's report and this one, we actually have needed to do two things in parallel. We needed to try and progress our understanding of what this project might look like in terms of budget and scope etc... In parallel, is in refining that we had an understanding of course, but we needed to refine that to get ready for a funding application should Council decide this is the right time to do that in parallel with a consultation process that is actually a specific requirement for the application.

We have to prepare two things for the Grant Application and unfortunately because of the very short time frames with the grants closing next Wednesday, we've actually had to do those in parallel. We understand that this is not the preferred way to do that, but it was the only way we could create the opportunity for Council to consider whether to proceed with an application or not and so information will have been emerging to officers that now is coming through the public reports that just may not have been actually available at the time that we were writing to Residents.

6 DECLARATIONS OF INTEREST

| | |
|----------------------|--|
| Ian Seuren | 7.1 Local Sports Infrastructure Fund – Lake Oval Lighting Upgrade Proposal |
| Nature of Disclosure | Material |
| Nature of Interest | General Interest |

Item: 7.1

Local Sports Infrastructure Fund - Lake Oval Lighting Upgrade proposal

| | |
|-------------------------|-----------------------|
| OFFICER | Tamzin McLennan |
| CHIEF EXECUTIVE OFFICER | Anne Howard |
| DIVISION | Community and Economy |
| ATTACHMENTS | Nil |

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.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Tosh-Jake Finnigan

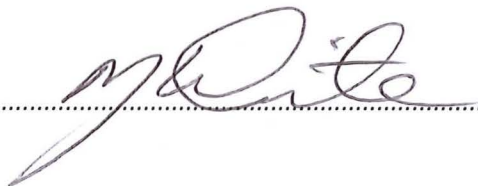
That Council:

- 1. Notes and considers the submissions and survey results received through the November 2023 consultation period for the Lake Oval Lighting project.*
- 2. Determines not to lodge an application to the 2023-24 Local Sports Infrastructure Fund's Community Sports Lighting stream for the Lake Oval Lighting project.*

CARRIED 7 : 0

The meeting was declared closed at 6.46pm.

CONFIRMED AND SIGNED at the meeting held on 13 December 2023.

.....MAYOR