



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 23 OCTOBER 2023 at 7.02 PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Liam Hughes (Deputy Mayor) Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Claire Harvey Cr. Brad Hill Cr. Suzette Tayler
APOLOGIES:	Nil. Cr. Steven Hughes (under Suspension)
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer (Via Zoom) Mr. Cam Arullanantham, Director Infrastructure and Operations (Via Zoom) Ms. Angela Hughes, Director Communities Ms. Shweta Babbar, Director Customer Innovation and Arts Ms. Danielle Watts, Acting Director Corporate and Commercial Services Ms. Brianna Alcock, Manager Governance Mr. Sam Clements, Manager Development Services Ms. Fiona McQueen, Manager Community Relations Mr. Tim Bearup, Manager Community Strengthening (Via Zoom) Ms. Tammy Beauchamp, Manager City Futures Ms. Bruce Howden, Manager Waste Circularity Mr. Doug Dickins, Manager Engineering Services Ms. Tammy Ryan, Manager Arts & Culture (Via Zoom) Mr. Jarred Stevens, Coordinator Safer Communities (Via Zoom) Ms. Rachel Masters, Coordinator Social Policy and Planning (Via Zoom) Ms. Rachna Gupta Singh, Coordinator Governance Ms. Poonam Kothari, Governance Officer Mr. Connor Rose, Systems Support Officer Mr. Jeremy O'Rourke, Supervising Technician Mr. Josh Lacey, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil

Chairperson's initials.....

COUNCILLOR STATEMENT

Deputy Mayor, Councillor Liam Hughes made the following statement:

“All members of this Council pledge to the City of Frankston community to consider every item listed on this evening’s agenda:

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors’ personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue.”

PRAYER

Deputy Mayor, Councillor Liam Hughes read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Deputy Mayor, Councillor Liam Hughes acknowledged the Bunurong People of the Kulin Nation – the Traditional Custodians of the land on which we stand, and paid respect to Elders past, present and future. Respect was also extended to Elders of other communities who may have been present.

Chairperson’s initials.....

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1. APOLOGIES

Nil

2. COUNCILLOR APPRECIATION AWARDS**2.1 Councillor Appreciation Award to Ms Emma Jennings, presented by Cr Suzette Tayler**

A Councillor Appreciation Award was presented by Cr Suzette Tayler to Ms Emma Jennings in recognition of her being an inspirational driving force behind the Peninsula Autism Friendship Group (PAFG). Cr Tayler also recognised Emma's friend, Julie Peck, who was in the Gallery. Julie met Emma through the Peninsula Autism Friendship Group and was acknowledged as nominating Emma for the Councillor Appreciation Award.

Emma started the friendship group for autistic children back in 2015 and since then has gone from strength to strength. The PAFG provides social groups for children such as Gravity Zone, STEAM Kids, Minecraft and Super Smash Bros. Social groups for Teens such as STEAM Teens, Gravity Zone, Quiet Art, Divergent Teens, Dungeons and Dragons, Super Smash Bros and Minecraft.

PAFG also accommodates young adult social groups such as tabletop gaming, Dungeons and Dragons and Neurokin; and carers groups including Carers Connections, More than Just Mums and Parent Support Group.

Importantly, Emma has done fantastic work building such a welcoming and accepting community, which has expanded to so many new venues and activities to cater to an even bigger population. Emma has built Peninsula Autism Friendship Group from the ground up to such a wonderful and warmly embracing place for the local community. Thanks, Emma, for everything you're doing to enhance and enrich the lives of so many.

2.2 Councillor Appreciation Award to Frankston Winter Shelter, presented by Cr Sue Baker

A Councillor Appreciation Award was presented by Cr Sue Baker to Frankston Winter Shelter in recognition of this fantastic initiative, being a collective project of the Frankston Churches – joining together in unity to support the vulnerable and needy in our local community.

Council applauds its dedication and commitment in providing a bed, a warm meal and safe place for the night through the winter months in a safe, caring, non-judgemental community environment where guests receive refreshment, hope and rest.

The passion demonstrated by the group has inspired and garnered more than 100 volunteers – signifying what the community can achieve when we work together. Cr Baker conveyed her congratulations and thanks to the Frankston Winter Shelter for its inspirational work!

The Award was accepted by Lara Waldron, Deborah Eastman, David Moloney and Sam Waldron on behalf of the Frankston Winter Shelter.

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM14 held on 2 October 2023.

Council Decision

Moved: Councillor Baker

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM14 held on 2 October 2023 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

There were no questions received with notice. One (1) person submitted two (2) questions without notice to the Council. Those questions were taken on notice. The Chief Executive Officer informed that responses to these questions will be provided in writing within seven business days of the Council Meeting.

The questions received without notice and answers will be provided in the Minutes of the next Council Meeting.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. John McKenzie made a submission to Council regarding Item 12.7: National Housing and Homelessness Plan Issues Paper submission.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

That Item 12.7: National Housing and Homelessness Plan Issues Paper Submission be brought forward.

Carried Unanimously

Block Motion**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That the items listed below be block resolved:

- 11.1 Statutory Planning Progress Report for August 2023
- 12.1 Governance Matters Report for 23 October 2023
- 12.5 Positive Ageing Action Plan Progress Report 2022-23
- 12.8 Extension of Contract - Landfill Disposal Services
- 12.9 Award of Contract CN11015 - Bridge, Boardwalks and Associated Structures Renewal Program
- 12.10 Award of Contract CN11225 - Carrum Downs Recreation Reserve Carpark Construction

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

On the behalf of South East Councils Climate Change Alliance (SECCCA), Cr Claire Harvey participated as part of the Federal Delegation meeting in Canberra. She presented a verbal delegates report as follows:

On 19 October 2023, the Delegation met with Federal decision makers, led by Councillor Michael Whelan, Chair of SECCCA from Bass Coast, and also included Simon Woodland, the 2nd President and Daniel Planner, the Acting CEO. The delegation's meetings, were also attended with the Adviser to the Honourable Catherine King, MP with Christy McBain, Advisor, Honourable Murray Watt, Advisor and Honourable Jenny McAllister, Advisor.

Key topics covered included climate risk, community emissions reductions and opportunities for stronger collaboration. Three SECCCA works that were identified needing for further investment included, employment, resilient infrastructure in particular, SECCCA Asset Vulnerability Assessment tool, which has been crucial to this work, enabled detailed investigations in key vulnerabilities relating to anticipated impacts of climate change.

In discussing these issues at the federal level, a clear acknowledgement was expressed regarding the very real challenges facing local government and, as a result, there are specific plans in place to consult with key stakeholders, including local government and climate change alliances through the National urban Policy. This will provide an opportunity to discuss urban planning and the challenges facing our major cities, including things like equitable assets, access to jobs, housing and services through to climate impacts and decarbonisation. It will bring together a shared vision for sustainable growth in our cities.

Chairperson's initials

SECCCA highlighted the vulnerabilities of particular population groups within our region, including the elderly, in response to heat waves, local areas subject to flooding, and also climate impacts, as they're perceived by younger people in our communities.

Further discussions included the need for constructive collaboration to identify data gaps that help inform vulnerability assessments and that have the potential to better inform planning decisions and programs that will arrange address a range of complex issues.

There was discussion on the need for an equitable transition to ensure that everyone in our community is able to transition to zero carbon economy. The Federal Government's Energy Savings Package was discussed, including the implementation of the package by prioritising the Housing Household Energy Upgrades Fund for low income households. These recommendations seek to leverage the trusted brand and extensive experience of local councils in the delivery of residential solar and upgrade programs, particularly for vulnerable, and culturally diverse communities.

As the risks and opportunities of climate change become increasingly clear, it's imperative that all levels of government work constructively to accelerate the transition to net zero and to strengthen community resilience.

Federal government recognised the continuous effort of local government, and particularly these climate change alliances in managing action on climate change over the last decade, especially in the absence of consistent national policy direction.

Continuous collaboration was welcomed to build on this work and also the work that the federal government has initiated in this term, along with many other issues.

SECCCA continue to advocate for increasing support across all key emissions sectors such as transport, residential, commercial, industrial and waste. And I was particularly grateful for this opportunity to represent the collective views of our member councils, which is nine all the way from Port Phillip through to Bass Coast and including Dandenong, Cardinia and Casey.

Delegates Report from Councillor Claire Harvey

Council Decision

Moved: Councillor Hill

Seconded: Councillor Baker

That the Verbal Delegates Report by Cr Claire Harvey on her participation in the SECCA Federal Delegation to Canberra be received.

Carried Unanimously

ITEMS BROUGHT FORWARD**12.7 National Housing and Homelessness Plan Issues Paper submission***(TB Communities)*

That Council:

1. Notes the draft submission to the Australian Government's public consultation on its National Housing and Homelessness Issues Paper;
2. Notes that the submission was signed by Director Communities and submitted as a draft on the consultation closing date, 20 October 2023, subject to its endorsement by Council at the Council Meeting on 23 October 2023; and
3. Resolves to endorse the draft submission, and notes that it will be uploaded to Council's Transparency Hub.

Motion**Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Notes the draft submission to the Australian Government's public consultation on its National Housing and Homelessness Issues Paper;
2. Notes that the submission was signed by Director Communities and submitted as a draft on the consultation closing date, 20 October 2023, subject to its endorsement by Council at the Council Meeting on 23 October 2023;
3. Resolves to endorse the draft submission, and notes that it will be uploaded to Council's Transparency Hub; and
4. Notes that officers will send a further appendix incorporating feedback received at the Council Meeting on 23 October 2023.

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Notes the draft submission to the Australian Government's public consultation on its National Housing and Homelessness Issues Paper;
2. Notes that the submission was signed by Director Communities and submitted as a draft on the consultation closing date, 20 October 2023, subject to its endorsement by Council at the Council Meeting on 23 October 2023;
3. Resolves to endorse the draft submission, and notes that it will be uploaded to Council's Transparency Hub; and
4. Notes that officers will send a further appendix incorporating feedback received at the Council Meeting on 23 October 2023.

Carried Unanimously

11. CONSIDERATION OF CITY PLANNING REPORTS**11.1 Statutory Planning Progress Report for August 2023**

(SC Communities)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Receives the Statutory Planning Progress Report for the month of August 2023;
2. Notes in the month of August, 87% of applications determined were within the statutory timeframe, above the target of 70%; and
3. Resolves that Attachment B (Major Development Updates) and Attachment C (General Planning Applications of Councillor Interest Updates) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

12 CONSIDERATION OF REPORTS OF OFFICERS

12.1 Governance Matters Report for 23 October 2023

(BA Corporate and Commercial Services)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

Council Resolution Status

1. Receives the Council Resolution Status update, including:
 - a. Notice of Motion Cost Summary and Notice of Motion Report for 23 October 2023;
 - b. Notes there are no open Urgent Business actions;
 - c. Notes there are two Notice of Motion actions reported as complete:
 - 2023/NOM5 - Commitment to consultation on level-crossing removal works;
 - 2023/NOM7 - Prayer at Council Meetings
 - d. Notes since the Council Meeting, held on 2 October 2023, 6 resolution actions have been completed, as listed in the body of the report;
 - e. Approves a minor correction in the minutes of the Council Meeting held on 2 October 2023, Item 14.1 2023/NOM6 – Accountability Transparency Reform (ATR) III, to amend the date of Council meeting in item 6 c) from 11 November 2023 to 20 November 2023;
 - f. Resolves the Minutes be amended to correct the date of Council meeting from 11 November 2023 to 20 November 2023;

Councillor Briefings

2. Receives record of Councillor Briefing meetings held since the date of last Council Meeting held on 2 October 2023 as listed in the body of the report;

Audit and Risk Committee Minutes

3. Receives the unconfirmed minutes of the Audit & Risk Committee meeting held on 15 September 2023; and
4. Resolves Attachment D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (Local Government Act 2020, s.3(1)(h)).

Carried Unanimously

Note: Refer to page 5 of these Minutes where this item was Block Resolved.

12.2 Update on Councillor projects of Interest and hot topics

(PC Chief Executive Office)

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Baker**

That Council:

1. Notes this is a new report to Council to provide confidence in the planning and delivery of emerging key hot topics including key councillor projects of interest, for greatest clarity in this final year of the Council's term;

City Presentation

2. Notes the City Presentation enhancement options outlined in the report;
3. Prioritises and implement the below City presentations enhancement options in the current FY23/24 and commit the budget implications associated with the options at the mid-year budget review to enable a commencement from now:
 - a. Additional roundabouts garden renewals across the municipality-Capital \$150,000 and recurrent \$43,000 (futures years only);
 - b. Enhanced graffiti management as outline in the report Capital \$90,000 and recurrent \$190,000 (pro rata only in 2023/24);
4. Refer the other city presentation options outlined in the report as part of the development of LTIP 2024-34 and 2024-25 Capital works programme;

Key Councillor Projects of Interest

5. Notes officers have developed a new reporting structure for the Key Councillor projects of interest, aimed at providing utmost clarity regarding project progress. This reporting structure also ensures that key issues related to the timely delivery of these projects are transparently highlighted, enabling councillors to make well-informed decisions;
6. Notes Attachment B (Capital Works Program - Councillor Capital Works Report - August 2023) highlights the progress being made on the Councillor Capital Projects of Interest. Every effort is being made to ensure the successful overall delivery, but it is important to recognise that some projects will be delayed as they need to follow Council's adopted Procurement Policy and that some projects under planning and delivery are subject to receiving timely external authority approvals including utility authorities, DECCA and Department of Transport and Planning (DTP). In addition, taking into consideration of appropriate tree planting seasons;
7. Notes the report under Attachment B also highlights the dates imposed by Council, under the recent alternative resolution (Item 12.2 Capital Work Quarterly Report Q4 April to June 2023, 2023/CM13), which are subject to similar considerations highlighted in Item 6 of this resolution;
8. Notes the status of the Seaford Wetland unformed interface to the Pen Link Trail project (Project ID 14762), acknowledging that this project will no longer be categorized as requiring intervention, and its status will be updated to "on track" in the September 2023 reporting cycle;
9. Seaford Village's Illuminate Blade Coastal Motif (Project ID 14629)
 - a. Notes a request from a Councillor to increase the existing lumen level of the existing light fixtures. An estimated additional budget of \$30,000 will be needed to enhance the lux level of the existing light fixtures.

Chairperson's initials.....

- b. Resolves not to proceed with the option proposed to increase the lux level and officers to work on what cost effective options are available and present to councillors on the next MPAC/Hot topic briefing.
10. Bluestone retaining wall along Cranbourne Road (Project ID 14880)
- a. Acknowledges the Department of Transport and Planning's road safety concerns related to the design outcomes, as well as the prohibitive costs associated with alternative solutions for the reconstruction of retaining wall;
 - b. Resolves to withdraw this budget of \$20,000 from the existing Capital Works Programme for the financial year 2023/24;
11. Supply and install water fountain on proposed Ballam Park Lake (New Project)
- a. Notes this is a new project request from a Councillor with an estimated \$70,000 cost;
 - b. Commits to financing this new project with a budget of \$70,000 by transferring \$20,000 from the Cranbourne Road retaining wall design project (Project ID 14880), which is recommended discontinuing, and \$50,000 from the Native Vegetation offset site protection fencing Project (ID 14855), which has already been withdrawn; at the Council meeting 11 September 2023;
12. Decorative lighting.at Karingal Drive/Skye (New Project)
- a. Notes this is a new project request from a Councillor, to increase the lumen levels of recently installed decorative lighting. An estimated budget of \$10,000 will be needed to remove and replace existing lighting;
 - b. Resolves not to proceed with this project as agreed by the Councillor on 4 October MPAC/Hot Topic briefing;
13. Planting five (5) large, mature canary island palm trees at Nat's Track and two (2) large, mature cotton palm trees at Ballam Athletics Track (New Project)
- a. Notes this is a new project request from a Councillor as a 'proof of concept'. An estimated budget of \$210,000 will be required to plant these trees;
 - b. Resolves not to proceed with this project as agreed by the Councillor on 4 October MPAC/Hot Topic briefing;

Public Arts

14. Acknowledges the collaborative formation of the annual ongoing sculpture budget of \$200,000 in partnership with the Frankston Arts Advisory Committee. The financial year 2023/24 Sculpture Budget of \$200K plus the carry forward from 2022/23 totals \$242,722;
15. Endorses the delivery of the Sculpture FY 2023/24 program as outlined below with no new additions to provide greatest certainty of the program and its competent delivery:
- a. \$100,000 towards Bait Bangar and Eliza commission
 - b. \$52,000 towards Sculpture by the Sea leasing Fees
 - c. \$2500 towards Catch Me relocation to Keast Park
 - d. \$5000 towards As One relocation to Skye Rd and Dandenong Road
 - e. \$3200 for scoping works undertaken for Teddy Bear and Mushroom

Sculptures

- f. \$15,000 for installation of Early Light at Brunel Road
 - g. \$8,000 for Ballam Park Rebound Wall Mural
 - h. \$15,000 for Frankston North Bakery Wall Mahogany Drive
 - i. \$7,000 for sculpture storage and contingency
16. Resolves not to proceed with the Ballam Park Lake sculpture project (currently allocated in 2023/24 FY), which had \$80,000 allocated to it, with this funding re allocated as follows:
- a. \$43,000 to fund the above items 14. d, f, g & h;
 - b. \$35,000 towards a sculpture at Ballam Park near the Naranga Crescent and Karingal Drive entrance; and
17. Notes the planning for murals for Big Picture Fest 2024 is now complete including a number of locations within the city centre and two locations, with a possible third outside the CBD. The agreed sites to be delivered include:
- a. Ballam Park rebound wall
 - b. Havana Reserve – Kindergarten Wall (Karingal)
18. Frankston North Bakery Wall (pending building owner approval)

Carried Unanimously

12.3 Chief Executive Officer's Quarterly report - July - September 2023 period

(PC Chief Executive Office)

Recommendation (Chief Executive Officer)

That Council:

1. Notes the Chief Executive Officer's Report and any updates on previous recommendation actions provided within the report;
2. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period July to September 2023 (attachment A), which will be made available after this meeting through Council's website;
3. Notes reduction of decisions being made in closed council in this reporting quarter (1 – 2023/24) with a result of 2%;
4. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
5. Resolves Attachment B, *Confidential Chief Executive Officer's report for July to September 2023 period*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions;
6. Resolves Attachment C, *Frankston City Council – Councillor Conduct Matters Table as at September 2023*, be retained confidential until the date of this council meeting on the grounds that it contains information that is confidential pursuant to the *Local Government Act 2020, section (j)* and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the 2023/NOM6 - *Accountability Transparency Reform (ATR) III*.

Motion

Moved: Councillor Bolam

Seconded: Councillor Tayler

That Council:

1. Notes the Chief Executive Officer's Report and any updates on previous recommendation actions provided within the report;
2. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period July to September 2023 (attachment A), which will be made available after this meeting through Council's website;
3. Notes reduction of decisions being made in closed council in this reporting quarter (1 – 2023/24) with a result of 2%;
4. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
5. Directs the CEO to implement the following in relation to the 2024/25 "Lighting Frankston" allocation in the current Long Term Infrastructure Plan:
 - a. Mile Bridge Pedestrian Lighting - design for pedestrian lighting be

- completed by June 2024, with implementation and expenditure of funds to occur in 2024/25. This lighting will form part of a broader integrated design for the bridge to include tree planting and public art;
- b. Station Street Bridge LED – that this project has been on hold, but that work will be carried out in 2024/25 subject to appropriate approvals in place;
 - c. Tree Lighting at Nepean Highway (between Fletcher Road and Beach Street) – An update will be provided on the existing Tree Lighting Nepean Highway project (between Davey Street and Playne Street) in the next Hot Topics Council Report, and that progress on this existing project will somewhat inform consideration/s for future Tree Lighting projects along Nepean Highway.
6. Resolves Attachment B, *Confidential Chief Executive Officer's report for July to September 2023 period*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions;
 7. Resolves Attachment C, *Frankston City Council – Councillor Conduct Matters Table as at September 2023*, be retained confidential until the date of this council meeting on the grounds that it contains information that is confidential pursuant to the *Local Government Act 2020, section (j)* and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the 2023/NOM6 - *Accountability Transparency Reform (ATR) III*.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Tayler

That Council:

1. Notes the Chief Executive Officer's Report and any updates on previous recommendation actions provided within the report;
2. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period July to September 2023 (attachment A), which will be made available after this meeting through Council's website;
3. Notes reduction of decisions being made in closed council in this reporting quarter (1 – 2023/24) with a result of 2%;
4. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
5. Directs the CEO to implement the following in relation to the 2024/25 "Lighting Frankston" allocation in the current Long Term Infrastructure Plan:
 - d. Mile Bridge Pedestrian Lighting - design for pedestrian lighting be completed by June 2024, with implementation and expenditure of funds to occur in 2024/25. This lighting will form part of a broader integrated design for the bridge to include tree planting and public art;
 - e. Station Street Bridge LED – that this project has been on hold, but that work will be carried out in 2024/25 subject to appropriate approvals in place;

- f. Tree Lighting at Nepean Highway (between Fletcher Road and Beach Street) – An update will be provided on the existing Tree Lighting Nepean Highway project (between Davey Street and Playne Street) in the next Hot Topics Council Report, and that progress on this existing project will somewhat inform consideration/s for future Tree Lighting projects along Nepean Highway.
6. Resolves Attachment B, *Confidential Chief Executive Officer's report for July to September 2023 period*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions;
7. Resolves Attachment C, *Frankston City Council – Councillor Conduct Matters Table as at September 2023*, be retained confidential until the date of this council meeting on the grounds that it contains information that is confidential pursuant to the *Local Government Act 2020, section (j)* and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the 2023/NOM6 - *Accountability Transparency Reform (ATR) III*.

Carried Unanimously

ATTACHMENT C



Councillor Conduct Matters - September 2023

Type	Status	Date Application resolved by Council	Applicant	Respondent	Decision tabled in Council Meeting	Decision	Notes	Cost to Council* *Excludes Officer time	Link to published Determination
Internal Arbitration	Complete	1-Mar-21	Council by resolution	Cr Steven Hughes	30-Aug-21	Four findings of misconduct One month suspension	In the published determination the Arbitrer cited that Cr Hughes was found to have engaged in four instances of misconduct by breaching the Councillor Code of Conduct. The Arbitrer gave a period of one month's suspension (maximum allowed).	\$7,724	https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0023/175802/Minutes-of-Frankston-Council-meeting-held-on-Monday-30-August-2021.pdf
Councillor Conduct Panel	Complete	Application by Councillor on 1 Dec 2021	Cr Steven Hughes	Cr Kris Bolam	15-Aug-22	Application dismissed	In the published determination the Panel dismissed the Application. The allegations made by Cr Hughes against Cr Bolam were dismissed. Council resolved an urgent business item on 15 August 2022 to reimburse Cr Bolam \$4300 for legal expenses he incurred as the Respondent.	\$28,340	https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0029/188156/Hughes-Bolam-CCP-2021-7-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-29-July-2022.pdf
Mediation	Complete	Not available	Group of Councillors	Cr Steven Hughes	4-Oct-22	Mediation was unresolved.	When Council resolved to make an Application for Internal Arbitration on 6 June 2022, Cr Hughes agreed to participate in mediation. The mediation was unresolved and Council proceeded with the Application for Internal Arbitration.	\$15,027	Not applicable
Internal Arbitration	Complete	6-Jun-22	Council by resolution	Cr Steven Hughes	30-Jan-23	Four findings of misconduct One month suspension Written apology to Council staff	In the published determination the Arbitrer found that Cr Hughes failed to comply with the prescribed standards of conduct in the Councillor Code of Conduct. The Arbitrer's findings outlined these were breached in respect of four allegations. There was no finding of misconduct in response to the remaining (4) allegations and these were dismissed. The Arbitrer gave a period of one month's suspension (maximum allowed) and ordered a written apology to staff.	\$10,600	https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0024/193137/Frankston-City-Council-and-Hughes-IAP-2022-21.pdf
Councillor Conduct Panel	Complete	3-Oct-22	Council by resolution	Cr Steven Hughes	6-Sep-23	Serious misconduct finding Reprimanded Three month suspension	In the published determination the Councillor Conduct Panel found Cr Hughes engaged in serious misconduct and was ordered to be reprimanded (a professional censure, signalling that the conduct is condemned) and suspended from the office of Councillor for a period of three calendar months commencing after the meeting of Council at which the decision was tabled. The decision was subsequently tabled at an extra meeting of Council held on 6 September 2023. Cr Hughes is due to return to the office of Councillor on 5 December 2023.	Not yet available	https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0023/201695/Frankston-City-Council-and-Hughes-CCP-2022-14-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-31-August-2023.pdf
Councillor Conduct Panel	On hold	15-Feb-23	Council by resolution	Cr Steven Hughes	Not yet available	Not yet available	On hold due to Cr Hughes being suspended.	Not yet available	
Cost year to date								\$61,691	

Chairperson's initials.....

12.4 Frankston City Council Annual Report 2022-2023

(FM Customer Innovation and Arts)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the Mayor's presentation of the Annual Report to the Council at this meeting in accordance with Section 100 of the *Local Government Act 2020*; and
2. Receives and endorses the Annual Report 2022–2023, for publication on the website prior to 31 October 2023.

Carried Unanimously

12.5 Positive Ageing Action Plan Progress Report 2022-23

(TB Communities)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Receives the Positive Ageing Action Plan Progress Report 2022-2023 (as per Attachment A) which targets adults 60 years and older, who make up the fastest growing age group in Frankston City;
2. Notes the importance of the Positive Ageing Plan to guide how we deliver programs, services and infrastructure to help older people in the municipality stay connected, supported and engaged – and continue to thrive in older age; and
3. Notes the range of activities undertaken by officers in response to the actions identified in the Positive Ageing Action Plan 2021-2025, which includes the redevelopment of the 'Keeping Active Directory', the collaborative delivery of the annual Seniors Fest, and the delivery of the Wingham Park older adult exercise equipment in conjunction with the research partnership and volunteer program amongst various other initiatives.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

12.6 Annual Community Grants 2023/24*(TB Communities)***Recommendation (Director Communities)**

That Council:

1. Endorses the re-appointment of four voluntary community representatives to the Community Grants Panel (Attachment A), although one was absent for the evaluations;
2. Endorses the recommendations for the Financial Year 2023/2024 Annual Community Grants as contained in the confidential attachment (Attachment B), distributing a total of \$125,000 to 34 recipients;
3. Approves the successful applicants list in the Financial Year 2023/2024 Annual Community Grants (Attachment C) to be publically released immediately following the Council Meeting 2023/CM15; and
4. Resolves for Attachment B and D to be retained as confidential indefinitely on the grounds that it includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Local Government Act 2020, s.3(1)(f)). These grounds apply because the contents contains private information of the nominees, who have not consented to being disclosed. Release of this information might undermine public confidence and make people reluctant to submit applications in the future, which would compromise Council's ability to run similar programs in the future.

Motion**Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Endorses the re-appointment of four voluntary community representatives to the Community Grants Panel (Attachment A), although one was absent for the evaluations;
2. Endorses the recommendations for the Financial Year 2023/2024 Annual Community Grants as contained in the confidential attachment (Attachment B), distributing a total of \$125,000 to 34 recipients;
3. Approves the successful applicants list in the Financial Year 2023/2024 Annual Community Grants (Attachment C) to be publically released immediately following the Council Meeting 2023/CM15;
4. Seeks a summary report to be provided to the February 2024 Council Meeting on the status of the current 3-Year Community Partnership Grants (aka Standing grants / Triennial grants); and
5. Resolves for Attachment B and D to be retained as confidential indefinitely on the grounds that it includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Local Government Act 2020, s.3(1)(f)). These grounds apply because the contents contains private information of the nominees, who have not consented to being disclosed. Release of this information might undermine public confidence and make people reluctant to submit applications in the future, which would compromise Council's ability to run similar programs in the future.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hill

That Council:

1. Endorses the re-appointment of four voluntary community representatives to the Community Grants Panel (Attachment A), although one was absent for the evaluations;
2. Endorses the recommendations for the Financial Year 2023/2024 Annual Community Grants as contained in the confidential attachment (Attachment B), distributing a total of \$125,000 to 34 recipients;
3. Approves the successful applicants list in the Financial Year 2023/2024 Annual Community Grants (Attachment C) to be publically released immediately following the Council Meeting 2023/CM15;
4. Seeks a summary report to be provided to the February 2024 Council Meeting on the status of the current 3-Year Community Partnership Grants (aka Standing grants / Triennial grants); and
5. Resolves for Attachment B and D to be retained as confidential indefinitely on the grounds that it includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Local Government Act 2020, s.3(1)(f)). These grounds apply because the contents contains private information of the nominees, who have not consented to being disclosed. Release of this information might undermine public confidence and make people reluctant to submit applications in the future, which would compromise Council's ability to run similar programs in the future.

Carried Unanimously

12.8 Extension of Contract - Landfill Disposal Services*(BH Corporate and Commercial Services)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Exercises the Option to extend the Landfill Services Participation Agreement - CN10520, with the Department of Energy, Environment and Climate Action (DECCA) utilising Cleanaway Pty Ltd (Cleanaway) and Veolia Environmental Services Pty Ltd (Veolia), for the provision of landfill services under a common gate fee arrangement, for a further two-year term commencing on 1 April 2025 at a schedule of rates with approximate spend of \$6 million per annum;
2. Authorises the Chief Executive Officer to exercise and approve any extension options and variations.
3. Resolves the attachments A, B, C and D to this report be retained confidential, on the grounds that they contain:
 - a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (Local Government Act 2020, section 3(1)(a); and
 - b. private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (Local Government Act 2020, s.3(1)(g))

These grounds apply because the information is commercial information and would, if released, result in a loss of confidence by other businesses who may be reluctant to deal with Council in the future.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

**12.9 Award of Contract CN11015 - Bridge, Boardwalks and Associated Structures
Renewal Program**

(DD Infrastructure and Operations)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Appoints Elite Crossings Pty Ltd (ABN 16 156 122 477) and Maw Civil Pty Ltd (ABN 53 154 684 974) to Contract CN11015 - Bridge, Boardwalks and Associated Structures Renewal Program for an initial three (3) year term with a provision of two (2) and further two (2) year terms;
2. Appoints Cope AG Pty Ltd (ABN 97 139 749 198) to Contract CN11015 - Bridge, Boardwalks and Associated Structures Renewal Program for an initial three (3) year term with a provision of two (2) and further two (2) year terms subject to satisfactory financial check, as determined by Council.
3. Authorises an estimated potential contract value of \$4.5M exclusive of GST over the full contract term of seven (7) years inclusive of all extensions under this contract;
4. Authorises the Chief Executive Officer to sign the contract;
5. Authorises the Chief Executive Officer to approve any contract variations;
6. Authorises the Director Infrastructure and Operations to approve the extensions of the contract(s) subject to the satisfactory performance of the contractor(s); and
7. Resolves that Attachment A to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

**12.10 Award of Contract CN11225 - Carrum Downs Recreation Reserve Carpark
Construction**

(DD Infrastructure and Operations)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Awards Contract CN11225 for Carrum Downs Recreation Reserve Carpark Construction works to Ramsay Civil Pty Ltd (ABN 34 605 587 157), for \$2,089,429.93 GST exclusive;
2. Notes income of \$744,000 from the Federal Government through the Local Roads and Community Infrastructure Program is allocated towards this project;
3. Commits \$15,000 recurrent budget in Council's future Operational Budgets, commencing 2024/25, for ongoing maintenance of the Carrum Downs Recreation Reserve Carpark;
4. Authorises the Chief Executive Officer to sign the Contract;
5. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer; and
6. Resolves Attachment A to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the Local Government Act 2020 s3(1)(g).

Carried Unanimously**Note:** Refer to page 5 of these Minutes where this item was Block Resolved.

12.11 Award of Contract CN11031 - Ballam Park Bio-retention and Ornamental Lake

(DD Infrastructure and Operations)

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Asker**

That Council:

1. Awards contract CN11031 Ballam Park Bio-retention & Ornamental Lake to Contek Constructions Pty Ltd (ACN 060 505 099) for \$2,240,534.19 GST exclusive;
2. Authorises the Chief Executive Officer to sign the Contract;
3. Delegates approval of contract variations within the contingency amount outlined in the confidential attachment to the Chief Executive Officer;
4. Notes a \$525,000 project budget shortfall to award this contract;
5. Commits \$525,000 towards Ballam Park Bio-retention and Ornamental Lake in 2023/24 by amending the Capital Works Program to address the project budget shortfall as follows;
 - a) Allocating Council funds that became available following receiving unexpended grant funding of \$375,000
 - b) Reallocating \$150,000 from Heavy Plant Replacement in 2023/24
6. Commits \$37,000 recurrent budget in Council's future Operational Budgets, commencing 2024/25, for ongoing maintenance of the Ballam Park Bio-retention and Ornamental Lake; and
7. Resolves Attachment A to this report be retained confidential indefinitely on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the Local Government Act 2020 s3(1)(g).

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION**14.1 2023/NOM8 - Letter Under Seal for Coralie Davies**

(KJ Corporate and Commercial Services)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Hill**

That a Letter Under Seal is to be awarded posthumously to the family of Coralie Davies at the Council Meeting on 20 November 2023.

Coralie Davies, who sadly passed in August this year, was a vibrant and active member of many groups such as Mount Eliza Association for Environmental Care (MEAFEC), Gardens for Wildlife, Frankston Beach Association, Peninsula Field Naturalists, Kananook Creek Association, the Frankston Environmental Friends Network, and also the Friends of Williams Road Beach, the Friends of Baden Powell Bushland Reserve and the Baden Powell Park Scouts Green Group.

Given the nature of Coralie's tremendous contribution and service, particularly in caring for our local flora and fauna, and helping to deepen people's connection to and care for local places, Council is to formally recognise Coralie's dedication to the Frankston Community.

Carried Unanimously

14.2 2023/NOM9 - Federal Funding in Abeyance 2023

(FM Customer Innovation and Arts)

That Council renews its advocacy to finally secure the \$225 Million funding committed by the former Liberal Federal Government in 2019 for the proposed rail electrification extension past Frankston CBD by:

1. Calling for the present Federal Government, through local Federal members Peta Murphy MP and Zoe McKenzie MP, and the relevant federal minister to:
 - a. affirm the commitment of \$225 million in funding for the Dunkley and Flinders electorates, ensuring strategic investment in alternative transport projects, if not otherwise for rail;
 - b. seek transparency on plans for delivering robust transport options essential for the future growth and connectivity of the City of Frankston and the Mornington Peninsula Shire;
2. Noting the local Federal member Peta Murphy MP and the current Prime Minister, the Hon Anthony Albanese MP, supported the rail electrification in 2018 prior to the election of the Labor Government in 2022.
3. Calling on the new Victorian Premier, the Hon Jacinta Allan MP, to support the retention of the \$225 million to remain for improved transport outcomes in the City of Frankston and Mornington Peninsula Shire;
4. Highlighting the regional economic and visitor importance of Frankston City and the Mornington Peninsula, which is currently impacted by the lack of a vibrant, well connected and sustainable transport network (roads, public transport, walking and cycling) servicing much of these areas, noting:
 - a. Frankston's position as a Metropolitan Activity Centre with an expected population growth of 18,000 people by 2041 and which services a population across these two municipalities expected to reach 340,000 in less than 20 years;
 - b. Frankston's strategic planning work, including the Integrated Transport Strategy and Housing Strategy – all closely aligned to the Frankston Metropolitan Activity Centre Structure Plan and the broader intentions of the State Government's recently announced Housing Statement;
 - c. Mornington Peninsula's position as Victoria's top regional tourist destination (second only to Melbourne) with 8.2 million visitors in 2022;
 - d. if rail extension is not an option there are numerous other transport improvements (for example, roads, shared user paths, Nepean Hwy upgrades) necessary in Frankston and Mornington Peninsula;
5. Engage the Mornington Peninsula Shire Council and the Committee for Greater Frankston and Mornington Peninsula to get behind this advocacy, offer their support and express their views.
6. Notes a report will be provided back to Council by February 2024 on the status of this motion, and the feedback received from the State and Federal Governments and other parties.

Leave of Council**Moved: Councillor Harvey****Seconded: Councillor Asker**

That Cr Bolam be granted leave of Council to amend 2023/NOM09 - Federal Funding in Abeyance 2023

Carried Unanimously

Chairperson's initials

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Tayler**

That Council renews its advocacy for the \$225 Million funding committed by the former Liberal Federal Government in 2019 for the proposed rail electrification extension past Frankston Metropolitan Activity Centre by:

1. Noting the importance of \$225 million in funding for the Dunkley and Flinders electorates for alternative transport projects.
2. Noting the bipartisan Federal support for this project, spanning from 2018 until the recent 90 day infrastructure review
3. Writing to the new Victorian Premier, the Hon Jacinta Allan MP, and all relevant members, to support the retention of the \$225 million to remain for improved transport outcomes in the City of Frankston and Mornington Peninsula Shire;
4. Highlighting the regional economic and visitor importance of Frankston City and the Mornington Peninsula, which is currently impacted by the lack of a vibrant, well connected and sustainable transport network (roads, public transport, walking and cycling) servicing much of these areas, noting:
 - a. Frankston's position as a Metropolitan Activity Centre with an expected population growth of 18,000 people by 2041 and which services a population across these two municipalities expected to reach 340,000 in less than 20 years;
 - b. Frankston's strategic planning work, including the Integrated Transport Strategy and Housing Strategy – all closely aligned to the Frankston Metropolitan Activity Centre Structure Plan and the broader intentions of the State Government's recently announced Housing Statement;
 - c. Mornington Peninsula's position as Victoria's top regional tourist destination (second only to Melbourne) with 8.2 million visitors in 2022;
 - d. If rail extension is not an option there are numerous other transport improvements (for example, roads, shared user paths, Nepean Hwy upgrades) necessary in Frankston and Mornington Peninsula;
5. Engage the Mornington Peninsula Shire Council and the Committee for Greater Frankston and Mornington Peninsula to get behind this advocacy, offer their support and express their views.
6. a. That Council notes that the Mayor is due to meet with Peta Murphy, the Federal Member for Dunkley, to discuss potential local alternative uses for a portion of the \$221M if the Federal Government ultimately determines that the electrification effort is no longer deemed viable; and
 - b. That a verbal update is to be provided by the Mayor at the December Ordinary Meeting on the outcome of this discussion.

Councillor Liam Hughes left the chamber at 8:20 pm.

Councillor Liam Hughes returned to the chamber at 8:22 pm.

Extension of Time**Moved: Councillor Tayler****Seconded: Councillor Harvey**

That Cr Bolam be granted an extension of time.

Carried Unanimously

Chairperson's initials

Extension of Time

Moved: Councillor Bolam

Seconded: Councillor Harvey

That Cr Hill be granted an extension of time.

Carried Unanimously

The Motion was

Carried

For the Motion: Crs Asker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Tayler (7)

Against the Motion: Nil

Abstained: Cr Baker (1)

15. LATE REPORTS

Nil

2. URGENT BUSINESS

Nil

37. CONFIDENTIAL ITEMS

Nil

QUESTION TIME**Questions received without Notice**

The following questions without notice were received for the Council Meeting 2023/CM14 – 2 October 2023. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published below:

Emily Green**Question**

Frankston residents have been witnessing a decline in the quality of the water in Kananook Creek due to large algal blooms that have started forming, large amounts of organic waste such as weeds and tree's rotting and there is notably no more movement in the water. Has Frankston Council's environment officer started an investigation on this? Will Frankston City Council prioritize the creek as it's one of Frankston's treasured biodiversity hubs?

Response

Melbourne Water is the responsible authority for Kananook Creek management. As per previous comments from Melbourne Water, Algae occurs naturally in almost all creeks. It is present year-round, but is often more noticeable during warmer periods of the year when nutrient levels may also be high. As a natural phenomenon, it is generally best to leave the algae to run its own course.

- The warmer, drier start to Spring has likely contributed to this current algal bloom.
- The main factors influencing algal growth are Temperature and Nutrient Levels (where higher levels result in more growth) and Flow Rates (where lower flows result in more growth). There are no short-term management actions that Melbourne Water can undertake which will control these factors. Pumping additional water down the system has been tried in the past and has not been successful, as it does not increase the flow rates significantly enough.
- In terms of nutrients, water quality monitoring is undertaken on a monthly basis and has not demonstrated any recent changes to Dissolved Oxygen or Phosphates. The observed results to date are not outside of the parameters expected for a waterway in an urban context, or likely to cause issues for wildlife but we will continue to monitor this in September and beyond to ensure this remains the case.
- Melbourne Water does not have the remit to manage Kananook Creek for recreational values, and the manual removal of algae for this purpose is not a service that Melbourne Water could provide.

In the longer term, Melbourne Water can work to try to reduce the amount of nutrients entering Kananook Creek by working with Council and the community on water sensitive urban design. Council are also working with various authorities, including Melbourne Water, as part of Kananook Creek Governance Group, to advocate to the Victorian Government and Australian Government for desilting of Kananook Creek.

The meeting was closed to the public at 8.49 pm

CONFIRMED THIS

1st

DAY OF

November

2023

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Nathan Conroy, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 23 October 2023, confirmed on Wednesday, 1 November 2023.

.....
(Cr. Nathan Conroy, Chairperson – Council Meeting)

Dated this

1st

day of

November

2023

Chairperson's initials