



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-096

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	17
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

## Freedom of Information – Access Application Form

### PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, the [AGENCY] may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The [AGENCY] Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the [AGENCY], as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the [AGENCY] website at [WEBSITE]

### Applicant details

I wish to make an access application to Environment, planning and Sustainable Development Directorate under the *Freedom of Information Act 2016*.

<b>Name</b>	
<b>Address</b> (where notices relating to this request can be sent – either postal or electronic)	
<b>Telephone Contact Residential</b>	
<b>Telephone Contact Mobile</b>	
<b>Email Contact</b>	

### What documents are you requesting under the Act?

All documents relating to complaints received regarding McKellar Park for light pollution during 2019, 2018 and 2017.

**AND**

All documents relating to the investigation and outcome of these complaints.

### Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the Social Security Act 1991; a current pensioner concession card issued in relation to a pension under the Veterans' Entitlements Act 1986 or the Military Rehabilitation and Compensation Act 2004; a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

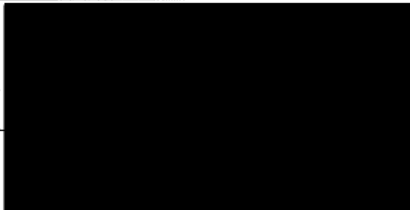
[AGENCY] must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because the applicant is a member of the Legislative Assembly.

APPLICANTS SIGNATURE

DATE OF REQUEST



10/April/2019




**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2019-096



via email: 

Dear 

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 18 April 2019.

Specifically, you are seeking:

All documents relating to complaints received regarding McKellar Park for light pollution during 2019, 2018 and 2017;

And:

All documents relating to the investigation and outcome of these complaints.

### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 13 June 2019.

### **Third party consultation**

In determining this access request, I identified that some of the information may reasonably be expected to be of concern to a third party. In accordance with section 38 of the Act, I have undertaken third party consultation. The identified third party did not raise any objections to the release of the identified information.

### **Decision on access**

Searches were completed for relevant documents and 6 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 3 documents relevant to your request. I have decided to grant partial access to the remaining 3 documents as I consider some of the information in them to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act, a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request; and
- the *Information Privacy Act 2014*.

### **Exemption claimed**

#### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and factors favouring non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

#### Factors favouring disclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

...

(ii) *contribute to positive and informed debate on important issues or matters of public interest.*

#### Factors favouring nondisclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

...

(ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having considered the factors identified as relevant in this matter, I consider that the release of the information contained in these documents may contribute to a positive and informed debate on the handling of light pollution by allowing you to have a copy of the complaints and follow up actions taken regarding light pollution in McKellar Park.

However, when considering this finding against the factor favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of dealing with the ACT Government, is a significant factor as the parties involved have provided their personal information for the purposes of dealing with a light pollution issue. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2) of the Act. Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to much of the information held by CMTEDD within the scope of your request.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges have been waived in accordance with section 107(2)(e) of the Act.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and the documents released to you in response to your access application will be published in the CMTEDD disclosure log three days after the date of my decision. Your personal contact details will not be published.

You may view the CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), you may apply to the ACAT for a review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Sarah McBurney  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
16 May 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	All documents relating to complaints received regarding McKellar Park for light pollution during 2019, 2018 and 2017.	CMTEDDFOI 2019-096

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Advisory letter to Belconnen Soccer Club	9-Jan-2019	Full release	N/A	Yes
2	2-8	Complaint	20-Dec-2018	Partial release	Schedule 2 2.2(a)(ii)	Yes
3	9-10	Complaint	16-Feb-2019	Partial release	Schedule 2 2.2(a)(ii)	Yes
4	11-14	Email chain	10-Apr-2019	Full release	N/A	Yes
5	15-36	Emails	Various	Partial release	Schedule 2 2.2(a)(ii)	Yes
6	37-42	Photos of light	Unknown	Full release	N/A	Yes
<b>Total No of Docs</b>						
6						



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: 9841

Belconnen Soccer Club  
Cnr William Slim & Owen Dixon Drive  
MCKELLAR ACT 2617

Dear Sir/Madam

**Re: Notice of light pollution complaint**

On 20 December 2018 Access Canberra received a complaint regarding light pollution. The person believes that light from your address is a nuisance and disturbs their amenity.

The attached fact sheet has more information about light pollution within the ACT.

If Access Canberra receives further complaints, Environment Protection Officers may attend and investigate. Please note, Light pollution may be classified an environmental nuisance and penalties may be applied for breaches of the *Environment Protection Act 1997*.

If you believe the light does not originate from your property or you wish to discuss this please contact Access Canberra on 13 22 81 and request to speak with an Environment Protection Officer.

Your cooperation addressing this matter is appreciated.

Yours sincerely

Gabrielle Barnes  
Team Leader  
Complaints Management Team  
Access Canberra  
9 January 2019



ACT  
Government  
logo

## Incident Reference # 181220-002201

**Subject:** EPA - Light Pollution - Belconnen Soccer Club, 5 Walkley Pl, McKellar

**Date Created:** 20/12/2018 11.00 PM

Response By Email ( Subject Matter Expert ) ( 16/01/2019 06.34 AM)

Hi Imogen

The EPA must attend a complaints place at the time they are affected by lights, this is necessary to get the required evidence to prove light intrusion, so the only way to validate a light complaint so the we can take any regulatory action is to attend at the time.

If you are affected by lights please call Access Canberra on 132281 when you are affected and request our attendance, please note this is a 24/7 service.

Regards  
Peter

Note By Email ( Access Canberra Customer Service ) ( 15/01/2019 01.42 PM)

Access Canberra Customer Service forwarded this Enquiry to  
[Peter.Ryan@act.gov.au](mailto:Peter.Ryan@act.gov.au),  
[environment.protection@act.gov.au](mailto:environment.protection@act.gov.au)

Hi EPA,

The below incident has been received through the ACT Government CRM in response to an email from Peter.

Can you please respond to the customer's enquiry using the below form. When you respond it will be sent directly back to the customer's email.

If this is not for your area, please select "Reply to Staff Member" before submitting response. (If this option is not available, it will be sent back to the staff member by default, you will not need to manually select this)

Kind regards,

Access Canberra  
Complaints Management Team

Customer By CSS Email ( **Sch 2 2.2(a)(ii)** ) ( 15/01/2019 11.57 AM)

Thank you for taking action so quickly & reporting back to us Peter.

We really appreciate your response to our concerns.

There are a few other points we want to make following the BSC reply.

There are other soccer fields in Canberra & Queanbeyan which are setup with suitable lighting for broadcasting so there should be no occasions where lighting restrictions are ignored. McKellar Park is in the middle of a residential area & should not be used for broadcasting events requiring additional lighting with its associated light spill.

Did BSC agree to future broadcasted events being held at other fields?

Although BSC said this was a one off game, the additional lighting was actually illuminated on both the 20/12 and 27/12.

If there is no intention to use these flood lights again when will the additional lights be removed from the towers? Could you please ensure this happens otherwise there will always be the temptation for other special one off usage.

Was BSC in breach of lighting restrictions on these two occasions?

Was there any penalty given?

Thank you for the contact details. We will be in touch if any further issues occur meanwhile I trust our details will be kept confidential.

Regards Sch 2 2.2(a)(ii)



ACT  
Government  
logo

On 20/12/2018 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

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## Subject

**EPA - Light Pollution - Belconnen Soccer Club, 5 Walkley Pl, McKellar**

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## Message

Response By Email (Peter) (15/01/2019 08.22 AM)

Hi Sch 2 2.2(a)(ii)

I have been in contact with BSC and they have advised that the extra lights were for a game which was going to be broadcasted. They have advised me that it was a one off game.

However if you have any other concerns or affected by the same thing again the contact details are;

Geoff Long (CEO), Sch 2 2.2(a)(ii)  
Phone 6259 9900

If you have no luck in the future please contact Access Canberra on 132281 when you are affected and advise its on ongoing issue and you would like EPA

top attend.

Regards  
Peter Ryan

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Peter Ryan | Environment Protection Officer | Environment Protection Branch  
Phone 02 6207 6078 | email: [Peter.Ryan@act.gov.au](mailto:Peter.Ryan@act.gov.au)  
Environment Protection Authority | Access Canberra | ACT Government  
TransACT House, 470 Northbourne Ave Dickson |  
GPO Box 158 Canberra ACT 2601 | <http://www.environment.act.gov.au/>

Response By Email (Access Canberra Customer Service) (09/01/2019 11.55 AM)

Good Morning Sch 2 2.2(a)(ii)

Thank you for bringing this matter to our attention.  
From the details you have provided, an information letter advising of light restrictions has now been sent to the occupier.  
If this issue continues after the 16th of January 2019 please contact Access Canberra on 13 22 81 when you are being affected by the issue. Please note this is a 24/7 service.

When speaking with the operator from Access Canberra, you will need to advise them that this is an ongoing issue, and you would like the EPA to attend. They will then take down all the required details and pass it onto the on-call officer.  
The on-call officer may call you back to arrange a time to attend the affected premises.

Kind regards,

Imogen | Case Manager  
Access Canberra | Complaints Management Team  
[www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr) | 13 22 81

Customer By CSS Web Sch 2 2.2(a)(ii) (27/12/2018 09.46 PM)

While the Belconnen Soccer club lights were on again on 20/12/2018, we happened to be driving along Bancks Cres in McKellar & the attached image shows the blinding view!

Customer By CSS Web Sch 2 2.2(a)(ii) (20/12/2018 11.00 PM)

This evening Belconnen Soccer Club had their light towers illuminated and we noticed that the lights were much brighter than normal.  
We estimate they are at least 4 times brighter & the light spillage is penetrating across McKellar. Whilst looking in that direction from our outdoor entertainment area, the lights are extremely glaring! The lights towers do not have sufficient shields to direct this level of light intensity down onto the field.  
Why have the lights been changed & was the level of light spillage assessed

before approval was granted?

Note the picture taken of the BSC lights from our home some 500m from the club. There are many other residents living closer who will also be affected, not to mention Giralang & Evatt residents. At the time the BSC field was originally built the light spillage was assessed in relation to the proximity of residences at that time & built within specifications. To increase the brightness now is not acceptable, especially given the more recent establishment of housing even close to the field. Could this please be investigated? Is this level of lighting compliant with the ACT regulations?

---

## Your Details

**First Name:** [Redacted]

**Last Name:** [Redacted]

**Contact Number:** [Redacted]

**Email Address:** [Redacted]

---

## Additional Details (if available)

**Reference #:** 181220-002201

**Date Created:** 20/12/2018 11.00 PM

**Status:** Resolved

**Category:** Air Pollution & Noise

**Type of Correspondence:** Complaint

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If this issue is not resolved to your satisfaction, you may [reopen it under the 'Your Account' section](#) on our website.

---

Response By Email ( Peter ) ( 15/01/2019 08.22 AM)

Hi [Redacted]

I have been in contact with BSC and they have advised that the extra lights were for a game which was going to be broadcasted. They have advised me that it was a one off game.

However if you have any other concerns or affected by the same thing again the contact details are;

Geoff Long (CEO), [Redacted]

Phone 6259 9900

If you have no luck in the future please contact Access Canberra on 132281 when you are affected and advise its on ongoing issue and you would like EPA top attend.

Regards

Peter Ryan

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Peter Ryan | Environment Protection Officer | Environment Protection Branch

Phone 02 6207 6078 | email: [Peter.Ryan@act.gov.au](mailto:Peter.Ryan@act.gov.au)

Environment Protection Authority | Access Canberra | ACT Government

TransACT House, 470 Northbourne Ave Dickson |

GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

Response By Email ( Access Canberra Customer Service ) ( 09/01/2019 11.55 AM)

Good Morning Sch 2 2.2(a)(ii)

Thank you for bringing this matter to our attention.

From the details you have provided, an information letter advising of light restrictions has now been sent to the occupier.

If this issue continues after the 16th of January 2019 please contact Access Canberra on 13 22 81 when you are being affected by the issue. Please note this is a 24/7 service.

When speaking with the operator from Access Canberra, you will need to advise them that this is an ongoing issue, and you would like the EPA to attend. They will then take down all the required details and pass it onto the on-call officer.

The on-call officer may call you back to arrange a time to attend the affected premises.

Kind regards,

Imogen | Case Manager  
Access Canberra | Complaints Management Team  
[www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr) | 13 22 81

Customer By CSS Web ( Sch 2 2.2(a)(ii) ) ( 27/12/2018 09.46 PM)

While the Belconnen Soccer club lights were on again on 20/12/2018, we happened to be driving along Bancks Cres in McKellar & the attached image shows the blinding view!

Note By Email ( Access Canberra ) ( 21/12/2018 03.10 PM)

Access Canberra forwarded this Enquiry to [environment.protection@act.gov.au](mailto:environment.protection@act.gov.au)

Hi,

Can you please respond to the customer either by phone or by using the below form. If you respond using the form below the response will be sent directly back to the customer's email.

If you phone the customer, please select "Reply to Staff Member" and reply in the form to let me know.

If this is not for your area, please select "Reply to Staff Member" before submitting response. (If this option is not available, it will be sent back to the staff member by default, you will not need to manually select this).

Kind regards,

Access Canberra

Auto Note By ( Administrator ) ( 20/12/2018 11.00 PM)

Positional data at time of incident submissions was:

Latitude: -35.21357510000001

Longitude: 149.0840822

Google Url: <http://maps.google.com.au/maps?q=loc:-35.21357510000001,149.0840822&z=17>

Google Address: 5 Walkley Pl, McKellar ACT 2617, Australia

Customer By CSS Web ( Sch 2 2.2(a)(ii) ) ( 20/12/2018 11.00 PM)

This evening Belconnen Soccer Club had their light towers illuminated and we noticed that the lights were much brighter than normal.

We estimate they are at least 4 times brighter & the light spillage is penetrating across McKellar. Whilst looking in that direction from our outdoor entertainment area, the lights are extremely glaring! The lights towers do not have sufficient shields to direct this level of light intensity down onto the field.

Why have the lights been changed & was the level of light spillage assessed before approval was granted?

Note the picture taken of the BSC lights from our home some 500m from the club. There are many other residents living closer who will also be affected, not to mention Giralang & Evatt residents. At the time the BSC field was originally built the light spillage was assessed in relation to the proximity of residences at that time & built within specifications. To increase the brightness now is not acceptable, especially given the more recent establishment of housing even close to the field. Could this please be investigated? Is this level of lighting compliant with the ACT regulations?

## Additional Incident Details (if available)

**Status:** Resolved

**Category:** Air Pollution & Noise

**Type of Correspondence:** Complaint

**Street:**

**Suburb:** McKellar McKellar

**Postal Code:**

## Contact Information

**First Name:** Sch 2 2.2(a)(ii)

**Last Name:**

**Email Address:** Sch 2 2.2(a)(ii)

**Phone Number:**





## Incident Reference # 190206-001256

**Subject:** Light Complaint - Light Pollution - Walkley PI, Mckellar - Ref: GPGN7J

**Date Created:** 06/02/2019 12.50 PM

Note By Email ( Sch 2.2.2(a)(ii) ) ( 06/02/2019 12.50 PM)

From: Pearson, Luke  
 Sent: Wednesday, 6 February 2019 11:06 AM  
 To: AccessCanberraCMT <[AccessCanberraCMT@act.gov.au](mailto:AccessCanberraCMT@act.gov.au)>  
 Subject: FW: Environment Protection complaint, GPGN7J, Walkley Place, MCKELLAR  
 [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]

Hi CMT

Please create incident and attach to case 9841.

Ta,

Luke

From: Ryan, Peter  
 Sent: Wednesday, 6 February 2019 6:44 AM  
 To: Pearson, Luke <[Luke.Pearson@act.gov.au](mailto:Luke.Pearson@act.gov.au)>  
 Subject: FW: Environment Protection complaint, GPGN7J, Walkley Place, MCKELLAR  
 [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]

A/H

Regards  
 Peter Ryan

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Peter Ryan | Environment Protection Officer  
 Phone 02 6207 6078 | email: [Peter.Ryan@act.gov.au](mailto:Peter.Ryan@act.gov.au)  
 Environment Protection | Access Canberra | ACT Government  
 Ground Floor TransACT House, 470 Northbourne Avenue Dickson |  
 GPO Box 158 Canberra ACT 2601 | <http://www.environment.act.gov.au/>

Customer By CSS Web ( Sch 2.2.2(a)(ii) ) ( 06/02/2019 12.50 PM)

Type of complaint  
 Other

Details

all lights have been turned on for a soccer game, have been advised by Peter Ryan to call if they turn the lights on again complaint ref [181220-002201](#)

Has this call been made after hours?

Yes

Time reported

18:38

Name of inspector to attend

Luke

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### Additional Incident Details (if available)

**Status:** Resolved

**Category:** Environment & Heritage

**Type of Correspondence:** Complaint

**Street:**

**Suburb:**

**Postal Code:**

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### Contact Information

**First Name:** Sch 2 2.2(a)(ii)

**Last Name:** Sch 2 2.2(a)(ii)

**Email Address:** Sch 2 2.2(a)(ii)

**Phone Number:**

**From:** [Dix, Rodney](#)  
**To:** [Pincombe, Neil](#)  
**Cc:** [Sargent, Narelle](#)  
**Subject:** FW: Lights at Belconnen Soccer Club [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 10 April 2019 8:37:00 AM  
**Attachments:** [image001.png](#)

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Hi Neil

As discussed the EPA received a complaint about light pollution from the Belconnen Soccer Club affecting a resident. The complaint also included observations that the lights might be a traffic or road safety issue. The EPA has been in discussion with the club and affected person and they are working together to resolve the matter.

For the road safety would someone from Roads ACT be able to call the club to discuss the possible impact from the lights and what they may be able to do.

The contact for the club would be **Sch 2 2.2(a)(ii)** - 6259 9900.

Thank you

Rodney Dix | Manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: [rodney.dix@act.gov.au](mailto:rodney.dix@act.gov.au)  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

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**From:** Sargent, Narelle  
**Sent:** Tuesday, 9 April 2019 9:57 AM  
**To:** Duke, Bronwen <[Bronwen.Duke@act.gov.au](mailto:Bronwen.Duke@act.gov.au)>  
**Cc:** Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** RE: Lights at Belconnen Soccer Club [SEC=UNCLASSIFIED]

Thanks

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**From:** Duke, Bronwen  
**Sent:** Tuesday, 9 April 2019 9:23 AM  
**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Cc:** Burden, Ross <[Ross.Burden@act.gov.au](mailto:Ross.Burden@act.gov.au)>; Pincombe, Neil <[Neil.Pincombe@act.gov.au](mailto:Neil.Pincombe@act.gov.au)>  
**Subject:** FW: Lights at Belconnen Soccer Club [SEC=UNCLASSIFIED]

UNCLASSIFIED

Narelle

Can you please contact Neil Pincombe to discuss this matter.

Regards  
B

**Bronwen Duke | Director Business Support, Roads ACT**

Phone 02 6207 5763 | Email: [bronwen.duke@act.gov.au](mailto:bronwen.duke@act.gov.au)

**City Services | Transport Canberra And City Services Directorate | ACT Government**

Ground Floor, 496 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

*Connected services for the people of Canberra*

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**From:** Burden, Ross

**Sent:** Tuesday, 9 April 2019 9:20 AM

**To:** Duke, Bronwen <[Bronwen.Duke@act.gov.au](mailto:Bronwen.Duke@act.gov.au)>

**Cc:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>

**Subject:** FW: Lights at Belconnen Soccer Club [SEC=UNCLASSIFIED]

Hi Bronwen

Can you please give Narelle a contact point in roads for the light issues regarding Belconnen Soccer Club.

Thanks

Ross

**Ross Burden | Director**

Phone 02 6207 2307 | Email: [ross.burden@act.gov.au](mailto:ross.burden@act.gov.au)

**Sport and Recreation Facilities | City Presentation | Transport Canberra and City Services Directorate | ACT Government**

496 Northbourne Ave, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** Sargent, Narelle

**Sent:** Monday, 8 April 2019 8:03 PM

**To:** Burden, Ross <[Ross.Burden@act.gov.au](mailto:Ross.Burden@act.gov.au)>

**Cc:** Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>

**Subject:** Lights at Belconnen Soccer Club

Hi Ross

We are following up a request from Minister Ramsey in regards to the lights at Belconnen Soccer Club (the Club). Are you able to share your Ministerial on this matter with me.

Also I am after a contact in Roads ACT that the Club can contact in regards to potential glare from the lights on William Slim Drive. I understand that the Club is privately owned therefore does not come under the jurisdiction of Sport and Recreation.

Warm regards

Narelle

**Narelle Sargent | the Environment Protection Authority  
Office of the Environment Protection Authority (EPA)**

**Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT**

Phone: 02 6207 5782 | Mobile 0466 510 033 | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accessCBB](http://www.act.gov.au/accessCBB)  
cid:image007.png@01D3AFF2.FEECBAF0



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**From:** DePasquale, Lawrence

**Sent:** Monday, 8 April 2019 11:02 AM

**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>

**Subject:** RE: Message [SEC=UNCLASSIFIED]

Good Morning Narelle

I won't be able to help with the Ministerial but Ross Burden should be able too. Ross is the senior manager for Sport and Rec. Ross would have completed the ministerial and may be able to give you more background in regards to the Belconnen Soccer Club and the lights.

Kind Regards

Lawrence Depasquale | Playgrounds & Skate parks Technical Officer | **Mon- Thurs**

Ph: 02 6207 8013 Fax **02 62075366** | Email: [lawrence.depasquale@act.gov.au](mailto:lawrence.depasquale@act.gov.au)

**City Presentation, City Services** | Transport Canberra and City Services Directorate | **ACT Government**

Level 2, Wotso House, 490 Canberra Avenue, Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** Sargent, Narelle

**Sent:** Monday, 8 April 2019 10:36 AM

**To:** DePasquale, Lawrence <[Lawrence.DePasquale@act.gov.au](mailto:Lawrence.DePasquale@act.gov.au)>

**Subject:** RE: Message [SEC=UNCLASSIFIED]

Hi Lawrence

Are you able to share the ministerial with me – or give a contact who I Can follow-up with.

Thanks

Narelle

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**From:** DePasquale, Lawrence

**Sent:** Monday, 8 April 2019 10:03 AM

**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>

**Subject:** RE: Message [SEC=UNCLASSIFIED]

Good Morning Narelle

Sorry I couldn't be of any more help with this one.

I did go and speak to Sport and Rec in regards to this one as I mainly look after all the playgrounds. Sport and Rec said that this is privately owned by the Belconnen soccer club. Apparently Sport and Rec had a ministerial about the lights at this location recently as well and passed on that it is privately owned venue.

Hope this helps

Kind Regards

Lawrence Depasquale | Playgrounds & Skate parks Technical Officer | **Mon- Thurs**  
Ph: 02 6207 8013 **Fax 02 62075366** | Email: [lawrence.depasquale@act.gov.au](mailto:lawrence.depasquale@act.gov.au)  
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**From:** Sargent, Narelle  
**Sent:** Monday, 8 April 2019 9:51 AM  
**To:** DePasquale, Lawrence <[Lawrence.DePasquale@act.gov.au](mailto:Lawrence.DePasquale@act.gov.au)>  
**Subject:** Message

Hi Lawrence  
Thanks for advice.

Warm regards  
Narelle

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**From:** Microsoft Outlook **On Behalf Of** Lawrence DePasquale (No email address available)  
**Sent:** Monday, 8 April 2019 9:49 AM  
**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Subject:** Voice Mail from Lawrence DePasquale (22 seconds)

**You received a voice mail from Lawrence DePasquale at 78013**

Caller-Id: [78013](#)

ID	Subject	Status	Address	Risk category	Business name	Business/premise name
9841	EPA - Light Pollution - Belconnen Soccer Club, 5 Walklev Pl, McKellar	CMT advice provided	Business: 5 Walkley Place, McKellar, ACT	Category - 4	No Value	BELCONNEN SOCCER CLUB INC

Date Created	Created By	Text
24/12/2018 02:43 PM	Imogen Appleton	light pollution from Belconnen soccer club

Outcome/action type	Created By	Text	Date time of action
Action - Internal meeting	Rodney	From: Dix, Rodney Sent: Wednesday, 10 April 2019 8:38 AM To: Pincombe, Neil <Neil.Pincombe@act.gov.au> Cc: Sargent, Narelle <Narelle.Sargent@act.gov.au> Subject: FW: Lights at Belconnen Soccer Club [SEC UNCLASSIFIED]	10/04/2019 08:38 AM

Hi Neil

As discussed the EPA received a complaint about light pollution from the Belconnen Soccer Club affecting a resident. The complaint also included observations that the lights might be a traffic or road safety issue. The EPA has been in discussion with the club and affected person and they are working together to resolve the matter.

For the road safety would someone from Roads ACT be able to call the club to discuss the possible impact from the lights and what they may be able to do.

The contact for the club would be **Sch 2 2.2(a)(ii)** r - 6259 9900

Thank you

Rodney Dix | Manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

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From: Sargent, Narelle  
Sent: Tuesday, 9 April 2019 9:57 AM  
To: Duke, Bronwen <Bronwen.Duke@act.gov.au>  
Cc: Dix, Rodney <Rodney.Dix@act.gov.au>  
Subject: RE: Lights at Belconnen Soccer Club [SEC UNCLASSIFIED]

Thanks

From: Duke, Bronwen  
Sent: Tuesday, 9 April 2019 9:23 AM  
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>  
Cc: Burden, Ross <Ross.Burden@act.gov.au>; Pincombe, Neil <Neil.Pincombe@act.gov.au>  
Subject: FW: Lights at Belconnen Soccer Club [SEC UNCLASSIFIED]

UNCLASSIFIED

Narelle

Can you please contact Neil Pincombe to discuss this matter

Regards  
B

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From: Sargent, Narelle  
Sent: Friday, 5 April 2019 3:43 PM  
To: Snowden, David <David.Snowden@act.gov.au>  
Cc: Dix, Rodney <Rodney.Dix@act.gov.au>  
Subject: Meeting with Belconnen Soccer Club (BSC)

Hi David  
Following is an update on the Belconnen Soccer Club (BSC) matter

On Thursday 4 April 2019 at 1:00 pm Rodney Dix Manager Environment Protection and I met with **Sch 2 2.2(a)(ii)** and Geoff Long, CEO to discuss complaints received concerning lights at the BSC

Mr Long advised at the start of the meeting that he didn't have any issue with the interaction with the EPA and its officers in dealing with the complaint about the lights. The BSC had made a decision after assessing the lights themselves that it was an unreasonable impact on the residents near the club and had turned the lights off at the main power point in the club. Mr Long advised that the lighting issue arose after the lights had been cleaned which resulted in them being re-directed from the original position, which were not causing an issue. The Club is working with an electrician to have the lights adjusted/redirected.

Mr Long advised that they have arrangements with Capital Football to use the grounds and it isn't very often that they use the lights.

Mrs Sargent asked if any games had been cancelled. Mr Long advised they hadn't cancelled any games as all games had been scheduled to occur during the day so they didn't need to use lights which costs money to run. The only impact the lights been turned off had was on training on a Thursday night.

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Mr Long advised that when the RioACT had approached him and the club about the lights, that he advised the journalist there was no issue and he didn't have any comments. Mr Long advised he didn't understand why the matter had received the attention it did as they had no issues. Mr Long advised they had been in contact with the person (the complainant to the EPA) affected by the lights and were working with that person to fix the lighting issue.

Mr Long suggested the only concern they had with the EPA was that sometimes it was difficult to contact officers as they may be away and don't have their out of office or phone redirection on, which occurred when they were looking for assistance/advice on what they should do. Mr Dix advised that officers usually redirect their phones, but sometimes this is overlooked. With regard to providing advice, EPA Officers don't provide advice as we are not the experts and it is not appropriate for the regulator to provide advice.

Mr Dix advised that the complaint also included that the lights might affect traffic in the area, especially on William Slim Drive. Mr Dix advised they should contact Roads ACT as they may be able to offer advice on what was required. Mrs Sargent advised we would provide a contact.

Mr Long and **Sch 2 2.2(a)** was very appreciative of EPO Pearson, Gibb and Bacon and their professionalism in managing the complaint and their interaction with the club.

On Friday 5 April at about 3:00pm, I contacted Roads ACT to get a contact for the BSC. I have left a message with Lawrence DePasquale to confirm a contact for the BSC.

Warm regards  
Narelle

Narelle Sargent | the Environment Protection Authority  
Office of the Environment Protection Authority (EPA)  
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT  
Phone: 02 6207 5782 | Mobile 0466 510 033 | Email: narelle.sargent@act.gov.au

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Action - Evidence obtained Rodney

On 4 April 2019 at 13:00hrs EPA Sargent and EPO Dix attended the Belconnen Soccer Club to meet with [Sch 2.2.2(a)(ii)], Manager and Geoff Long, CEO to discuss complaints received concerning lights at the sports oval. 04/04/2019 01:00 PM

Mr Long advised at the start of the meeting that he didn't have any issue with the lights and the interaction with the EPA and its officers. They had made a decision after assessing the lights themselves that it was an unreasonable impact on the residents near the club and had turned the lights off at the main power point within the club. Mr Long advised they have arrangements with Capital Football to use the grounds and it isn't very often they use the lights.

EPA Sargent asked if any games had been cancelled. Mr Long advised they hadn't cancelled any games, as all games had been scheduled to occur during the day so they didn't need to use lights which cost money to run. The only impact having the lights turned off was training on a Thursday night.

Mr Long advised when the RioACT had approached him and the Club about the lights, he advised the journalist there was no issue and he didn't have any comments. Mr Long advised he didn't understand why the matter had received the attention it did as they had no issues. Mr Long advised they had been in contact with the person (complainant to the EPA) who was affected by the lights and were working with them to fix the glare from the lights.

Mr Long suggested the only concern they had with the EPA was sometimes it was difficult to contact officers as they may be away and don't have their out of office or phone redirection on, which occurred when they were looking for assistance/advice on what they should do. I advised that usually the phones are redirected but sometimes that is overlooked. With regard to providing advice, EPA Officers don't provide advice as we are not the experts and it was not appropriate for the regulator to provide advice.

I advised that the complaint also included that the lights might affect traffic driving in the area. I advised they should contact Roads ACT as they may be able to offer advice on what was required. EPA Sargent advised we would provide a contact at Roads ACT.

Mr Long and [Sch 2.2.2] was very appreciative of EPO Pearson, Gibb and Bacon and their professionalism in managing the complaint and their interaction with the Club.

We left the meeting.

Action - Evidence obtained Rodney

From: Dix, Rodney  
Sent: Tuesday, 2 April 2019 11:02 AM  
To: [Sch 2.2.2(a)(ii)]  
Subject: Meeting with the EPA [SEC UNCLASSIFIED]

02/04/2019 11:02 AM

Hi [Sch 2.2.2]

Thank you for returning my call yesterday. Would you and Geoff be available for a meeting on Thursday afternoon with Narelle Sargent (Environment Protection Authority) to discuss the recent complaints concerning the lights installed at the Belconnen Soccer Club?

Kind regards

Rodney Dix | Manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave. Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

Notes - Email

Luke

# Out of Scope

02/04/2019 09 54 AM

Notes - Email

Luke

Mr Long was advised if an order was in force prohibiting the use of the lights and the Club chose to ignore the order the maximum penalty for a prosecution of a company for doing so was around 20,000 dollars I also explained that the order was appellable

This should not be surprising to anyone as this was made clear to the complainant and polluter as well as in most of the briefings I have provided to you and Narelle

Sent from my iPhone

On 1 Apr 2019, at 3:03 pm, Dix, Rodney <Rodney.Dix@act.gov.au> wrote:  
Hi Narelle

As requested I have spoken to the complainant who has advised the following

- They spoke to Geoff Long – CEO of Belconnen Football Club who provided the contact details of the electrician who was undertaking the works on the lights
- Complainant would contact electrician and would work together to resolve light issue
- The electrician was meant to move the lights on Wednesday last week but this didn't happen
- Complainant advised by Mr Long had advised that he has disconnect the lights as the EPA had told him he could be hit with a \$20,000 fine and wouldn't put them on until the lights were rectified I was surprised by this
- Complainant picked up on my surprise Complainant asked if this was the first time I had heard this, I advised yes, complainant advised this wouldn't be the first time Mr Long had told porky pies
- I asked if complainant was happy to progress complaint, they advised yes as it wasn't an issue while the lights were off

- I then contacted the Belconnen Soccer Club and asked to speak with Geoff Long or Person advised they were both at meetings and wouldn't be available till after 16 00hrs I

left contact details and asked to be contact next business day to discuss

Rodney Dix | Manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

Notes - Email	Luke	<p>Hi Narelle</p> <p>As requested I have spoken to the complainant who has advised the following</p> <ul style="list-style-type: none"><li>- They spoke to Geoff Long – CEO of Belconnen Football Club who provided the contact details of the electrician who was undertaking the works on the lights</li><li>- Complainant would contact electrician and would work together to resolve light issue</li><li>- The electrician was meant to move the lights on Wednesday last week but this didn't happen</li><li>- Complainant advised by Mr Long had advised that he has disconnect the lights as the EPA had told him he could be hit with a \$20,000 fine and wouldn't put them on until the lights were rectified I was surprised by this</li><li>- Complainant picked up on my surprise Complainant asked if this was the first time I had heard this, I advised yes, complainant advised this wouldn't be the first time Mr Long had told porky pies</li><li>- I asked if complainant was happy to progress complaint, they advised yes as it wasn't an issue while the lights were off</li></ul> <p>- I then contacted the Belconnen Soccer Club and asked to speak with Geoff Long or <span style="background-color: black; color: black;">Sch2</span> Person advised they were both at meetings and wouldn't be available till after 16 00hrs I left contact details and asked to be contact next business day to discuss</p> <p>Rodney Dix   Manager Phone: +61 2 6207 2586   Fax: +61 2 6207 6084   Email: rodney.dix@act.gov.au</p>	02/04/2019 09 52 AM
Notes - Email and Photos	Luke	<p>Hi Luke</p> <p>Prompt and comprehensive advice is appreciated I am trying to anticipate questions from the Minister so I can support the advice I provided originally when asked about this matter which is that</p> <p>"The advice given by the EPA is in accordance with the administration of the Environment Protection Act 1997 and our Enforcement and Compliance Guidelines"</p> <p>I do agree that light pollution is ambiguous, as per the After-Hours Policy (attached) For example, it has for the complainant to contact the Conflict Resolution Service</p> <p>The Minister is also going to ask what penalties apply, hence my question given we provided this advice to the Belconnen Soccer Club and yes did review the legislation as per my advice below ad hence my question</p> <p>The definition in our policy of commercial is "commercial areas relates to areas where commercial activities are carried out rather than land use zones under the Territory Plan" Therefore it would seem that the Belconnen Soccer Oval may be a commercial premises and there the lux reading can be 25 as opposed to 10 Regardless, 39 is above all the permitted levels</p> <p>I am also aware that any decision made not to activate the sporting lights has been at their own discretion</p> <p>I have also empathised that the EPA are working collaboratively to resolve the matter quickly and have offered assistance for when the electrician does the testing/adjustment of the lights</p> <p>I will let you know how the Briefing goes It will be enlightening</p>	02/04/2019 09 51 AM

Warm regards  
Narelle

From: Pearson, Luke  
Sent: Sunday, 31 March 2019 8:22 PM  
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>  
Cc: Dix, Rodney <Rodney.Dix@act.gov.au>  
Subject: Re: Minister's Briefing - McKellar Oval - Belconnen Soccer Club - Light Pollution

Furthermore at the time of the Complaint the light pollution had not yet been substantiated This justifies the response, investigation and reason for attending the complaint to determine if the lights were compliant Which it subsequently was determined the lights were not

As I have previously discussed with you Light pollution can only be investigated at Night

I note there is significant room for ambiguity around the circumstances when responding to Light pollution Complaints after hours Again I suggest you review the EPA after hours policy because the policy is insufficient with regard to detail on these types of investigations

Luke

---

Sent from my iPhone

On 31 Mar 2019, at 8:04 pm, Pearson, Luke <Luke.Pearson@act.gov.au> wrote:  
Narelle

The offence is not an infringement notice offence I'd suggest you review the legislation after which you could answer this question for yourself Or as is your preference contact Legal Services Branch

Albeit below the standard at the time of the permitted values it is still considered an environmental nuisance and therefore still within the remit of the EPA

Why is there significant media attention to this matter? No statutory power compelling or requiring compliance with the Act has been exercised Any decision made not to activate the sporting lights has been at their own discretion

Further, at William Slim Drive where I conducted further Lx Readings, the tests indicated that the Lux was around 39 Lux after the permitted time This is Approximately 35 Lux above the permitted values

This is an example of where you should refer an outdated and defective policy for review and potentially discuss with Government and or industry expert panel whether the Australian Standard also requires review

I hope this clarifies your questions

---

Luke

Sent from my iPhone

On 31 Mar 2019, at 5:41 pm, Sargent, Narelle <Narelle.Sargent@act.gov.au> wrote:

Hi Rod

In readiness for briefing the Minister at 9:00am, can you please advise what the offence and penalty provisions are for light pollution. I could not find it in the Magistrates Court (Environment Protection Infringement Notices) Regulation 2005. The only reference I can find in the E

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Notes - Email and Photos Luke

Furthermore at the time of the Complaint the light pollution had not yet been substantiated. This justifies the response, investigation and reason for attending the complaint to determine if the lights were compliant. Which it subsequently was determined the lights were not.

02/04/2019 09:51 AM

As I have previously discussed with you Light pollution can only be investigated at Night.

I note there is significant room for ambiguity around the circumstances when responding to Light pollution Complaints after hours. Again I suggest you review the EPA after hours policy because the policy is insufficient with regard to detail on these types of investigations.

Luke

Sent from my iPhone

On 31 Mar 2019, at 8:04 pm, Pearson, Luke <Luke.Pearson@act.gov.au> wrote:

Narelle

The offence is not an infringement notice offence. I'd suggest you review the legislation after which you could answer this question for yourself. Or as is your preference contact Legal Services Branch.

Albeit below the standard at the time of the permitted values it is still considered an environmental nuisance and therefore still within the remit of the EPA.

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Why is there significant media attention to this matter? No statutory power compelling or requiring compliance with the Act has been exercised. Any decision made not to activate the sporting lights has been at their own discretion.

Further, at William Slim Drive where I conducted further Lx Readings, the tests indicated that the Lux was around 39 Lux after the permitted time. This is Approximately 35 Lux above the permitted values.

This is an example of where you should refer an outdated and defective policy for review and potentially discuss with Government and/or industry expert panel whether the Australian Standard also requires review.

I hope this clarifies your questions.

Luke

Sent from my iPhone

On 31 Mar 2019, at 5:41 pm, Sargent, Narelle <Narelle.Sargent@act.gov.au> wrote:

Hi Rod

In readiness for briefing the Minister at 9:00am, can you please advise what the offence and penalty provisions are for light pollution. I could not find it in the Magistrates Court (Environment Protection Infringement Notices) Regulation 2005. The only reference I can find in the EP ACT is that it is environmental nuisance. I have attached the internal policy approved by Greg Jones in 2015.

---

In reading the CRM file - it appears that the lux (lx) reading was about 4 at 9:30pm. The Policy indicates that the compliance level is 10 lx until 11:00pm or 22:00hrs and then 1 lx from 11:00pm to 6:00am. Can we explain why we acted when the lighting was compliant at the time of the reading?

Regards  
Narelle

From: Sargent, Narelle  
Sent: Friday, 29 March 2019 2:48 PM  
To: Aquilina, Audrey <Audrey.Aquilina@act.gov.au>  
Subject: UPDATE: McKellar Oval - Belconnen Soccer Club

Hi Audrey  
This advice just came through.

EPA have just had a call from the manager of the Soccer Club §ch.2.2.2(a) who has advised the following:

- The club has engaged a private electrician to both assess the angle of the lights and the options for reducing glare. This electrician is working with the Complainant to achieve an amicable solution. The electrician was meant to be inspecting the lights today, but were unable to due to the poor weather.
- The club is also seeking to engage Evo energy in the hope of securing a grant/energy reduction package that may allow them to replace the existing globes with more energy efficient (and less powerful) substitutes.

Warm regards  
Narelle

---

The offence is not an infringement notice offence I'd suggest you review the legislation after which you could answer this question for yourself Or as is your preference contact Legal Services Branch

Albeit below the standard at the time of the permitted values it is still considered an environmental nuisance and therefore still within the remit of the EPA

Why is there significant media attention to this matter? No statutory power compelling or requiring compliance with the Act has been exercised Any decision made not to activate the sporting lights has been at their own discretion

Further, at William Slim Drive where I conducted further Lx Readings, the tests indicated that the Lux was around 39 Lux after the permitted time This is Approximately 35 Lux above the permitted values

This is an example of where you should refer an outdated and defective policy for review and potentially discuss with Government and or industry expert panel whether the Australian Standard also requires review

I hope this clarifies your questions

Luke

Sent from my iPhone

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On 31 Mar 2019, at 5:41 pm, Sargent, Narelle <Narelle.Sargent@act.gov.au> wrote:

Hi Rod

In readiness for briefing the Minister at 9 00am, can you please advise what the offence and penalty provisions are for light pollution I could not find it in the Magistrates Court (Environment Protection Infringement Notices) Regulation 2005 The only reference I can find in the EP ACT is that it is environmental nuisance I have attached the internal policy approved by Greg Jones in 2015

In reading the CRM file - it appears that the lux (lx) reading was about 4 at 9 30pm The Policy indicates that the compliance level is 10 lx until 11 00pm or 22 00hrs and then 1 lx from 11 00pm to 6 00am can we explain why we acted when the lighting was compliant at the time of the reading?

Regards

Narelle

From: Sargent, Narelle

Sent: Friday, 29 March 2019 2:48 PM

To: Aquilina, Audrey <Audrey.Aquilina@act.gov.au>

Subject: UPDATE: McKellar Oval - Belconnen Soccer Club

Hi Audrey

This advice just came through

EPA have just had a call from the manager of the Soccer Club (Suzy Berry) who has advised the following:

---

• The club has engaged a private electrician to both assess the angle of the lights and the options for reducing glare This electrician is working with the Complainant to achieve an

amicable solution. The electrician was meant to be inspecting the lights today, but were unable to due to the poor weather.  
• The club is also seeking to engage Evo energy in the hope of securing a grant/energy reduction package that may allow them to replace the existing globes with more energy efficient (and less powerful) substitutes

Warm regards  
Narelle

<Oct 2015 POLICY FOR OBTRUSIVE EFFECTS OF OUTDOOR LIGHTING pdf>

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Notes - Email and Photos Luke

Hi Rod

02/04/2019 09:51 AM

In readiness for briefing the Minister at 9:00am, can you please advise what the offence and penalty provisions are for light pollution. I could not find it in the Magistrates Court (Environment Protection Infringement Notices) Regulation 2005. The only reference I can find in the EP ACT is that it is environmental nuisance. I have attached the internal policy approved by Greg Jones in 2015.

In reading the CRM file - it appears that the lux (lx) reading was about 4 at 9:30pm. The Policy indicates that the compliance level is 10 lx until 11:00pm or 22:00hrs and then 1 lx from 11:00pm to 6:00am. Can we explain why we acted when the lighting was compliant at the time of the reading?

Regards  
Narelle

From: Sargent, Narelle  
Sent: Friday, 29 March 2019 2:48 PM  
To: Aquilina, Audrey <Audrey.Aquilina@act.gov.au>  
Subject: UPDATE: McKellar Oval - Belconnen Soccer Club

Hi Audrey  
This advice just came through.

EPA have just had a call from the manager of the Soccer Club (Suzy Berry) who has advised the following:

• The club has engaged a private electrician to both assess the angle of the lights and the options for reducing glare. This electrician is working with the Complainant to achieve an

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amicable solution. The electrician was meant to be inspecting the lights today, but were unable to due to the poor weather  
• The club is also seeking to engage Evo energy in the hope of securing a grant/energy reduction package that may allow them to replace the existing globes with more energy efficient (and less powerful) substitutes

Warm regards  
Narelle

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Notes - Email and Photos Luke

FYI

02/04/2019 09:50 AM

Rodney Dix | Manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: [rodney.dix@act.gov.au](mailto:rodney.dix@act.gov.au)  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave. Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

From: Dix, Rodney  
Sent: Thursday, 28 March 2019 11:59 AM  
To: Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
Subject: RE: URGENT: media response - McKellar Park [SEC UNCLASSIFIED]

Hi Narelle

EPO Pearson gave the Belconnen Soccer Club two options:

- work with the complainant and work out if they are happy for lights to be on until such time the lights are fixed; however
- they shouldn't use the lights until such time as the lights are fixed. If you do use the lights and complaints are received and the complaint is validated then EPA may issue an order requiring the lights be fixed

Regards

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Narelle Sargent

rodney dix | manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

From: Sargent, Narelle  
Sent: Thursday, 28 March 2019 10:13 AM  
To: Dix, Rodney <Rodney.Dix@act.gov.au>  
Subject: URGENT: media response - McKellar Park [SEC UNCLASSIFIED]  
Importance: High

Hi Rod  
Can you please check what verbal advice we may have given to the Belconnen Soccer Club – see email below

Thanks  
Narelle

From: Gallacher, Anton  
Sent: Thursday, 28 March 2019 10:06 AM  
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>  
Cc: Springett, Emily <Emily.Springett@act.gov.au>; Van Aalst, Sally <Sally.VanAalst@act.gov.au>  
Subject: RE: media response - McKellar Park [SEC UNCLASSIFIED]

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Thanks Narelle,

I'm aware of the media response

What is unclear is what involvement the EPA has had in the cancellation of night matches

What I want to know is if the EPA has issued any direction/advice to stakeholders that operating under their current conditions would lead to a ban?

Is this why the soccer club cancelled night matches prior to a ban being issued?

The article in the Riot-Act suggests this is the case

If that is not the case, I will need to call the Riot-act and tell them to take the article down

Thanks,

Anton

From: Sargent, Narelle  
Sent: Thursday, 28 March 2019 9:58 AM  
To: Gallacher, Anton <Anton.Gallacher@act.gov.au>  
Cc: Springett, Emily <Emily.Springett@act.gov.au>; Van Aalst, Sally <Sally.VanAalst@act.gov.au>

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Subject: media response - McKellar Park [SEC UNCLASSIFIED]

Hi Anton  
We had this Media enquiry that Sally coordinated on Tuesday – see below

Please do not hesitate to contact me

Warm regards  
Narelle

Hi Alexandra,

My name is Lachlan and I am a journalist for RiotACT I spoke to you on the phone a short time ago

I have a couple of questions about why McKellar Park is banned from hosting night matches

- When was the complaint lodged and who was it lodged by?
- Why did the EPA make the decision to ban night matches?
- Does the ban include training at night?
- The Belconnen Soccer Club said it expected the issue to be resolved in four to six weeks Is this likely?
- What was the nature of the complaint? Was it about noise, lights, etc?

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My deadline is midday so a response ASAP would be fantastic  
Feel free to give me a call on [Sec 2.2.2\(a\)\(6\)](#) to discuss

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RESPONSE:

The EPA has received some complaints in regards to light pollution coming from the McKellar Oval during evening training sessions/games

There has been no ban put in place on any night training or matches on this oval

The EPA are working collaboratively with the Belconnen Soccer Club on options to reduce the effects of the lighting on nearby dwellings You will need to defer to the Belconnen Soccer Club for when rectification works will be completed on the lights

From: Van Aalst, Sally  
Sent: Tuesday, 26 Marc

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I have just spoken with [Sch 2.2] and she seems a very nice lady and we will work together to solve the problem of the light spillage

Thanks for your help and also Luke's

I will keep you updated

Geoff

Geoff Long

Chief Executive Officer

Principal Office and McKellar Licenced Club  
Cnr Owen Dixon Drive & William Slim Drive  
McKellar ACT 2615  
[Phone: 02 6259 9900] Fax: 02 6259 9955]

Hawker Licenced Club  
Cnr Springvale Drive & Belconnen Way  
Hawker ACT 2614  
[Phone: 02 6254 5115] Fax: 02 6254 7730]

P O Box 4260 Hawker ACT 2614  
A B N 60 527 470 200  
www.belconnensoccerclub.com.au

From: Geoff Long  
Sent: Wednesday, 13 March 2019 1:59 PM  
To: Pearson, Luke <Luke.Pearson@act.gov.au> [Sch 2.2(a)(ii)]  
Cc: Gibb, Timothy <Timothy.Gibb@act.gov.au>  
Subject: RE: Testing of lights at McKellar Park [SEC UNOFFICIAL]

Hi Luke and Tim

Thanks for your assistance as we work through the challenge on light spillage from the stadium

Tim, thanks for the photo attachments that you sent us and looking at them I can clearly see that there is a problem for the neighbours

I agree with [Sch 2.2] that the only explanation to what has transpired is that when the light fittings were adjusted in late December that they were not placed back in the same position facing correctly downwards towards the grass otherwise we would have had complaints over the years of the light spillage and this problem has just surfaced after the lights were serviced for the upcoming National Ladies W League fixture

Hopefully Tim following on from Luke's email you could assist us by attending the Stadium on Thursday Night 14 March and taking the appropriate readings at the neighbours property whilst [Sch 2.2] is up the pole with his mobile phone and we can accordingly move the fittings to not face the neighbours property as you speak with [Sch 2.2] and take the readings until it doesn't shed light in that direction

Another alternative and maybe a better outcome is if the neighbours could contact me directly so I can apologise for the problem and I will organise for them to speak with [Sch 2.2] whilst he is up the pole

Belconnen Soccer Club being a community based organisation contributing to our local community both financially and as a meeting place we certainly wish to keep all our immediate local residents on side and not inconvenience them in any way, to that end in need could you please inform the residents that we will solve the problem of the light spillage and just bear with us as we fix it

Tim could you please advise your availability for tomorrow night so we can have [SGT 2.2] attend and hopefully that will solve the problem for our neighbours

Thanks in anticipation

Geoff

Geoff Long

Chief Executive Officer

Principal Office and McKellar Licenced Club  
Cnr Owen Dixon Drive & William Slim Drive  
McKellar ACT 2615

Hawker Licenced Club  
Cnr Springvale Drive & Belconnen Way  
Hawker ACT 2614

Notes - Email and Photos Luke

Hi Luke and Tim

02/04/2019 09 49 AM

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Geoff

Geoff Long

Chief Executive Officer

Principal Office and McKellar Licenced Club  
Cnr Owen Dixon Drive & William Slim Drive  
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|Phone: 02 6259 9900| Fax: 02 6259 9955|

Hawker Licenced Club  
Cnr Springvale Drive & Belconnen Way  
Hawker ACT 2614  
|Phone: 02 6254 5115| Fax: 02 6254 7730|

P O Box 4260 Hawker ACT 2614  
A B N 60 527 470 200  
www.belconnensoccerclub.com.au

From: Pearson, Luke <Luke.Pearson@act.gov.au>  
Sent: Friday, 8 March 2019 2:37 PM

To: Sch 2 2.2(a)(ii)

Cc: Geoff Long <ceo@bscmail.com.au>; Gibb, Timothy <Timothy.Gibb@act.gov.au>  
Subject: RE: Testing of lights at McKellar Park [SEC UNOFFICIAL]

Tim,

You're on call - can you assist Sch 2

Sch 2 and Geoff here are some photos attached from the night I attended

Luke

From: Sch 2 2.2(a)(ii)

Sent: Friday, 8 March 2019 12:57 PM

To: Pearson, Luke <Luke.Pearson@act.gov.au>; Sch 2 2.2(a)(ii)

Cc: Geoff Long <ceo@bscmail.com.au>  
Subject: Testing of lights at McKellar Park

Hi Luke

Thanks for your time today in relation to our lighting issue. I have copied Sch 2 2.2(a)(ii) from Territory Energy into this email as he is our Electrician and is across our lighting situation. We would like to organise for one of your staff to be available on the night of Thursday the 14th March to meet Sch 2 2.2(a)(ii) at McKellar Park to see if adjusting the lights might rectify the issue. If Thursday night is not suitable could you let us know a date that would be



Belconnen Soccer Club

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Notes - Email

Luke

Hi [redacted]

02/04/2019 09:46 AM

Back on deck today if you would like to give me a call

Luke

6205 2274

From: Sch 2 2.2(a)(ii) [redacted]  
Sent: Friday, 1 March 2019 7:10 AM  
To: Gibb, Timothy <Timothy.Gibb@act.gov.au>  
Cc: Geoff Long <ceo@bscmail.com.au>  
Subject: Lighting complaint McKellar Soccer Stadium

Good morning Tim

Further to our phone call with you yesterday, I received a call from Luke in relation to a Lighting complaint he received a few weeks ago. I emailed Luke as requested and he was going to get back to me with further details. Luke informed me that when he did the testing in the backyard of the complainant, the lux reading was not above the permitted value however when he held his hand up and could see shadow over 4 backyards. He suggested that there are issues around glare and spill that may need to be rectified.

As we are trying to work out usage for the ground for the up and coming football season, due to commence on the 23rd March, Capital Football have been in contact with an Electrical Engineer and he has requested any reports in relation to the complaint with lux readings or any other information. As discussed on the phone, we have not received any paperwork in relation to the latest complaint.

---

Thanks for your help Tim and I look forward to hearing back from you so we can try and work out a suitable cost effective solution for all parties involved.

Sch 2 2.2(a)  
[redacted]  
Chief Operating Officer  
Belconnen Soccer Club

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Notes - Email

Luke

Hey [redacted]

02/04/2019 09:46 AM

Thank you for your email, I have spoken to Luke to find out more info on what readings he took, he informed me he will be back in the office on Monday and he will be happy to contact you to discuss this matter further

Thank you

Tim Gibb | Environment Protection Officer

Phone: 02 6207 5490 | Fax: 02 6207 6084 | email: timothy.gibb@act.gov.au | Environment Protection | Environment Protection Branch | Access Canberra | ACT Government Ground Floor TranACT House | 470 Northbourne Avenue Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.act.gov.au

From: [redacted] Sch 2 2.2(a)(ii)

Sent: Friday, 1 March 2019 7:10 AM

To: Gibb, Timothy <Timothy.Gibb@act.gov.au>

Cc: Geoff Long <ceo@bscmail.com.au>

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Thanks for your help Tim and I look forward to hearing back from you so we can try and work out a suitable cost effective solution for all parties involved.

[redacted] Sch 2 2.2(a)

Chief Operating Officer

Belconnen Soccer Club

Action - Inspection

Patrick

29/03/2019 09 06 AM

Hi Pat

Perfect timing for advice to the Minister's Office  
Huge thanks  
Narelle

From: Bacon, Patrick

Sent: Friday, 29 March 2019 2:46 PM

To: Sargent, Narelle <Narelle.Sargent@act.gov.au>; Dix, Rodney <Rodney.Dix@act.gov.au>

Subject: RE: belconnen Soccer [SEC UNCLASSIFIED]

Good afternoon,

I have just had a call from the manager of the Soccer Club [REDACTED] who has advised the following:

- The club has engaged a private electrician to both assess the angle of the lights and the options for reducing glare. This electrician is working with the Complainant to achieve an amicable solution. The electrician was meant to be inspecting the lights today, but were unable to due to the poor weather.
- The club is also seeking to engage Evo energy in the hope of securing a grant/energy reduction package that may allow them to replace the existing globes with more energy efficient (and less powerful) substitutes.

Please call me with any questions,

Sincerely,

---

Patrick Bacon | Environment Protection Officer

Phone: +61 2 6207 2142 | Fax: +61 2 6207 6084 | Email: Patrick.Bacon@act.gov.au

Environment Protection | Access Canberra | ACT Government

Level 2 North - Dame Pattie Menzies House | 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

From: Sargent, Narelle

Sent: Friday, 29 March 2019 1:59 PM

To: Dix, Rodney <Rodney.Dix@act.gov.au>; Bacon, Patrick <Patrick.Bacon@act.gov.au>

Subject: RE: belconnen Soccer [SEC UNCLASSIFIED]

Hi Rod and Pat

Huge thanks

Narelle

From: Dix, Rodney

Sent: Friday, 29 March 2019 1:57 PM

---

To: Sargent, Narelle <Narelle.Sargent@act.gov.au>  
Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Pearson, Luke <Luke.Pearson@act.gov.au>  
Subject: belconnen Soccer [SEC UNCLASSIFIED]

Hi Narelle

The soccer club is unavailable for the next 30 minutes so will follow up after that time Pat will send update once we know what is happening

Regards

Rodney Dix | Manager  
Phone: +61 2 6207 2586 | Fax: +61 2 6207 6084 | Email: rodney.dix@act.gov.au  
Environment Protection | Access Canberra | ACT Government  
Ground Floor – TransACT House | 470 Northbourne Ave Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

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Notes - Email Luke Thanks Sch 2 – please keep me in the loop as to progress 15/02/2019 12:58 PM

Unfortunately I can't locate our sports field electrical engineer specialist but I am more than confident there will be numerous others available

Luke

From: Sch 2 2.2(a)(ii)  
Sent: Thursday, 14 February 2019 12:53 PM  
To: Pearson, Luke <Luke.Pearson@act.gov.au>  
Cc: Geoff Long <ceo@belconnensoccerclub.com.au>  
Subject: Light Pollution Complaint

Good afternoon Luke

Thanks for your call this afternoon We note the complaint received and will endeavour to engage an electrical engineer to resolve both the glare and spill issues around the lighting at the soccer stadium

Sch 2 2.2(a)  
Chief Operating Officer  
Belconnen Soccer Club

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Action - Witness contact Luke About 21:30 hours 5 February 2019 I arrived at the complainant's who escorted me into the rear of the property I saw the sporting lights utilised by the club I then commenced lux testing nearest to the boundary of the complainant's Lux reading depicted around 4 lux I showed this to the complainant's I then drove to William Slim Drive and conducted a further lux test The lux depicted the light from the sporting field lights as around 39 lux I then left the area 06/02/2019 11:04 AM

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Action - Witness contact Luke 21:30 5 Feb 2019 06/02/2019 11:04 AM

In response to an after hours complainant I attended the complainant's to conduct lux testing of the lights utilised by the Belconnen Soccer Club at the McKellar sporting field

Lux reading at affected persons residence 4 lux  
Lux reading at William Slim Drive 39 lux

Further enquires to follow

---

Notes - Email from the Peter  
Soccer Club

From: [REDACTED]  
Sent: Monday, 14 January 2019 2:37 PM  
To: Ryan, Peter <Peter.Ryan@act.gov.au>  
Cc: Geoff Long <ceo@belconnensoccerclub.com.au>  
Subject: Light Pollution Complaint Ref 9841

15/01/2019 06:59 AM

Good afternoon Peter

Thank you for your time on the phone this morning in relation to the complaint received against the Belconnen Soccer Club McKellar your reference number 9841. I am unsure as to what the issue reported to your department on the 20th December may be. Canberra United as part of their W League season played a night game here at McKellar Park on Thursday 27th December at which time extra light towers were brought in by Capital Football to meet broadcasting requirements. In the lead up to this game there were occasions where testing and upgrades of the lights took place however I am not sure of the exact dates or times as this was conducted by Capital Football and contracted electricians. I am able to make further enquiries around dates and times of this testing if required.

Once again thank you for your time this morning and I look forward to your reply.

Sch 2.2.2(a)  
Chief Operating Officer  
Belconnen Soccer Club

6259 9900

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Notes - Advisory Letter Sent Imogen

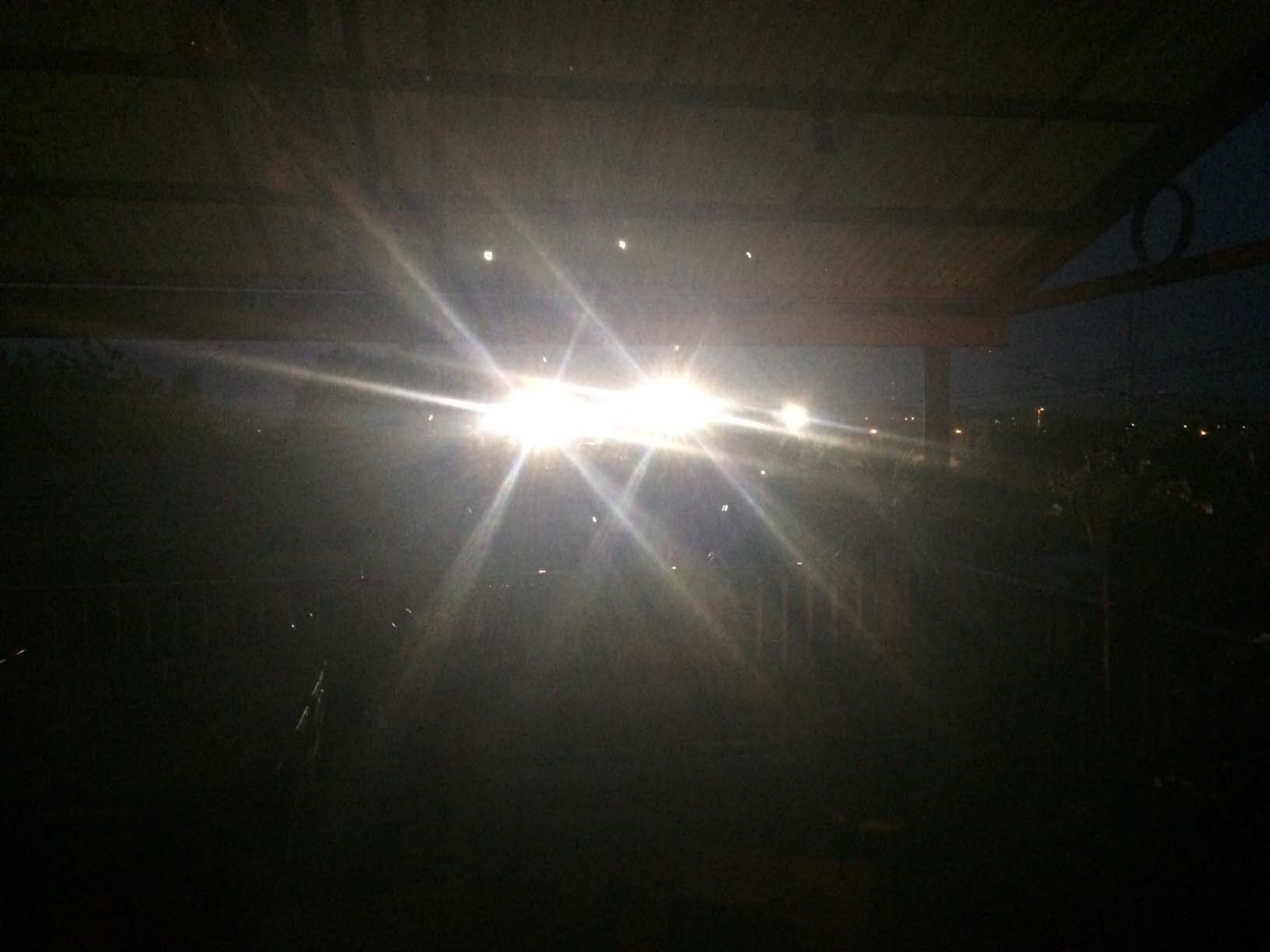
Advisory Letter Sent re Light Pollution 09/01/19 See Objective Link

09/01/2019 11:55 AM

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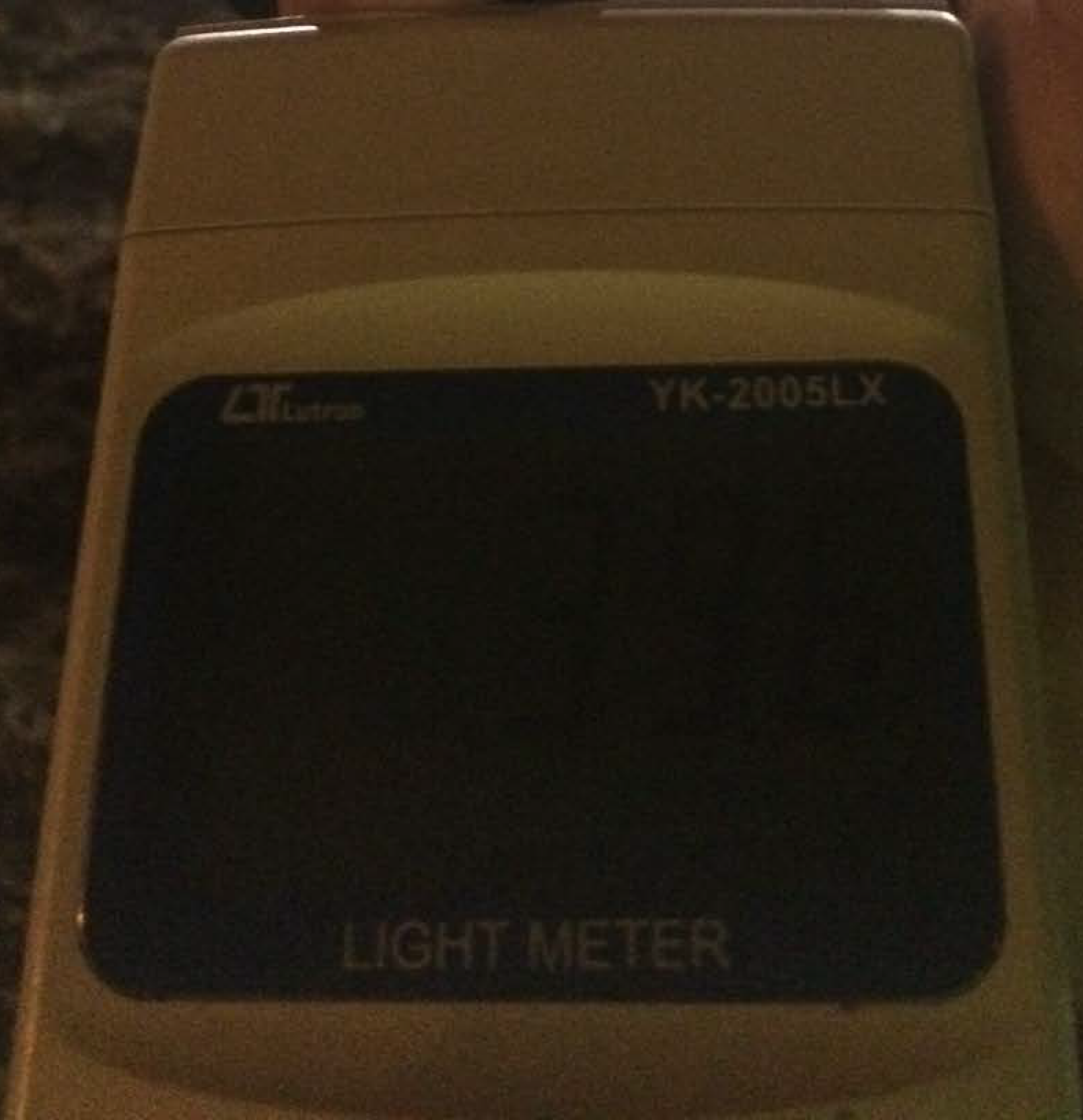








LightLab  
www.LightLab.com  
Report LL16323  
Date 7/3/13  
Next MAR '14



Lutron

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LIGHT METER