

# Kananook Creek

## Ministerial Advisory Committee



**Final Report:**  
Review of Kananook Creek Management Arrangements  
June 2016

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## EXECUTIVE SUMMARY

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The Kananook Creek Ministerial Advisory Committee (KCMAC) was appointed by the Honourable Lisa Neville MP, Minister for Environment, Climate Change and Water to undertake an independent review of the management of the Kananook Creek and its immediate environs. The independent review is to provide clear recommendations for future management arrangements for Kananook Creek that will be best placed to address the issues and inappropriate development impacting on the Creek.

In preparing the report, the KCMAC has had regard to the legislative context including the responsibilities of the various authorities within the Kananook Creek Corridor. The state and local government policy context has also been considered.

The KCMAC undertook comprehensive stakeholder and community engagement throughout the review process in alignment with the International Association for Public Participation's Public Participation Spectrum (IAP2).

Stakeholder and community engagement was undertaken in two consultation stages: Stage 1: Issues and Values and Stage 2: Management Arrangements. Stage 1 involved the Corridor managers in meetings, key stakeholder groups in a workshop, and the broader community through two drop in sessions.

The key issues arising from engagement at this Stage were:

- Maintaining the recreational features and an aspiration to enhance the recreational qualities of Kananook Creek.
- Appreciating the environmental and natural features of Kananook Creek and a desire to protect and enhance biodiversity and ecology.
- Recognising the role voluntary and community groups play in the Kananook Creek Corridor.
- Maintaining the current water flow, including the pumping of water from the Patterson Lakes.
- Addressing issues with water navigability for recreation, including dredging and de-silting of the Creek.
- Improving the amenity of the Creek Corridor through rubbish and weed removal.
- Improving communication and coordination between land and waterway management authorities, and continuity of corporate knowledge.

Consultation regarding the proposed Management Arrangements with the four Corridor managers, and the Kananook Creek Association resulted in the following

- General agreement that the Frankston City Council, as Committee of Management, should take the lead role in managing the Creek Corridor.
- Agreement that the DELWP should undertake and maintain an active role in overseeing the operations of the future Committee of Management in its first few years of operation.
- A review and update of the 2009 Management Plan should be a key priority and this will assist in determining all future priorities and responsibilities within the Corridor.

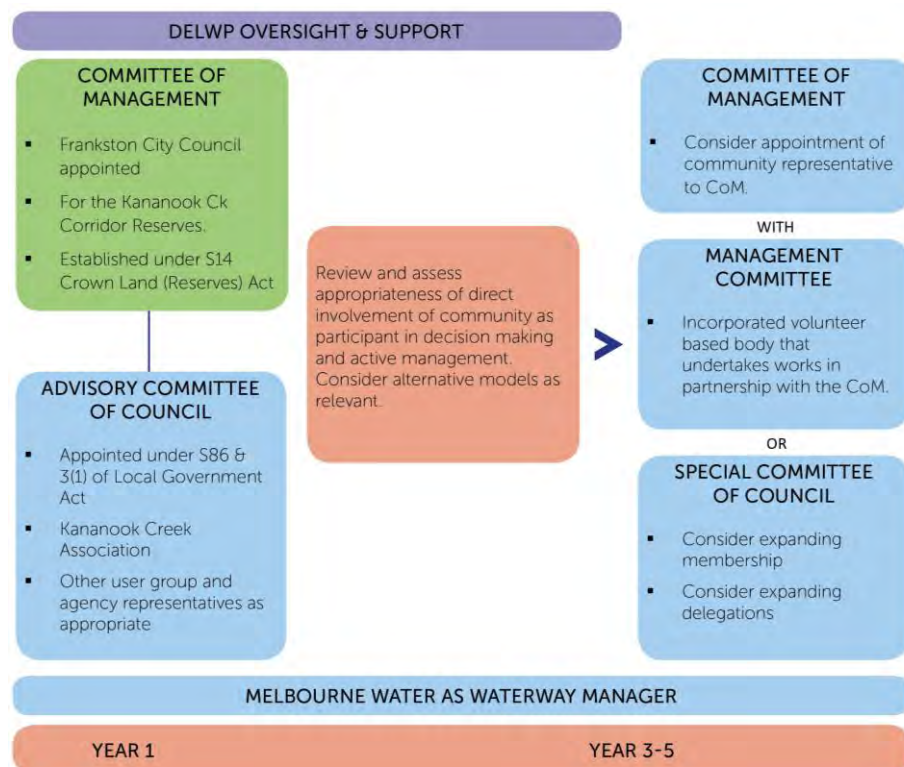


As a result of the consultation and research, the following management principles were adopted by the KCMAC:

- Cohesive and consistent governance for the Kananook Creek Corridor.
- Ability to manage and address the range of issues within the Kananook Creek Corridor.
- Importance of local knowledge and involvement.
- Need for sustainable funding of the management organisation for operations and works.

The recommended management arrangement is summarised in the Figure 1 below.

**FIGURE 1: RECOMMENDED MANAGEMENT ARRANGEMENT**



The implementation of this arrangement requires the following actions:

- Appoint Frankston City Council as the Committee of Management for all Crown Land in the Kananook Creek Corridor.
- Establish a Terms of Reference that provide definition of roles and governance, land and asset ownership, maintenance responsibilities and overcome current duplication.
- Agree to oversight by DELWP, over the first 3-5 years of operation, to facilitate the terms of reference, cooperation and information sharing between authorities and assist with funding representations to ensure operational effectiveness.

- Establish an Advisory Committee by resolution of the Council under Sections 3(1) and 86 of the Local Government Act that includes representatives of the Kananook Creek Association and other user group and agency representatives as appropriate.
- A priority for the new Committee of Management will be to:
  - Review, update, consult on and adopt a Management Plan.
  - Develop guidelines for private development within the Corridor.

Following successful operation of the Committee of Management over 3-5 years, continuing involvement by DELWP in the oversight of the Committee may no longer be required. At this time the management structure may be adjusted, if considered appropriate, to more directly involve community members in the operations of the Committee.

Options may include:

- appointment of community representation to the Committee of Management;
- maintaining an Advisory Committee to Council; or
- establishing a Special Committee with greater delegations from Council.

This will be determined by the Committee of Management, the Council and DELWP at the time.

# 1 INTRODUCTION

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## BACKGROUND

The Kananook Creek Ministerial Advisory Committee (KCMAC) was appointed by the Honourable Lisa Neville MP, Minister for Environment, Climate Change and Water to undertake an independent review of the management of the Kananook Creek and its immediate environs. The independent review is to provide clear recommendations for future management arrangements for Kananook Creek that will be best placed to address the issues and inappropriate development impacting on the Creek.

The Terms of Reference for the KCMAC include the following functions:

- Review all background materials and documentation relevant to the Creek
- Undertake a comprehensive stakeholder engagement and consultation program to seek the views and historical perspectives of the local community, groups, agencies and organisations involved in managing the Creek.
- Develop a written report for the Minister that:
  - Identifies and examines the range of issues and factors that impact on the effective management of the Creek;
  - Identifies a range of options to resolve the issues and factors identified; and
  - Recommends the most appropriate management arrangement for the Creek.

The Committee comprises 4 members:

Dr Emma Connell (Chair), expert in strategic planning and environmental management

Douglas Miller, geographer and strategic planner, expert in public sector governance

Jenny Lindell, former member for Carrum 1999-2000, community representative

Paul Davies, President Kananook Creek Association and community representative

A consultant firm, Planisphere Pty Ltd, was appointed to assist the Committee in its role, and project management assistance was provided by the Department of Environment, Land, Water and Planning. A full list of all documents referred to in the preparation of this report is contained in **Appendix A**.

The KCMAC undertook targeted engagement with stakeholders and the broader community, while recognising that the Committee is undertaking a management review, not a plan of action for improvements or changes to the Creek environs.

## KANANOOK CREEK CORRIDOR

The Kananook Creek flows from an outlet from Patterson Lakes through the suburbs of Seaford and Frankston, and is located within the City of Frankston. The corridor that is a focus of the review follows the waterway from the mouth of Kananook Creek, where it joins Port Phillip, to the point at which Eel Race Creek passes under the

Mornington Peninsula Freeway. Downstream of the freeway is Melbourne Water's Patterson Lakes pumping station that feeds the Creek from Patterson Lakes.

The Kananook Creek Corridor is deemed to include the immediately abutting properties on either side, though for some purposes a wider context was referred to. See Figure 2: Kananook Creek Corridor.

## APPROACH

The approach to the review involved the following components:

- Issues and Values
  - Initial background research
  - Consultation with four waterway managers
  - Consultation with wider community
  - Analysis of consultation outcomes
  - Determination of issues and values to be addressed
- Management Arrangements
  - Preparation of draft management arrangements
  - Consultation with four waterway managers and Kananook Creek Association
- Final Report and Recommendations to the Minister

The approach and consultation process is outlined in Figure 2 below.

FIGURE 2: THE REVIEW PROCESS

### TIMELINE



### ENGAGEMENT PROCESS





FIGURE 3: MAP OF THE KANANOOK CREEK CORRIDOR



## 2 RELEVANT LEGISLATION & POLICY

### 2.1 LEGISLATIVE CONTEXT

A number of pieces of legislation govern aspects of the management of the Kananook Creek corridor and its environs. This legislation can impact the land, water and built environment of the corridor. The following table describes various Acts that impact on the Creek Corridor, the principal authority responsible for undertaking the requirements of the Act, as well as their roles and responsibilities. There are many other pieces of legislation that govern auxiliary aspects of the Creek corridor. The key legislation that has been reviewed as part of this process and the Kananook Creek management authorities acting within these Acts includes:

TABLE 1: KEY RELEVANT ACTS AND KANANOOK CREEK MANAGEMENT AUTHORITIES

ACT	AUTHORITY	RELEVANT PURPOSE
Coastal Management Act (1995)	DELWP	Planning and management of coastal land including both Crown Land and private land.
Crown Land (Reserves) Act (1978)	DELWP	Appointment, powers and responsibilities of crown land managers
Local Government Act (1989)	Frankston City Council	Operations and management of local government responsibilities, including delegations
Marine Act (1988)	Parks Victoria	Functions and powers of a waterway manager
Marine Safety Act (2010)	Parks Victoria	Provides for the regulation and management of vessels and navigation in Local Ports.
Planning and Environment Act (1987)	Frankston City Council	Planning and Responsible Authority for Frankston Planning Scheme
Port Management Act (1995)	Parks Victoria	Functions and powers of a Local Port Manager provides for the preparation of Safety Management Plan and Environment Management Plan.
Water Act (1989)	Melbourne Water	Provides a framework for the allocation and management of surface water and groundwater.
Water Industry Act (1995)	Melbourne Water	Flood plain, drains and river health policy and implementation
	Parks Victoria	Recreation, leisure, tourism and water transport policy and implementation

Other relevant Acts include:

Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)  
 Heritage Act 1995  
 Aboriginal Cultural Heritage Act 2006  
 Native Title Act 1993  
 Environment Protection Act 1970  
 Flora and Fauna Guarantee Act 1988  
 Fisheries Act 1995  
 Land Act 1958  
 Pollution of Waters by Oil and Noxious Substances Act 1986  
 Climate Change Act 2010  
 Catchment and Land Protection Act 1994  
 Port Services Act 1995

A summary of key aspects of relevant legislation can be found at **Appendix B**. A review of the Planning Scheme provisions which relate to the Kananook Creek Corridor can be found at **Appendix C**.

## 2.2 POLICY CONTEXT

A number of State and local government policy documents have relevance, in an overarching sense, to the Kananook Creek. Key policy documents that provide context for the Kananook Creek Corridor are summarised in Table 2.

TABLE 2: SUMMARY OF KEY RELEVANT POLICIES TO KANANOOK CREEK MANAGEMENT CORRIDOR

DOCUMENT	POLICY RELEVANT TO THE CREEK CORRIDOR
Plan Melbourne	The Metropolitan Strategy provides overarching strategic direction in terms of protection and restoration of natural habitats in urban areas through implementation of the Biodiversity Conservation Strategy, and investigating ways that the State section of planning schemes can do more to protect the waters of the bays and creeks. Initiative 4.2.4 aims to protect waterways from inappropriate development by working with local government and other stakeholders to implement development controls around sensitive areas of the Bay and creeks. Protecting the values of our waterways is also addressed at Initiative 5.2.2 through implementing new stormwater requirements to improve creek health. Frankston is designated in Plan Melbourne as a Metropolitan Activity Centre – one of nine in Metropolitan Melbourne, and the only one located on the coast.
Draft Coastal Management Plan, December 2015, FCC	The Council is in the process of finalising the Coastal Management Plan for its foreshore, within the context of the Victorian Coastal Strategy 2014 and the Central Regional Coastal Plan 2015 – 2020. The Plan identifies the need to further research the coastal processes at the mouth of the Creek, while recognising that dredging at the mouth for boating access is an ongoing requirement for which state government funding is to be advocated. The Plan supports actions in the 2009 Management Plan that reduce the impact of urban storm water and pollutants on the coast. It recognises the importance of the Creek and coast to the Bunurong and

	<p>Boon Wurrung people. It proposes that the indigenous and built heritage be represented and communicated to the community. Improvements to the Kananook Creek Trail are proposed, with some activation of the east side of the Creek in the southern reach. The Plan is to be finalised this year.</p>
Frankston Planning Scheme: State Planning Policy Framework (SPPF)	<p>The State policy provides clear direction for the protection of environmental and landscape values of waterway systems and the Bay, managing environmental risks such as flooding, sea level rise and acid sulfate soils, and conserving and protecting natural resources including water. The policy also states that land abutting waterways should remain in public ownership, and that economic development includes maintaining boating and recreational infrastructure around the Bay.</p>
Frankston Planning Scheme: Local Planning Policy Framework (LPPF)	<p>The MSS clearly identifies the Kananook Creek Corridor as an environmentally sensitive area, which will be protected from inappropriate development and where environmental and landscape values will be protected. The waterways, habitats and ecosystems are recognised as important assets that need to be managed and enhanced. The Creek Corridor is identified as a potential open space link from Mile Bridge to the Central Activities District, and there is a strategy to purchase remaining private land holdings along the banks. The environmental risks of sea level rise and extreme weather events are to be managed through the precautionary principle, and new development in areas of acid sulfate soils is required to address the issue. The Council has specific policies related to the Frankston Central Activities District (CAD) and implementation of the Structure Plan.</p>
Kananook Creek Management Plan 2009	<p>This is a comprehensive plan covering all aspects of the Creek, improvements, changes and management practices for the next 15 years. It has a clear implementation plan with responsibilities allocated. This is the most recent Management Plan for the Corridor, however it requires reviewing and updating to reflect the future management arrangement, priorities and available funds.</p>

## 3 ENGAGEMENT OUTCOMES

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### 3.1 PROCESS

The KCMAC undertook comprehensive stakeholder and community engagement throughout the review process. The engagement approach for the KCMAC was formulated in alignment with the International Association for Public Participation's Public Participation Spectrum (IAP2) to define the role of the various project stakeholders throughout the engagement program.

Stakeholder and community engagement was undertaken in two consultation stages as indicated in Figure 1.

#### Issues and Values

Engagement at this stage identified forms of management that were effective and clear, and opportunities for improvement where the characteristics of current management that were ineffective, conflicting, duplicative or unnecessarily complicated. It also identified the key values and issues to be resolved by future management arrangements within the Kananook Creek Corridor. This included informing, consulting and involving the key Creek Corridor Managers and informing and consulting with the wider community. Consultation activities included:

- One-on-one meetings with waterway managers
- Project Bulletins
- Feedback Forms
- Stakeholder Workshop
- Community Drop-In Sessions (Frankston and Seaford)

#### Management Arrangements

This stage involved targeted consultation and involvement with water corridor managers and the Kananook Creek Association to discuss the draft recommendations for future management arrangements.

A full description of the engagement outcomes can be found in the Engagement Summary at **Appendix D**.

### 3.2 ISSUES AND VALUES CONSULTATION

#### KEY KANANOOK CREEK CORRIDOR MANAGERS

One-on-one meetings were held with representatives of each of the four primary Creek Corridor Managers early in the Review process. Creek Corridor Managers were asked to respond to a series of written questions intended to elicit their key concerns for the management of the Creek and any suggestions for improvements to the current arrangements.

The primary issues from this consultation were:

- General agreement that management responsibilities in some areas overlapped and in others were unclear or poorly defined. In some instances, this has led to unsatisfactory management of the Kananook Creek.

- All agreed that the Kananook Creek Management Plan (2009) was a comprehensive and well researched document, but that it had not been well implemented, that actions in the Plan had been addressed in an ad hoc fashion.
- There was consensus that the City of Frankston undertook the most active role in managing and maintaining the Creek and its environs. There was also consensus that the Council's role should be ongoing in some form, with a refinement of responsibilities between the authorities.

### **KEY STAKEHOLDER AND USER GROUPS WORKSHOP**

A workshop was held for invited waterway users, advocacy groups and indirect waterway managers to gauge their views and values regarding the current and future management of Kananook Creek. 27 organisations were invited to participate with a total of 16 people representing 12 organisations attended the workshop. Additionally, written submissions were received from Kananook Creek Association, the Long Island Residents Group and the Frankston Environmental Friends Network. The key priorities for the Kananook Creek Corridor expressed by stakeholders were as follows:

- Recognising Kananook Creek as a recreational waterway, including assigning the responsibility for recreation and waterway navigability to a management authority.
- Improving coordination and accountability between management authorities, including a renewed management plan
- Enhancing the conditions and aesthetics of the Creek within the Frankston town centre, including the provision of suitable boat moorings along the Creek in the Central Activities District (CAD).
- Balancing the social, economic and environmental qualities of the Creek.
- Improving management of water flow in the Creek, addressing silting of the Creek and undertaking de-silting and dredging to enable continuous access for watercraft.
- Addressing land use and development planning issues, ensuring appropriate development along the Creek Corridor.
- Recognising the important role of the various organisations, and in particular the Kananook Creek Association, in managing and undertaking improvement works in the Creek Corridor.





CREEK USERS AND INDIRECT MANAGERS STAKEHOLDER WORKSHOP

### BROADER COMMUNITY

In order to engage with and understand the views of the broader community including those living, recreating or working within proximity of the Creek Corridor, two bulletins were letterbox dropped to all adjoining properties. The Bulletin advised of the KCMAC and its role, the opportunity to meet with the KCMAC and consultants at one of two drop-in sessions and to make a written submission to the KCMAC preferably, but not solely, via Feedback Forms. The Feedback Form was distributed with the Bulletin via the letterboxing, and was available online at the Council's website; in hard copy at drop-in sessions and was sent by mail or email to stakeholder groups. The Form contained open-ended questions to elicit an understanding of the community's use of the Creek, their values, issues and suggestions for the management of the Creek corridor. A total of 59 completed Feedback Forms were received by the KCMAC. A copy of the Bulletin and Feedback Form are contained in **Appendix D**.

The drop-in sessions were held from 4-7pm at the Mechanics Institute in Frankston on Wednesday 17<sup>th</sup> February, and at the Seaford Community Hall, Seaford on Wednesday 2<sup>nd</sup> March, 2016. Approximately 47 people attended the two drop in sessions. All members of the KCMAC and two consultant representatives were available at the sessions to meet and discuss the participants' issues and objectives for the Creek.

A summary of the key community issues and values for the Kananook Creek Corridor includes:

- Maintaining the recreational features and an aspiration to enhance the recreational qualities of Kananook Creek.
- Appreciating the environmental and natural features of Kananook Creek and a desire to protect and enhance biodiversity and ecology.
- Recognising the role voluntary and community groups play in the Kananook Creek Corridor.
- Maintaining the current water flow, including the pumping of water from the Patterson Lakes.

- Addressing issues with water navigability for recreation, including dredging and de-silting of the Creek.
- Improving the amenity of the Creek Corridor through rubbish and weed removal.
- Improving communication and coordination between land and waterway management authorities, and continuity of corporate knowledge.
- Ensuring the interface use and development is complementary to the social and environmental values of the Creek.



SEAFORD COMMUNITY DROP-IN

### 3.3 MANAGEMENT ARRANGEMENTS CONSULTATION

A waterway managers' workshop was held following preparation by the KCMAC of a draft set of management options and a preferred option. These options were canvassed with representatives of the four existing management authorities and the Kananook Creek Association at the workshop. Underpinning all options was the need to clarify the roles and responsibilities between the management authorities. Comments from the authorities at the meeting were positive in response to the preferred option. Many additional issues of detail and process were raised during the meeting that have informed the KCMAC's final recommendations. These included:

- General agreement that the Frankston City Council, as Committee of Management, should take the lead role in managing the Creek Corridor.
- Agreement that the DELWP should undertake and maintain an active role in overseeing the operations of the future Committee of Management in its first few years of operation.
- A review and update of the 2009 Management Plan should be a key priority and this will assist in determining all future priorities and responsibilities within the Corridor.

## 4 MANAGEMENT PRINCIPLES

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The priorities of the key stakeholders and the community views and values, as well as the analysis of current environment and management issues, were used by the KCMAC when considering the most appropriate management arrangements for the Creek Corridor. The following principles have been adopted by the KCMAC in developing and assessing the various options for management:

- A. **Cohesive and consistent governance for the Kananook Creek Corridor.** The new management arrangements need to coordinate and determine priorities. Appropriate resources are needed to manage and undertake the coordination role in an effective manner. Legislative powers and authority are required to undertake the role.
- B. **Ability to manage and address the range of issues within the Kananook Creek Corridor.** The new management arrangements need to address all the Kananook Creek issues in consultation with the community and other agencies as required. It needs to contain some corporate knowledge of past issues and operations and to be able to utilise and call upon the range of personnel required to undertake the tasks in managing and completing works.
- C. **Importance of local knowledge and involvement.** The new management arrangements need to utilise the high level of community passion and involvement in the Kananook Creek. The Kananook Creek Association (KCA) is the most organised, largest and recognised of the groups operating in the Kananook Creek Corridor. The KCA publishes material, undertakes education, manages revegetation and rubbish removal events, and generally advocates for all local users of the Corridor, both water and land based. There are many other groups and associations that have an interest in the Kananook Creek, with approximately 27 being identified for the purposes of the consultation during this Review. A complete list of those identified are contained in **Appendix D**.
- D. **Need for sustainable funding of the management organisation for operations and works.** The structure of the new management arrangements needs to ensure sustainable funding for Kananook Creek through the development of a funding model based on agreed priorities.

## 5 KANANOOK CREEK ENVIRONS

### 5.1 CONTEXT

The interface between the Kananook Creek Corridor and surrounding land is a major determinant of the functions, values and appearance of the Creek. Kananook Creek traverses a journey through a diverse range of land uses at a variety of intensities, land ownerships and authority responsibilities.

The Creek Corridor has two distinct sections. The southern reach, south of Beach Street in particular, has an urban interface with the Frankston CAD, with retaining walls and paved edges. The land uses abutting this section include commercial offices, retail and entertainment functions, car parking, access roads, as well as some residential properties and Frankston Beach at the Creek mouth. This area of the Creek is active and highly visible, with boat launching, walking paths, picnic/ barbeque area and land used for events such as the annual Sand Sculpting exhibition.

North of Beach Street the Creek takes on a more natural appearance with open space, walking tracks and picnic facilities and residential properties abutting it, and localised areas of more intensive use adjacent to the Seaford commercial area and train station. The vegetation along the banks is largely indigenous and native, with many parts having a remote and untamed quality. The Creek is a quiet setting enjoyed by walkers, canoeists, fishers and people enjoying the environment.



KANANOOK CREEK CORRIDOR (SOURCE: FRANKSTON CITY COUNCIL)

## 5.2 ECOLOGY

The vegetation and landscape contained in the riparian zone surrounding waterways is an important component in maintaining healthy and visually appealing creeks and rivers. Riparian vegetation adjacent to waterway corridors provides habitat for native flora and fauna, assists in reducing the dominance of built form on the Creek landscape and enhances the overall visual amenity of the area. Substantial patches of remnant native vegetation exist across the Kananook Creek Corridor providing a vital habitat to wildlife and making a contribution to the image and character of the area. In the face of increasing development pressure the existing vegetation along the Creek Corridor is under increased threat and increasingly vulnerable to removal. There are also opportunities to revegetate and improve the ecological outcomes for the Creek.

### RIPARIAN AND OTHER VEGETATION

The loss of riparian vegetation and remnant native vegetation is a major issue facing the future of the Kananook Creek Corridor. Development on adjoining land, urban runoff and the installation of jetties and retaining walls may have potential impact on the condition and connectivity of remnant vegetation. Gaps in riparian vegetation reduce habitat connectivity and undermine the overall environmental functions of the riparian corridor. Invasion of riparian areas with invasive species poses a threat to the condition of indigenous vegetation. It is likely that the increased salinity level of the Creek may be the cause of the progressive change of the riparian vegetation from brackish to saline communities and in-stream habitat conditions.

Compounding these challenges is the need to protect and improve indigenous vegetation and biodiversity. The *Assessment of Riparian Setback Widths Required to Support Biodiversity Values* (2009) produced by Ecology Australia for Melbourne Water, evaluated the relationship between riparian setback widths along waterway corridors and biodiversity values. The study determined that a minimum riparian setback width of 20 metres was required in order to support common species of fauna with low sensitivity to riparian width. Therefore a strategy to retain and improve riparian vegetation is required for the habitat health of the Corridor. This needs to be built into a broader strategy for the Corridor.

The Frankston Vegetation Study (2006) classified the Ecological Vegetation Class (EVC) of the remnant vegetation along the Kananook Creek Corridor as Coastal Banksia Woodland / Swamp Scrub Mosaic. Based on the rarity, levels of depletion, degradation and current threats this EVC is designated an endangered conservation status. The vegetation along Kananook Creek was assessed in two sections (north and south). The northern (north of Mile Bridge) section was determined to be of very high significance, and the southern (south of Mile Bridge) section of high significance:

*North: "Patchy linear remnant. Swamp Scrub occurs as a thin strip along Kananook Creek and is mapped with Banksia Woodland as a complex. The understorey is very weed invaded, mainly by grassy weeds with some woody weeds. There are some large, old Banksias. Some revegetation work has been undertaken." (P.144) 34.01 Ha*

*South: "Swamp Scrub and Banksia Woodland are mapped together as a complex. No condition scores but indicative conservation status is based on aerial photos and brief observation." (P.116) 1.63 Ha*

Clearing of vegetation of very high significance is not permitted unless exceptional circumstances apply, and clearance of vegetation of high significance is generally not permitted with net gain of replacement vegetation the required outcome if clearing is permitted. These recommendations appear to be managed through the planning approvals process by the Environmental Significance Overlay (ESO<sub>1</sub>).

The Creek Corridor is identified as a habitat corridor and north of Beach Street as an environmentally sensitive area in the Frankston Planning Scheme's Municipal Strategic Statement (MSS). However vegetation protection under the planning scheme is restricted to public land within the Environmental Significance Overlay and only to specifically listed trees.

Melbourne Water's *Healthy Waterways Strategy* (November, 2013) sets a strategic priority to protect and enhance amenity and vegetation along Melbourne's waterways. The strategy sets goals for the Kananook Creek catchment that involve improving the indigenous vegetation creating a vegetated corridor.

Meeting objectives for the retention and replacement of native vegetation on public land is considerably easier to achieve than on private land where the pressure to maximise development yields is greatest. The KCA has encouraged residents with land within or abutting the riparian corridor to protect and extend native vegetation in their *Draft User Guide for Private Landowners Adjoining Kananook Creek* (February 2010). The User Guide explains the benefits of native vegetation along the Creek Corridor and includes a list of appropriate replacement species.

Melbourne Water offers limited grants to managers and owners of land abutting the Kananook Creek Corridor through their Stream Frontage Management Program. The program funds materials and works for a variety of activities including weed control, new planting and revegetation and minor works to stabilise riverbanks. The program is ordinarily only available to properties with a stream frontage of over 50 metres in width, however Melbourne Water has allowed properties along the Kananook Creek Corridor with narrower frontages to opt into the program.

Importantly, there is an opportunity to support the retention of vegetation and revegetation of the Kananook Creek Corridor through planning controls. This should be investigated as a matter of priority by the new management arrangement.



## IN-STREAM FAUNA

The *A Fish Survey of the Mordialloc and Kananook Creek Catchments* (October, 2006) identified 11 native fish species and two exotic fish species within the Kananook Creek Catchment. Maintaining the habitat for native fish is important for the Creek's biodiversity role.

A number of changes in the conditions of the Kananook Creek Corridor have compromised the in-stream habitat of Kananook Creek. Lack of shade to the Creek as a result of vegetation removal, periodic changes in creek flows and blue-green algae are three factors potentially threatening in-stream fauna habitat. Further to this the lack of recent monitoring and data for in-stream fauna and habitat presents challenges for the appropriate long-term management of waterway functions.

The pumping of additional water from Patterson Lakes into the Creek has resulted in reduced instances blue-green algae outbreaks in Kananook Creek due to the increased water flows. Further, fewer fish deaths have been recorded in the Creek as a result of the greater levels of oxygen from additional flows. Maintaining environmental flows that support the ecosystem is one of the balances that is required in managing the Creek.

The future management arrangements need to address the best ways to retain, enhance and actively improve the identified ecological values of the Kananook Creek Corridor. This may include additional planning controls, updating and implementation of Master Plans, monitoring water quality in the Creek and undertaking works and planting regimes.



KANANOOK CREEK, SEAFORD

## 5.3 WATER FLOW

Over time the natural catchment and flooding regime of the Kananook Creek has been altered by increased urban development and the introduction of drainage and waterway infrastructure networks. The widespread loss of vegetation and permeable topsoil and the increase in impervious surfaces, such as roofs and paved areas leads to an increase in the volume of stormwater runoff in urban areas. This leads to increasing amounts of stormwater reaching Kananook Creek through the drainage system.

During times of low stormwater flows only a limited amount of water finds its way to Kananook Creek through the natural flow of waterways including Boggy Creek and runoff from the Eastern Treatment Plant. This natural flow represents approximately 10 mega litres of water a day with the majority of water flowing through the Creek being pumped in from Patterson Lakes at the Patterson Lakes Pump Station at Eel Race Creek.

Melbourne Water's approach to drainage and flood management is set out in the *Waterways and Drainage Strategy* (October, 2013) which outlines its responsibilities, goals and work programs in managing waterways, drainage and floodplains. Melbourne Water approaches these issues utilizing the framework of healthy waterways, valued stormwater and Water Sensitive Urban Design.

While ordinarily the flow of the Kananook Creek is regulated by the Patterson Lakes pump station and the Riviera outlet control point, a variety of Council operated drainage outlets and five major Melbourne Water outlets lead to Kananook Creek. Consequently, in times of high rainfall localised events of flooding can occur, both along the Kananook Creek Corridor and at the source of stormwater drains. The potential for flooding along the Kananook Creek Corridor is compounded by the topography of the region. Owing to its proximity to the coastline and legacy of low-lying swampland, many areas of Frankston, Frankston North, Seaford and Carrum are located at or below sea level, heightening the risk of local flooding at times of high storm water flows, combining with sea level rise and storm surge from the bay.

The main mechanisms available to Melbourne Water in regulating the flow of the Creek and managing flood risk are the operation of the Patterson Lakes pump station and the Riviera Street flood control complex. The Patterson Lakes pump station operates 24/7 and has the capacity to pump saline flows from Patterson Lakes into Eel Race Creek and Kananook Creek. The pump station operates automatically using an electronic Supervisory Control And Data Acquisition (SCADA) control system, with sensors at the Riviera outlet detecting the height of water flows in the Creek and automatically controlling the release of water by switching the pump on and off according to the volume of water in the Creek. In addition to this, the Riviera outlet takes high flows direct to the bay, bypassing most of Kananook Creek. This function is also automatically conducted when the control system detects high flows in the Kananook Creek.

Future management arrangements need to recognise and prioritise the flood management role of the Creek, having regard to future flood risk. The maintenance of environmental and recreational flows needs to be recognised as secondary considerations with high community interest.

## 5.4 DRAINAGE AND FLOOD MANAGEMENT

The appropriate management of drainage and flooding along waterways is of vital importance to the operation of waterways in urban environments. The potential risks of flooding to community safety, property and amenity are central concerns to the proper management of active waterways. The waterway functions of flow management, drainage and flood management are key management issues facing the Kananook Creek Corridor.

### FLOOD MANAGEMENT

Generally Melbourne Water adheres to a risk averse approach to the management of flows in Kananook Creek with a preference to keep water at a minimum depth to retain capacity for unpredictable stormwater flows. It is the preference of many in the community, particularly recreational waterway users, to maintain consistently higher water levels. However it was suggested by Melbourne Water that increased flows are not possible due to the potential increase in flooding impacts on adjoining properties and would be inconsistent with the organisation's approach to stormwater and flood management. Some steps have been taken by Melbourne Water in consultation with the community to limit the length of time flows are diverted at the Riviera outlet.

Maintaining the flood management role of the Kananook Creek as the priority is necessary in any future management arrangements, while recognising that the community has competing interests in some instances. The genuine threat of inundation must continue to be recognised and underpin key decisions in this area.

### DRAINS

The maintenance of both Melbourne Water and Frankston City Council drainage outlets into the Kananook Creek is a major component in preventing flooding in surrounding areas. Drainage outlets along the Creek Corridor are liable to silting up and limiting their capacity to release stormwater into the Creek resulting in flooding at and along the source of drains. Both Melbourne Water and Frankston City Council are responsible for clearing and de-silting their own drainage outlets. In the case of Frankston City Council it was been identified that maintenance of Council owned outlets was conducted either annually or in response to a complaint or issue.

A more coordinated and regular regime needs to be established that does not rely on an ad hoc or complaints based approach. A solution to this matter should be a priority.

### RETAINING WALLS

Retaining walls are required along the southern reaches where the Creek interfaces with the more urban areas of Frankston. The retaining walls are constructed of concrete and bluestone depending upon their age and extent of repair. Ownership of the retaining walls is mixed with Frankston City Council identifying some and Melbourne Water others. However in some sections ownership is not clear and this has led to disputes and lack of clarity around responsibilities. Clearly this cannot continue and must be resolved as a matter of priority by DELWP.



KANANOOK CREEK RETAINING WALL (SOURCE: MELBOURNE WATER)

## 5.5 WATER QUALITY

The key water quality issues facing the Kananook Creek Corridor include salinity levels, outbreaks of blue-green algae and stormwater quality. Maintaining appropriate water quality in waterways is a key challenge for the management of waterways in urban environments. As a result of its highly modified catchment and the diversity of surrounding land uses, providing safe and clean water in the Kananook Creek Corridor is an important consideration for waterway managers. The impact of water quality on both human and environmental activities in waterways is significant, especially when the range of functions dependant on safe and clean water is taken into account. Activities such as angling, boating and even passive recreation demand that minimum standards of water quality are met. Further to this water quality is of vital importance to the protection of populations of native flora and fauna in waterway corridors.

As an urban waterway, Kananook Creek is highly susceptible to the elevated contaminant and litter levels associated with urban runoff. Litter, debris and contaminants from surrounding residential, commercial and industrial areas make their way into Kananook Creek via the numerous Melbourne Water and Frankston City Council stormwater drains that feed into the Creek. While the majority of water in Kananook Creek is pumped from Patterson Lakes, diluting the presence of contaminant and litter, after times of high stormwater flows the proportion of stormwater and associated litter in the Creek can be significantly higher.

Both Melbourne Water and the Frankston City Council have responsibility for improving the quality of their stormwater runoff by improving the filtration of stormwater runoff the source using tools such as Water Sensitive Urban Design (WSUD). In addition to this Melbourne Water is responsible for managing and maintaining the litter boom at the Mile Bridge. On-going monitoring of improvements to stormwater management needs to be overseen in a new management arrangement.

## 5.6 SEDIMENT

A major concern with Kananook Creek is the prevalence of sediment in the Creek. High sediment loads in the Creek, due to the sandy nature of the catchment, impacts not only on the recreational functions of the Creek, but also on the in-stream habitat values by modifying the conditions of the Creek. Increased sediment and urban pollution occurs as a result of the urban development occurring throughout the Kananook Creek catchment (e.g Boggy Creek running through Langwarrin, Skye and Carrum Downs).

### DREDGING

The need to maintain boating access to the Kananook Creek is evidenced from Frankston City Council and community comment during this process, and is also referenced in the Council's Draft Coastal Management Plan (2015) and the Central Coastal Board's Recreational Boating Coastal Action Plan (2007), now incorporated in the Board's Central Regional Coastal Plan 2015 – 2020. Regular dredging of sediment occurs at the mouth of the Creek and upstream more intermittently. In order to maintain access to the Council's boat ramp and Kananook Creek from Port Phillip a rolling dredging program is undertaken by the Frankston City Council at the mouth of the Creek. Monthly dredging is undertaken with a pontoon sub-dredge to maintain a 1 meter navigable depth below chart datum on the approach and entrance to the Creek. Frankston City Council has indicated that this costs approximately \$30,000 per month to undertake. On-going funding for this purpose needs to be ensured.

In 2013 the Victorian Government allocated \$2.5 million for the de-silting of Kananook Creek in Frankston. The objective of the project was to improve capacity for small recreational vessels to navigate the lower reaches of the Kananook Creek from its mouth at Port Phillip to Wells Street. The responsibility for all aspects of the works was allocated to South East Water, and 2600 cubic metres of sediment was removed from the Creek.

The on-going costs of this and other dredging undertaken intermittently by Melbourne Water for the purposes of stormwater and flood management need to be factored into the future management arrangement to ensure that funding and maintenance works continue.

The *Overview of Key Sediment Sources and Impacts on Kananook Creek* (September, 2010) identified a variety of long-term sediment mitigation options including "in-stream options, near stream and upstream options, and catchment based options, predominantly involving action by Melbourne Water and/or Frankston City Council". These options could be further explored in future.

### ACID SULFATE SOILS

An assessment of sediment in the Kananook Creek for South East Water identified the potential presence of acid sulfate soil within the sediment in the lower reaches of the Creek. Acid sulfate soil is present all along the Kananook Creek and appropriate guidelines and controls are necessary to ensure development activity does not contaminate water in the Creek. Consistent with the purpose and scope of the Victorian Coastal Acid Sulfate Soils Strategy (2009), investigation of the best method, whether through the planning scheme or other controls, should be undertaken having regard to the Creek health. This should be undertaken by the future management organisation.

## 5.7 CULTURAL HERITAGE AND HISTORICAL FEATURES

The Kananook Creek Corridor and its catchment have many Aboriginal (Cultural) and European (Historical) values that require recognition and protection. Prior to European settlement the Kananook Creek was an important asset for the Bunurong Tribe and functioned as an important source of fish and eels. The Kananook Creek was one of the main outlets for the nearby Carrum Carrum wetlands that extended from Frankston to Mordialloc and South Dandenong.

Several individual homesteads abutting the Creek Corridor are identified under the Frankston Planning Scheme to be of heritage significance.

The iconic footbridges that cross the Creek are unique feature of the corridor and form an important part of the character and identity of the Frankston-Seafood area. Ensuring that the replacement and maintenance of pedestrian footbridges adheres to the valued characteristics of existing infrastructure is an important management consideration. This has been undertaken by FCC with the recent reconstruction of three timber foot bridges on Long Island.

Despite the importance of the pre-contact Aboriginal heritage of the Kananook Creek Corridor there is a lack of on-ground interpretation of the Aboriginal cultural heritage and archaeological values of the Creek Corridor.

Additionally the European historical values in the lower reaches of the Creek which include the bridges, boating and fishing use of the Creek require interpretation and protection in future works.

Both these issues require additional research, assessment and action by the future management arrangement.



PLAQUE NEXT TO THE KANANOOK CREEK COMMEMORATING A MEMBER OF THE COMMUNITY



## 5.8 RECREATION AND COMMUNITY USE

The Kananook Creek Corridor is a highly accessible asset for the community and provides for a variety of recreational and community uses. Popular activities along the Kananook Creek Corridor include land based passive and active recreation, water based recreation, environmental appreciation and relaxation.

### WATER BASED ACTIVITIES

The Kananook Creek provides for a variety of water based recreational activities along the lengths of its navigable course including boating, canoeing, kayaking and stand-up paddling. The Council owned boat ramp near the mouth of the Creek is a popular community resource for access to the Creek and Port Phillip Bay for boating.

It is possible to canoe the navigable waterway of the Kananook Creek for an approximate length of 7.5 kilometres. Several canoe launching points are available along the Creek at Eel Race Road, Riviera Street, Station Street, McCulloch Avenue and Fiocchi Avenue. These canoe launching points are owned and maintained by a combination of Melbourne Water and Frankston City Council.

The Frankston boat ramp, providing recreational boating access to Port Phillip Bay, is managed and maintained by the Frankston City Council and used for the launching of a variety of small to medium sized motorised and non-motorised boats. The Frankston City Council charges fees for boat launching and associated parking permits at a rate of \$90 for ratepayers or residents per annum and \$160 for non-residents per annum. A boat hire service licensed by Parks Victoria for small motor boats is available at the mouth of the Creek charging a maximum of \$165 for two hours of boat hire.

Sediment build up is a key issue impacting on the long term navigability and amenity of the Creek for small watercraft, particularly canoes. In order to allow for all-tide navigation of canoes between Beach Street and the mouth of the Kananook Creek the shallow de-silting of the Creek is required.

Future arrangements need to recognise and plan for maintaining the water based activities. The on-going need for desilting to maintain boat access is a key responsibility of any new management arrangement.



CANOEING ON THE KANANOOK CREEK (SOURCE: KANANOOK CREEK ASSOCIATION)

## LAND BASED ACTIVITIES

A variety of land based activities are available along the Kananook Creek Corridor, with the Creek's linear open space, paths and adjacent reserves providing a suitable environment for a range of activities.

The corridor offers opportunities for walking in the Creek reserve adjacent to the Kananook Creek with the 7.5 kilometre Kananook Walking Trail following the Creek from the mouth near Frankston Pier to Eel Race Road. While formal paths exist through the corridor there is a perception that there is a lack of clarity of status of the trails. This confusion broadly stems from the absence of an accessible, linked and well signed trail along Kananook Creek and Eel Race Creek.

Picnic tables are dispersed in public open space throughout the corridor at Fiocchi Avenue, McCulloch Avenue, Station Street Seaford, Playne Street and Riviera Street. Other activities such as bird watching and photography are popular with a variety of species of fauna such as frogs, lizards and approximately 60 bird species recorded near the Creek.

Open space reserves adjoining the Creek lack a diversity of recreational facilities. There is potential to create further recreational areas sympathetic to the environmental values of the Creek Corridor, to broaden and diversify the recreational opportunities offered.

The recreational priorities on land adjacent to the Creek need to be determined through a strategic plan that integrates with broader recreational strategies for the City of Frankston, and potentially adjoining municipalities. This is a responsibility for the future management organisation to undertake in the context a broad strategy for the Corridor.



SHARED PATH ADJACENT TO EEL RACE CREEK

## 5.9 COMMUNITY VOLUNTEERING

There are a number of community organisations with an interest in the development and maintenance of the qualities of the Kananook Creek Corridor. A variety of community groups including local schools, friends' groups and private citizens play an important role in volunteering to maintain the natural and environmental qualities of the Creek, directly assist in the protection and understanding of biodiversity and the promotion of the recreational use of Kananook Creek. The Kananook Creek Association is the largest, most active and well organised of these groups, with a broad focus on all activities within the Creek environs.

These groups have been identified as being key partners of Melbourne Water and the Frankston City Council in conducting activities such as weed control and revegetation. The Kananook Creek Association in particular assists with weeding, planting and educating the community on the natural values of the Creek by providing information events and producing educational material.

An engaged and involved community is a significant asset for the Kananook Creek Corridor and the involvement of community groups in the everyday management of the Creek ensures there is community 'buy in' to programs and strategies relating to the Creek. Ways to maintain, engage and harness this significant resource need to be a priority in the management arrangements for the future, to the benefit of the Creek Corridor manager as well as the community.



PEOPLE PARTICIPATING IN VOLUNTEER EFFORTS (SOURCE: KANANOOK CREEK ASSOCIATION)

## 5.10 LAND USE AND DEVELOPMENT WITHIN AND ADJACENT TO THE CORRIDOR

Managing the relationship between land use and the Creek Corridor is a key issue to be addressed.

Public land forms the core for the Creek's values comprising of parks and reserves managed for nature conservation and recreation. In addition, there is public land managed primarily for drainage and flood management, transport, community facilities and sporting purposes.

Private land forms a significant interface with the Kananook Creek Corridor, including areas where freehold land extends into the riparian zone as far as the water's edge. Private land along the corridor generally consists of private residential land with dwellings or commercial land supporting a variety of retail, service or office uses. The private land abutting the corridor can be divided into two further categories: private land which abuts to the water's edge of the Creek and private land which abuts the open space corridor.

Private land abutting the water's edge of the Creek typically occurs on the western side of the Creek from Eel Race Road through to Wells Street and on the eastern side from Overton Road to Pier Promenade. Private land adjoining the open space corridor predominantly occurs on the eastern side of the Creek. Each form of private land abutment presents its own challenges and issues as a result of their distance from the river, configuration of the lot and development.

### ENCROACHMENT

Encroachment of private land into areas of public land is a notable issue for the Kananook Creek Corridor. The potential for private encroachment is exacerbated in the Kananook Creek Corridor by the prevalence of weakly defined public reserves and open spaces abutting private land. Anecdotally the extension of fences and construction of structures beyond private property lines comprises the majority of encroachment activities along the Creek.

Encroachment issues are primarily dealt with and enforced by the Frankston City Council and the Department of Environment, Water, Land and Planning. Other authorities respond to encroachment issues in a reactive and pragmatic manner.

Encroachment issues are dealt with by the Frankston City Council when they are brought to the Council's attention, which typically only occurs in response to a planning application or the sale of a property. The enforcement of private property boundaries is not proactively policed by Council. Council's approach is to work with land owners to rectify encroachment issues. Where the encroachment has primarily been to protect property through the construction of embankments or retaining walls the Council adopts a more pragmatic and lenient approach. By contrast, where encroachment has occurred primarily for private amenity benefit Council adopts a harsher approach, enforcing property boundaries through planning application or other negotiations.

Similarly the Department of Environment, Land, Water and Planning approaches encroachment issues in a pragmatic and collaborative manner. The Department does not enforce encroachment issues unless there is a clear person or organization ready with plans and resources to managed reclaimed land. It is not seen to be a worthwhile exercise to reclaim land with no clear purpose or plan.

A future management organisation needs to determine a consistent and rational approach to managing encroachment issues.

## **ADJOINING DEVELOPMENT**

Intensification of built form within the Kananook Creek Corridor has the potential to impact on the landscape values and amenity of the area. Driven by the Kananook Creek's proximity to the Frankston CAD, recreational assets, transport and urban renewal areas, there is increasing pressure on surrounding residential land to deliver higher dwelling yields than in previous times. It is likely that built form that is out of scale with its surrounds or is sited inappropriately in relation to the Creek will dominate the landscape, compromising the existing character, environmental qualities and visual amenity of the Creek environs.

Incremental impact of adjoining development on peaceful enjoyment and use of the Creek Corridor needs to be considered and assessed on an on-going basis. While some of this consideration occurs through the planning system administered by the Council, there are sometimes competing issues and interests that may result in the development of uses or buildings that impact on the habitat, amenity or environmental qualities of the Creek environs.

There are a variety of interface issues along the Kananook Creek Corridor. The development of structures such as sheds, fences, jetties, boat ramps and decks may prejudice the ability to rehabilitate the riparian zone and associated vegetation. Additionally the impact of earthworks and fencing in the floodplain has the potential to obstruct flood flows and reduce floodplain capacity.

There is potential for the planning scheme requirements to be tightened to require consideration of environmental and landscape impacts of proposed development on the Creek environs. At present the control regime (ie. Environmental Significance Overlay) does not relate to private land and this can lead to an inadequate consideration of the impact of development on these qualities. A future management organisation should be responsible for examining the planning scheme controls and applying a Significant Landscape Overlay or extending the Environmental Significance Overlay to private land along the corridor, within the context of a review of overarching planning policy.

## **BUILDINGS IN THE FLOODPLAIN**

Another key issue is the regulation of built form in floodways including determining and enforcing building setbacks along the Creek Corridor and the application of minimum floor levels for buildings in areas subject inundation. In Melbourne Water's *Guidelines for Development Within the Kananook Creek Floodplain* (2007) it is specified that development must be set back a minimum of 10 metres or to land with an existing surface level above the 1.5m contours (whichever the greater) and that the floor level of any habitable building must be constructed to a minimum floor height of 2.7 metres. The potential impact of climate change on the Creek and its floodplain is an emerging issue. Melbourne Water is currently in the process of updating the Land Subject to Inundation Overlay boundaries utilising the latest sea level rise figures.

There needs to be an on-going monitoring of the impacts of climate change on the Creek Corridor and the need for planning controls that emerges as a result. Buildings that are required to be excessively elevated above the potential flood plain become more evident in the streetscape and from the Creek Corridor, which may in turn



provide an unacceptable backdrop to the Corridor. Limitations on future building purpose, location, scale and form may result.

### PRIVATE JETTIES

Due to the number of private housing allotments abutting the Creek the provision of private jetties, decks, ramps and boat landings is common throughout the corridor.

The construction of private jetties requires the approval of both Melbourne Water and the Frankston City Council. Frankston City Council is the authority responsible for issuing planning permits and licenses for the use of jetties in Kananook Creek. In addition to obtaining a planning permit and license from Council, a permit or license may also be required from Melbourne Water or Parks Victoria.

The design and orientation of jetty structures along Kananook Creek should be consistent with the environmental and landscape values of the waterway. Melbourne Water's publication, *Guidelines for Approval of Jetties*, (2011), provides general assessment criteria, process and approvals requirements. The Council's *Kananook Creek Private Jetties Guidelines* (FCC, December, 2008) provides specific guidelines for the design and configuration of jetties and moorings on individual properties abutting the Kananook Creek.

There is a view that the systems and processes for approvals of jetties, built structures and edge treatments are not clear and timely. The current approach to the management of jetties aims to ensure non-commercial jetties are suitably sited, designed and constructed with consideration for natural features of Kananook Creek and its enjoyment by the wider community. However the various guidelines documents and approvals processes for jetties need to be consolidated and rationalised to provide clear requirements for these uses in future.



THE LOWER REACHES OF THE KANANOOK CREEK AS IT PASSES THROUGH THE FRANKSTON CAD



## 5.11 ISSUES TO BE ADDRESSED

The range of issues identified through this analysis that need to be addressed through the new management arrangement are:

TABLE 3: ISSUES TO BE ADDRESSED THROUGH NEW MANAGEMENT ARRANGEMENT

ISSUE	LEAD IMPLEMENTATION AGENCY
Determine the best ways to retain, enhance and actively improve the identified ecological values of the Creek Corridor. This may include additional planning controls, updating and implementation of Master Plans, monitoring water quality in the Creek and undertaking works and planting regimes.	New management arrangement
Maintain the flood management role of the Creek as the priority in any future management arrangements, while recognising that the community has competing interests in some instances. The genuine threat of inundation must continue to be recognised and underpin key decisions in this area.	Melbourne Water with new management arrangement
Establish a more coordinated and regular regime of clearing and de-silting drainage outlets that does not rely on an ad hoc or complaints based approach to continue.	FCC with Melbourne Water
Clarify ownership and maintenance responsibilities for the retaining walls along the Creek as a priority.	DELWP
Oversee the on-going monitoring of improvements to stormwater management.	New management arrangement
Ensure funding for the on-going costs of dredging for the purposes of recreational vessel access.	New management arrangement
Investigate methods to retain vegetation and revegetate the Creek Corridor and to manage interface development through planning controls.	FCC as planning authority
Research, assess and implement controls and works to preserve and recognise the pre-contact Aboriginal cultural heritage, and the post-contact built and cultural values of the Creek Corridor.	New management arrangement / FCC as planning authority
Future arrangements need to recognise and plan for maintaining the water based activities.	New management arrangement
Determine the recreational priorities on land adjacent to the Creek through a strategic plan that integrates with broader recreational strategies for the City of Frankston, and potentially adjoining municipalities.	New management arrangement
Rationalise and consolidate the various guidelines documents and approvals processes for jetties to provide clear requirements for these uses in future.	New management arrangement
Determine as a priority, ways to maintain, engage and harness the significant community resource available through volunteers and in particular the Kananook Creek Association as the peak body.	New management arrangement
Determine and implement a consistent and rational approach to managing encroachment issues.	New management arrangement / FCC as planning authority
Investigate the potential for the planning scheme requirements to be	FCC as planning

tightened to require consideration of environmental and landscape authority impacts of proposed development on the Creek environs. Examine the planning scheme controls and apply a Significant Landscape Overlay or extend the Environmental Significance Overlay to private land along the corridor, within the context of a review of overarching planning policy.

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It is considered that some of these issues can be addressed through a comprehensive review of the 2009 Kananook Creek Management Plan, with a focus on practical outcomes and prioritising and costing the implementation. The new Management Plan cannot be allowed to stall and lack oversight in the new management arrangements. A defined action plan with responsibilities, timelines and realistic funding sources needs to be incorporated.



PUBLIC SEATING AREA ADJOINING THE KANANOOK CREEK IN SEAFORD

## 6 EXISTING CREEK MANAGEMENT

### 6.1 CURRENT OWNERSHIP AND MANAGEMENT STATUS

Much of the land and all of the water in the Kananook Creek Corridor is in public ownership, however a large proportion of the land within the Corridor is privately owned. The water and public land that forms the Kananook Creek Corridor is managed by several government departments and authorities. The four direct managers of Kananook Creek are Frankston City Council (FCC), Melbourne Water (MW), Parks Victoria (PV) and the Department of Environment Land Water and Planning (DELWP). An overview of the key legislative responsibilities of the management authorities is shown in Table 1. The responsibilities of these organisations can be broadly classified as being either a Crown Land Manager or a Waterway Manager. Crown Land Managers are responsible for managing and maintaining Crown Land adjoining the Creek including land based recreational activities and land based vegetation. Waterway Managers are responsible for aspects of management relating to water, such as water flow, flood management and on water recreational activities.

The land and assets within the Kananook Creek Corridor are owned by a variety of entities (Table 4). A significant proportion of public land within the corridor is Crown Land and ownership is vested in DELWP. Some parks and reserves are owned by FCC. In many instances the owner of land is different to the owner or manager of an asset on the land.

The large tracts of private land that adjoin or abut the corridor are predominantly used for residential purposes. Exceptions are the commercial areas around the Seaford Station and the areas adjoining the CAD which are likely to be a combination of owner occupied and leased.

TABLE 4: ASSET OWNERSHIP AND MANAGERS

ASSET	ASSET OWNER	MANAGER
<b>Crown Land Parks and Reserves</b>	Assets in parks and reserves such as trails, paths and seating belong to FCC.  Crown land – DELWP on behalf of the State Government	FCC is appointed the Committee of Management for Crown Land Reserves.
<b>Water</b>		MW is the water management authority
<b>Beds and Banks</b>	Beds and banks of the Creek are Crown Land – DELWP on behalf of the State Government	MW is responsible for the maintenance and protection of the beds and banks of the Creek and the maintenance and protection of the waterway.
<b>Bridges</b>	VicRoads (road)	VicRoads

	FCC (footbridges)	FCC
<b>Public Jetties</b>	MW	MW
	FCC	FCC
<b>Private Jetties</b>	Private Land Owners	Private Land Owners
		(Requires approval from FCC and MW)
<b>Boat Ramp (near the Creek mouth)</b>	FCC	FCC
<b>Canoe Launching Ramps</b>	MW	MW
	FCC	FCC
<b>Drains</b>	MW	MW
	FCC	FCC
<b>Pumping Stations and Outlets</b>	MW	MW
<b>Waterway Retaining Walls</b>	MW & FCC	Combination of responsibility MW & FCC
<b>Port of Port Phillip and Westernport</b>	DEDJTR	PV is the appointed Port Manager
		FCC undertakes regular dredging of the mouth of the Creek.

The key public land managers of Melbourne's waterways and environs are Melbourne Water and local Councils appointed as Committees of Management for the Crown land. Parks Victoria is responsible for land and waters in and around Port Phillip. See Table 5 for an overview of current management appointments.

In relation to the Kananook Creek Corridor DELWP is the state government department that oversees the Victorian Planning System through the planning scheme controls and, through Ministerial responsibilities for water, Crown land, climate change and the environment

TABLE 5: CURRENT APPOINTMENT OF MANAGEMENT RESPONSIBILITY

AREA OF MANAGEMENT	DESCRIPTION	CURRENT MANAGER
Land Manager	The management, maintenance and improvement of the Crown and public land adjoining Kananook Creek.	FCC acts as CoM for reserved land. DELWP is responsible for all unreserved Crown Land.
Local Port Manager	The management of operations of the local port relating to boating &	PV is appointed Local Port Manager under the Marine Act and Port Management

	navigational aids.	Act. [FCC dredges the mouth of the Creek and maintains the boat ramp]
Waterway Manager	The management of vessel activities on water, including navigational aids and channels.	PV has responsibility for the navigable length (to Wells Street) under the Port Management Act Melbourne Water has waterway management responsibility for all waterways within its waterway management district under the Water Industry Act.
Floodplain Manager	The management of the stormwater, flooding and catchment considerations of Kananook Creek.	MW under the Water Industry Act.

## 6.2 CROWN LAND MANAGERS

Crown Land refers to all land that has not been 'alienated' from the crown generally through the allocation of a land title. Victorian Crown Land can either be reserved or unreserved and is managed to provide environmental, social, cultural and economic benefits to the people of Victoria. Reserved Crown land is that land set aside for specific public purposes, while unreserved Crown land has not been set aside for a particular public purpose.

### DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

The Department of Environment, Land, Water and Planning (DELWP) is the owner of all Crown Land on behalf of the Crown. As the land owner, DELWP can appoint a Committee of Management (CoM) to manage Crown Land on behalf of the Department and the Crown.

DELWP is responsible for facilitating liveable, inclusive and sustainable communities in Victoria. The Department aims to recognise and address the link between the built and natural environment in enhancing quality of life and sustaining population growth while maintaining liveability.

DELWP has land management responsibilities for a number of areas of the Kananook Creek Corridor. DELWP is the land owner of Crown Land along the length of the Creek; this includes the Long Island Reserve and the Public Reserve south of Davey Street. In addition to this, DELWP is responsible for granting consent under the Coastal Management Act 1995 for any works on Coastal Crown Land within 200 metres of the high water mark. DELWP is also responsible for the approval of dredging at the mouth of Kananook Creek undertaken by the Frankston City Council.

## FRANKSTON CITY COUNCIL

The Frankston City Council (FCC) is the local government authority that covers the extent of the Kananook Creek. FCC aims to develop “a sustainable regional capital on the Bay – vibrant, inclusive and a natural lifestyle choice” in the municipality and has a variety of roles and responsibilities in the management of the Kananook Creek Corridor.

The Council is the owner of some of the public land in the Creek Corridor and has been appointed Committee of Management by the Crown under the Crown Land Reserves Act 1978 over most Crown Land in the corridor. As part of this, the Council is responsible for providing and maintaining land based recreation facilities and environmental values on Council owned and managed (Crown) land in the Kananook Creek Corridor, including the pedestrian bridge crossings and authorisation of recreation activities in Council managed Crown land reserves.

The Council is responsible for maintaining the local municipal drainage system and gross pollutant traps (GPTs) on Council drains. Further, the Council plays a role in identifying and managing threats such as sea level rise on Council drainage system and preventing and responding to local flooding arising from Council drainage systems.

The Council also owns and manages the boat launching ramp at the mouth of the Creek and the associated car park. Council dredges the Creek mouth in order to maintain boating access to the Council launching ramp. In addition, the Council maintains various assets along the Kananook Creek including walking tracks, infrastructure including signage, seating and picnic facilities, canoe and boat launching ramps and encourages the retention and restoration of indigenous flora and fauna in Council reserves along the corridor.

The Council is the responsible and planning authority under the *Planning and Environment Act 1987* and as such administers the Frankston Planning Scheme. The Scheme contains state and local policy, as well as detailed planning controls over land use, buildings and works throughout the city and including the Kananook Creek Corridor.

## 6.3 WATERWAY MANAGERS

### MELBOURNE WATER

Melbourne Water (MW) manages water supply catchments, sewerage, waterways and major drainage systems in the Port Phillip and Westernport Region of Melbourne. Melbourne Water has the strategic vision of ‘enhancing life and liveability’ and has water management responsibility over Kananook Creek.

Melbourne Water is responsible for providing a safe level of flood protection for the community. This includes the administration of the Land Subject to Inundation overlay and the Special Building Overlay and responding to planning applications as a referral authority. As a result all proposed development in the Kananook Creek floodplain must meet Melbourne Water’s requirements, including development in the floodplain, works along the bed and banks of the Creek, jetties, moorings, landings and bank edge treatments. Melbourne Water also prepares long term strategies and schemes to ensure that new urban development meets flood and environmental standards.



Additionally, Melbourne Water:

- manages the floodplain for Eel Race Creek and Kananook Creek including the operation and maintenance of the Patterson Lakes pump station and the Riviera Street flood control complex;
- maintains Melbourne Water owned land and drains;
- removes silt from drainage outlets to creek as required to maintain the hydraulic capacity of both the drainage system and creek; and
- responds to pollution events and blue-green algae outbreaks.

Melbourne Water is responsible for the ongoing maintenance of the bed and banks of Eel Race Creek and Kananook Creek, including the removal of debris and litter, the operation of the litter boom at Mile Bridge, management and maintenance responsibility for the constructed creek walls between Beach Street and Wells Street.

As a legacy from the former Dandenong Valley Authority (DVA) Melbourne Water is responsible for the maintenance of canoe launching ramps in Seaford at McCulloch Avenue, Station Street Seaford, Riviera Street and Eel Race Road.

## **PARKS VICTORIA**

Parks Victoria (PV) is responsible for waterway management under the Marine Act 1988. Parks Victoria has a statutory role, as a local port manager under the Marine Safety Act 2010 and Port Management Act 1995. As part of this role PV is responsible for tributaries, creeks and estuaries of the extent to which they are navigable. Parks Victoria is responsible for managing and issuing licenses for businesses and jetties on PV managed waterways land in the Creek Corridor. Its primary areas of operations are recreation, tourism, water transport and licenses to businesses.

Other than PV's legislative accountabilities, there is no clear strategy from Parks Victoria for the future of Kananook Creek, and no specific Parks Victoria plans for the Creek. Parks Victoria's 10 to 15 year plan '*Shaping Our Future*' document gives broad direction to all of Parks Victoria's assets.

Parks Victoria has a role in works approvals, particularly where works have implications for the navigational safety of the Creek, such as jetties. It is not a referral authority under the planning scheme for any proposals regarding the Creek.

## **6.4 INDIRECT MANAGERS**

Indirect managers within the Kananook Creek Corridor are authorities that have a role in managing, regulating or approving certain activities or areas of land. They do not have an overarching role in managing the Creek, but rather manage one aspect of the Creek's environment, impact or relationship with other areas of land. It is important to consider the views and roles of these authorities to understand the complete set of interactions that occur within and regarding the Creek and its environs.

### **ENVIRONMENT PROTECTION AUTHORITY**

The Environment Protection Authority (EPA) is responsible for the implementation of the State Environment Protection Policy regarding water quality. The EPA's involvement in the Kananook Creek Corridor predominantly relates to administering dredging protocols at the mouth of the Creek and approving dredging works.

## **KINGSTON CITY COUNCIL**

The Kingston City Council is responsible for the provision and maintenance of all recreational infrastructure on the northern side of Eel Race Creek. The Council has responsibility for water quality improvements including maintaining the municipal drainage system and gross pollutant traps on Kingston Council drains.

## **SOUTH EAST WATER**

South East Water (SEW) provides drinking water and sewerage for residents and businesses in the South East of Melbourne. South East Water was allocated the responsibility for undertaking de-silting works in 2013 for the creation of a small channel for recreation vessels to navigate Kananook Creek up to Wells Street. Their offices are at the Southern end of the Creek.

## **VICTRACK**

VicTrack is a major institutional landholder along the Kananook Creek Corridor responsible for the management of land within the Frankston railway reserve that runs parallel to the Creek north of Seaford Road. In addition to this VicTrack is responsible for the containment, collection and disposal of litter on railway reserves.

# **6.5**

## **OTHER CREEK CORRIDOR ORGANISATIONS**

### **KANANOOK CREEK ASSOCIATION INC.**

The Kananook Creek Association (KCA) Inc is the peak body representing private landowners adjoining Kananook Creek. It was founded in February 1970 by a number of local residents concerned about the Creek's condition as an effluent drain and the spoiling of local beaches. It is a community group having a membership of some 300 people, mostly living near the Creek along its length. It has a motto "to clean, restore and preserve Kananook Creek and its environs". It works to influence quality outcomes for the Creek, by practical hands-on restoration, by education and promotion and by liaising with the two bodies directly responsible for the management of the Creek and its reserves i.e: Melbourne Water and Frankston City Council. The KCA plays a major role in revegetation, maintenance, lobbying and advocacy and monitoring the Creek and its environs.

### **KANANOOK CREEK LIAISON COMMITTEE**

A body called the Kananook Creek Liaison Committee was set up in 1971 to oversee and co-ordinate the various aspects of Creek and Reserves Management. This body comprised Melbourne Water, The FCC, Melbourne Parks and Waterways, various Anglers and Boating Groups and the Kananook Creek Association. The Kananook Creek Advisory Committee has a role in overseeing the implementation of the Kananook Creek Corridor Management Plan. This Liaison Committee no longer operates.

## USER ORGANISATIONS AND INTEREST GROUPS

There are numerous user groups and special interest organisations involved in aspects of the Creek, including:

- Frankston Beach Association Inc.
- Frankston Lifesaving Club Inc
- Frankston Yacht Club
- Long Island Residents Group Inc
- Frankston Environmental Friends Network
- Frankston Anglers and Boat owners club
- Frankston Coast Guard
- Seaford Community Group Inc.
- Seaford Lifesaving Club
- Kananook Creek Canoe Club
- Frankston Tourism Network
- Frankston Business Network
- Boon Wurrung Foundation
- Bunurong Land Council Aboriginal Corporation
- Patterson River Secondary College
- Kananook Primary School
- Seaford Primary School
- Seaford North Primary School
- Frankston Bicycle Users group
- Central Coastal Board
- Port Phillip and Westernport Catchment Management Authority

## 6.6 KEY MANAGEMENT ISSUES

A number of issues regarding the management structure have been identified through review of current management arrangements and through stakeholder engagement. A number of themes have been consistently raised or mentioned as problems or opportunities in the management of the Creek Corridor.

### REACTIVE RATHER THAN PROACTIVE

Underpinning the issues with overall management of the Kananook Creek Corridor is a remedial and reactive approach to addressing issues as they arise, rather than a proactive and coordinated approach to the development and management of the Creek.

There is a lack of a current overarching management plan that is utilized to provide clear directions and decisions. The most current plan (2009) is considered out of date, overly onerous and without follow-up, and is not used effectively. Currently, no one authority has impetus or responsibility for preparation or implementation of a comprehensive Plan.

## **CONFUSION OF RESPONSIBILITIES**

The demarcation of roles and responsibilities between the current managers is unclear and is made more complex by the various layers of responsibility that results from the complexity of waterway systems and the various legislation applying.

Stakeholders have indicated that there is confusion around specific organizational responsibilities relating to: the de-silting of the Creek, retaining walls, and dredging and canoe ramps. For example, sedimentation is primarily managed by Frankston City Council on a regular basis to enable access to the boat ramp, however Melbourne Water has an ongoing role for some drain outfalls and Parks Victoria undertook a one-off dredging in response to public concern.

It was suggested that multiple agencies mean that responsibilities can slip through the cracks and thus be missed, whereas the appointment of a single lead agency can lead to greater accountability. The existing 2009 Management Plan has been described as a static document that no longer is the main driver for activity within the Kananook Creek. The need to allocate responsibility based upon available resourcing was a key piece of feedback from stakeholders.

The lack of clarity of organizational responsibilities is likely also to be evident to the public, highlighting the need for improved communication.

## **RESOURCES FROM AGENCIES**

The availability of resources and funding for maintenance and upgrades to assets as well as funding for a variety of programs and initiatives is limited. The adequate ongoing funding for capital improvements and works is a major constraint to the management of the Creek.

The major maintenance activities for the Kananook Creek are capital intensive with the dredging of the mouth of the Creek by Frankston City Council costing approximately \$350,000 per annum and the ongoing operation of the Patterson Lakes pump station costing Melbourne Water approximately \$103,000 per annum.

Sources of funding for vital improvements such as the \$2.5 million for removal of sediment in the lower reaches of the Creek in 2013 have been unpredictable and have generally required community advocacy.

On-going local government funding in cases of competing need and potential restrictions on rate increases require consideration in determining future resourcing of the management arrangements.

## **COMMUNITY INVOLVEMENT**

Community interests in the Creek Corridor include active and passive creek users, land abutters, commercial operators and advocacy groups. The interests and positions of these groups do not always align and in some instances may compete against one other. The Creek is seen by many to be an underutilised and/or under recognised resource that has potential to generate and inspire change in perceptions of the Frankston CAD.

Importantly local community groups, in particular the KCA, play an active and valuable role in maintaining the Creek environs with little or no public funding. The involvement of community members in the management of Kananook Creek is an asset and ensuring the ongoing engagement of the community is an important aspect of the future direction of the Creek.

## 7 FUNDING

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### 7.1 RECURRENT FUNDING

The funding of any new management arrangement is fundamental to determining the feasibility and workability of the ongoing arrangement. At present the Frankston City Council provides a vast majority of the ongoing capital works and recurring expenditure funding. This includes maintenance of the banks, reserves and waterway. The Council also collects income from the Creek operations by way of the car parking fees for the boat ramp, and any leasehold arrangements it has for land adjoining the Creek, which includes some commercial interests.

Melbourne Water provides a very small proportion of funding through staff time in addressing issues and assessing planning applications as a referral authority, maintenance of its drains and associated dredging. Funding provided through staff time or other means by Parks Victoria and the DELWP is negligible in overall terms, or ad hoc as a particular issue arises such as major dredging works.

Based on information provided by the Council, ongoing maintenance funding for the Creek and its environs by the Council is in the order of \$650,000 pa. One off funding for capital works (including planned maintenance and replacement of infrastructure) would be additional to this, but has not been quantified other than for a number of examples provided below. In addition, it is considered that in-kind funding provided by volunteers is a significant contributor to the ongoing maintenance of the Creek Corridor, and should be factored into considerations of the true cost. A full estimate of recurrent agency spending in the Kananook Creek Corridor can be found at Table 6.

Funding of any new management arrangement should ideally be guaranteed rather than ad hoc or issues based. An advantage of establishing a body independent of any other authority is that it has the ability to manage its funds over time and allocate expenditure in accordance with a long term plan, as well as potentially generate some income from sources other than government.

It is suggested that the ongoing funding of the new management arrangement should assume as a minimum continued funding at similar levels from the Council. Ongoing funding by other authorities should also be determined by a review of internal expenditures that would no longer be incurred and committed at or above the current level. The new authority would have the ability to generate funds from Crown land along the Creek, such as through leaseholds where appropriate. Other land owners (e.g. Council, Melbourne Water, private) would be subject to the new management authority and the Frankston Planning Scheme in determining the appropriateness and operations of any activity that generates income.

TABLE 6: RECURRENT (ANNUAL) AGENCY COST ESTIMATE

AGENCY	PURPOSE	ESTIMATED EXPENDITURE
<b>Melbourne Water</b>	24/7 operation of Patterson Lakes Pumping Station.	\$103,000 *
	Conjoined costs, including: responding to development and use applications as the Floodplain Manager; maintenance as required of creek walls between Wells Street and Beach Street; removal of silt/litter/debris as required to maintain hydraulic capacity of drainage systems and the Creek.	\$15,000 #
<b>Frankston City Council</b>	Dredging Kananook Creek Mouth (to provide recreational boating access to public boat ramp).	\$350,000 *
	Kananook Creek Bushland Area Management (Operations).	\$99,000 *
	Conjoined Costs, including: drainage management; street works; stormwater; litter traps; minor works/projects; assessing & responding to private development/use applications; general services including, enforcement, community engagement & tourism.	\$200,000 #
<b>Parks Victoria</b>	Issue of Works Permits and Notices to Mariners for dredging of Kananook Creek Mouth, administration of mooring licence(s) and maintenance of signage	\$5,000 #
<b>DELWP</b>	Crown land administration, and policy advice to support Frankston City Council as Committee of Management.	\$5,000 #
<b>Volunteering (Kananook Creek Association)</b>	Estimated average 20 hours/week @ \$30/hour. Includes working bees, tree planting and providing advice and education resources to the community and Frankston City Council.	\$31,200 +
<b>TOTAL ESTIMATED RECURRENT (ANNUAL) COSTS</b>		<b>\$808,200</b>

\* Documented 2015/2016 recurrent costs by agency

# KCMAC estimated annual average recurrent costs based on submissions/interview with agency representatives

+ Attributed value for volunteers towards management of the Kananook Creek based upon current volunteer costing used by the CoastCare Program.



## 7.2 **EXAMPLES OF RECENT/CURRENT CAPITAL EXPENDITURE**

The following examples of recent capital expenditure were provided by the authorities. The information in this section excludes capital works not yet commenced.

### **MELBOURNE WATER**

- Kananook Creek retaining walls (\$1,600,000)
- Reinstatement/upgrading of canoe launch ramps (\$50,000)
- Upgrade of Patterson Lakes Pumping Station (\$120,000)
- Rehabilitation of Kananook Creek & Eel Race Creek to improve water quality and flows and removal of invasive weeds and revegetation (\$350,000)

### **FRANKSTON CITY COUNCIL**

- Kananook Creek retaining walls and boardwalk renewal, including creek mouth walls (\$314,000)
- Replacement of Allawah Avenue pedestrian bridge over Kananook Creek (\$198,000)
- Demolition of Beckwith Street Bridge (\$21,000)
- Hydrographic survey of Kananook Creek Mouth (Total Cost \$97,000 inclusive of \$85,120 State Government funding from the Boating Safety and Facilities Program)

### **VICTORIAN GOVERNMENT**

- Dredging of Kananook Creek downstream of Wells Street (\$2.5 million)

## 8 MANAGEMENT ARRANGEMENT

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A preferred management arrangement emerged for the future of Kananook Creek and its environs which had regard for the Management Principles (Section 4). The model of management is grounded in the expectations from the community that the management objectives of Kananook Creek should appropriately balance the environmental, recreational, hydrological and economic values of the Kananook Creek Corridor. The KCMAC also considered the contribution from community groups with special note to Kananook Creek Association.

### 8.1 OPTIONS

Several forms of potential future management arrangements were canvassed by the KCMAC, including those that typically manage natural values and assets of regional significance (e.g. regional park, other creeks and waterbodies). A summary of waterway management models considered can be found at **Appendix E**. It has been determined that the best form of future management for the Kananook Creek Corridor is a Committee of Management under the Crown Land (Reserves) Act, primarily on the basis that the Creek is an asset of local significance and that locally, rather than regionally, based management will provide for the most appropriate outcomes.

Several options for membership of the future Committee of Management were evaluated, including:

1. Frankston City Council
2. Frankston City Council and Melbourne Water
3. Frankston City Council, Melbourne Water and Kananook Creek Association
4. Frankston City Council, Melbourne Water, Parks Victoria and DELWP
5. Community / user group representatives

In considering these options it is recognised that Melbourne Water and Frankston City Council currently have management responsibilities that are key elements for future management arrangements:

- Melbourne Water will remain responsible for water flow, drainage and flood management.
- Frankston City Council provides the majority of revenue for Creek management.

The Committee of Management options were assessed against the Management Principles contained in Section 4. Option 1 is best aligned with the management principles. All other options for the Committee of Management involved the establishment of a new incorporated Committee of Management, as a separate entity responsible for functions now primarily carried out by the Council. Apart from the practicalities of the establishment of such a Committee with diverse memberships, the KCMAC was impressed that the Frankston City Council understood and sought further control over the Kananook Creek Corridor in order to better coordinate the outcomes in the interests of its community. It is noted that all the current management authorities and the Kananook Creek Association were in agreement with this option.

## 8.2 ASSESSMENT AGAINST PRINCIPLES

Option 1 addressed the principles in the following ways:

- **Cohesive and consistent governance for the Kananook Creek Corridor**, with reservations regarding the limitations already noted regarding the current arrangements. This indicates that some changes are required to the operations and powers of the Committee of Management to address these issues (e.g. Retaining walls ownership, water quality, responsibility for management of all Crown Land in the Kananook Creek Corridor).
- **Ability to manage and address the range of issues within the Kananook Creek Corridor**, with most of the Creek issues being addressed by the Council, with refinements required around a number of matters such as drainage outlets, recreational facilities and encroachment issues.
- **Importance of local knowledge and involvement.** The collective knowledge of the Kananook Creek and its environs is substantial. FCC is well placed to build on its current relationship with and ability to involve and communicate with the local community.
- **Need for sustainable funding of the management organisation for operations and works.** This principle is a challenge for any organisation, however, FCC is by far the largest financial contributor to the maintenance of the Kananook Creek Corridor at present. While it is recognised that the current level of Council funding is not assured as on-going, FCC provides the greatest recurrent funding source at present.



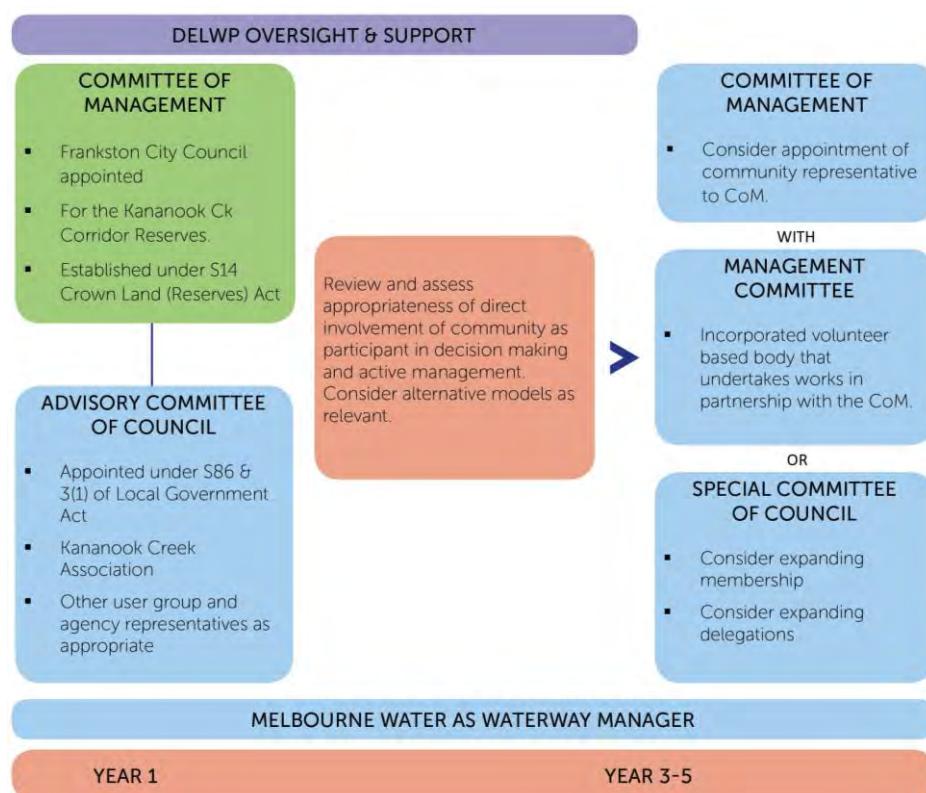
THE ENVIRONMENT OF THE KANANOOK CREEK IN SEAFORD

## 9 RECOMMENDATIONS

### 9.1 RECOMMENDED MANAGEMENT ARRANGEMENT

The KCMAC has determined that it recommends that a Kananook Creek Corridor Committee of Management be established that is comprised of the Frankston City Council, with a formalised role for the Kananook Creek Association established. Figure 4 provides a schematic outline.

FIGURE 4: RECOMMENDED MANAGEMENT ARRANGEMENT



This arrangement establishes the Frankston City Council as the Committee of Management for all Crown land in the Corridor, expanding the current Committee of Management responsibilities. The extent of the additional Crown land needs to be determined prior to appointment.

The City of Frankston will remain the planning authority for all private land within the Corridor, which ensures coordination of planning functions and direction.

An Advisory Committee of Council, established under the Local Government Act, provides the opportunity to directly involve the local organisations, and principally the Kananook Creek Association, in a formal advisory role to the Council, and therefore by association, the Committee of Management. The extent to which other local groups are invited to the Advisory Committee will be a matter for the Committee of Management. A clear process and Terms of Reference needs to be established for the Advisory Committee.

Within this arrangement Melbourne Water will continue to operate as the waterway manager, and will be consulted by the Committee of Management as required. The involvement of the DELWP will assist in ensuring the integration between the authorities occurs satisfactorily.

Over the 3-5 year timeframe, during which DELWP will maintain oversight and support, the extent and responsibilities of the Advisory Committee will be monitored and resolved. Options for expanded responsibilities in the form of delegation from the Committee of Management, expanded membership or establishment of an independent Management Committee will be assessed towards the end of this period. Any changes will be implemented by the Committee of Management as appropriate.



WALKING PATH RUNNING PARALLEL TO THE KANANOOK CREEK IN SEAFORD



PUBLIC SPACE ADJOINING THE KANANOOK CREEK IN SEAFORD

## 9.2 IMPLEMENTATION

The recommended management arrangement should be implemented by:

- Appoint Frankston City Council as the Committee of Management for all Crown Land in the Kananook Creek Corridor. The status of all Crown Land in the Corridor may need to be determined and adjusted prior to this appointment.
- Establish a Terms of Reference that provide definition of roles and governance, land and asset ownership, maintenance responsibilities and overcome current duplication.
- Agree to oversight by DELWP, over the first 3-5 years of operation, to facilitate the terms of reference, cooperation and information sharing between authorities and assist with funding representations to ensure operational effectiveness.
- Establish an Advisory Committee by resolution of the Council under Sections 3(1) and 86 of the Local Government Act that includes representatives of the Kananook Creek Association and other user groups and agency representatives. The Advisory Committee will review and provide advice to Frankston City Council as the Committee of Management in relation to the management of Kananook Creek Corridor. The Advisory Committee will not have decision making rights in relation to the operations of the Committee of Management responsibilities.
- A priority for the new Committee of Management will be to:
  - Review, update, consult on and adopt a Management Plan for the Kananook Creek Corridor which may include recommended changes to planning policy.
  - Develop guidelines in relation to site coverage, vegetation removal and management, building design, and appropriate use of private open space adjacent to the Creek (similar to the Maribyrnong River Valley Design Guidelines).

Following successful operation of the Committee of Management over 3-5 years, continuing involvement by DELWP in the oversight of the Committee may no longer be required. At this time the management structure may be adjusted, if considered appropriate, to more directly involve community members in the operations of the Committee.

Options may include:

- appointment of community representation to the Committee of Management;
- maintaining an Advisory Committee to Council; or
- establishing a Special Committee with greater delegations from Council.

This will be determined by the Committee of Management, the Council and DELWP at the time.



# Appendices

## **APPENDIX A**

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### **REFERENCE DOCUMENTS**

**DOCUMENT & AUTHOR****Kananook Creek Improvement Works article (September, 1962)***R.A. Horsfall (Engineer)***Kananook Creek Rehabilitation Strategy (July, 1979) – extract only***Dandenong Valley Authority***Dredging Kananook Creek article (1985)***N/A***Boggy Creek/Eel Race Drain Flood Management Strategy (November, 1987)***GHD; for Dandenong Valley Authority***Kananook Creek Management Plan (1992)***City of Frankston and Dandenong Valley Authority***Final Report – EIA for the Proposed Upgrade of the Riviera Flood Complex on Kananook Creek, Seaford (August, 2001)***Fisher Stewart Water Industry Group; for Melbourne Water***Review of the 1992 Kananook Creek Management Plan (November, 2004)***Melbourne Water***A fish survey of the Mordialloc and Kananook Creek catchments (October, 2006)***John McGuckin, Streamline Research Pty Ltd; for Melbourne Water***Frankston Vegetation Study 2006***Ecology Australia; for Frankston City Council***Landscape Design – Kananook Creek Corridor Management Plan (February, 2007)***Thompson Berrill Landscape Design & others; for Frankston City Council***Guidelines for Development in Floodprone Areas (May, 2007)***Melbourne Water***Guidelines for Development Within the Kananook Creek Floodplain (2007)***Melbourne Water***Kananook Creek Reserve, Eel Race Road to Mile Bridge Landscape Master Plan (July, 2007)***Jill Orr-Young and Frankston City Council***Kananook Creek Corridor Management Plan – Waterway Geomorphology, Flows Management, Water Quality and Habitat Issues (February 2007 (Amended January 2008))***Aquatic Systems Management Pty Ltd***Kananook Creek Private Jetties Guidelines (December, 2008)***Frankston City Council (assumed)***Assessment of Riparian Setback Widths Required to Support Biodiversity Values (April, 2009)***Ecology Australia; for Melbourne Water***Kananook Creek Corridor Management Plan (July 2009)***Thompson Berrill Landscape Design & others for Melbourne Water and Frankston City Council***Kananook Creek Corridor booklet (2009)***Kananook Creek Association***Draft User Guide for Private Landowners Adjoining Kananook Creek (Feb 2010)***Kananook Creek Association*

**DOCUMENT & AUTHOR****Kananook Sediment Quality spreadsheet (2010)***Unknown***Overview of Key Sediment Sources and Impacts on Kananook Creek (September, 2010)***Pat Condina & Associates; prepared for Waterways Group, Melbourne Water Corporation***Kananook Creek – monthly water quality data at Wells Road***Melbourne Water***Report for Kananook Creek Precinct – Final Draft Scoping Study for Increased Coast Access (November, 2011)***GHD; for Melbourne Water***Report for Kananook Creek Precinct – Final Draft Review of Sediment Transport and Flow Management (November, 2011)***GHD; for Melbourne Water***Report for Kananook Creek Precinct – Assessment for Canoes (March, 2012)***GHD; for Melbourne Water Corporation***Kananook Creek Frankston Sediment Classification (19 March, 2013)***MWH; for South East Water***Waterways and Drainage Strategy 2013/14 – 2017/18 (October, 2013)***Melbourne Water***Kananook Creek Final Report (November, 2013)***South East Water***Kananook Creek De-silting Works – Project Outcomes (November, 2013)***South East Water***Healthy Waterways Strategy (November 2013)***Melbourne Water***Stormwater Strategy (November, 2013)***Melbourne Water***Flood Management Strategy – Port Phillip and Westernport (October, 2015)***Melbourne Water***Charting the Yarra (extract) (2015)***Yarra Riverkeepers Association***Central Regional Coastal Plan 2015-2020***Central Coastal Board***Draft Coastal Management Strategy (December, 2015)***Frankston City Council***Kananook Creek – Drivers, Activities and Expenditure (date unknown)***Melbourne Water (assumed)***Kananook Creek Catchment Overview map (date unknown)***Melbourne Water***Kananook Creek Reserve – Council Fact Sheet (date unknown)***Frankston City Council***Kananook Creek Retaining Walls Ownership (date unknown)***Melbourne Water*

## **APPENDIX B**

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### **LEGISLATION SUMMARY**

## LEGISLATION SUMMARY

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### **CROWN LAND (RESERVES) ACT (1978)**

The Crown Land Reserve Act outlines that the management of land that has been permanently reserved under the Crown land (Reserves) Act for the recreation, convenience and amusement of the public can be appointed to a committee of management at the discretion of the Minister. Similarly the Minister may revoke at any time any such appointment or remove any person appointed as a member of the committee.

A committee of management appointed under the act may consist of;

- any three or more persons;
- a Council;
- Melbourne Water Corporation;
- Parks Victoria;
- any board, committee or trust established by or under the act for any public purpose;
- a company that is registered under the Corporations Act;
- or any combination of these persons and bodies.

Committees may be incorporated or un-incorporated. Members of an incorporated committee of management may be eligible for a period of up to three years with the potential for reappointment.

These committees have control over, various aspects of the management and functions of reserved Crown Land. The powers of committees of management include, but are not limited to;

- Managing, improving and control land for the purposes for which it is reserved;
- Carry out works and improvements on Coastal Crown Land;
- May grant licenses to enter and use any portion of reserved land (for a period not exceeding three years;
- May enter into agreements to operate services and facilities consistent with the purpose of reservation;
- Enter into tenancy agreements with persons to construct buildings and structures.

### **PORT MANAGEMENT ACT (1995)**

The Port Management Act specifies the process for appointing a port manager of local ports at section 44a. It details that a committee of management of crown land within the port may be appointed as the port manager.

The functions of a local port manager include;

- to manage operations of the port, particularly in relation to the boating and shipping activities in the port;

- to provide, develop and maintain port facilities; to provide and maintain navigational aids in the port;
- to carry out the functions and powers of a local authority under the Marine Safety Act (2010);
- to provide navigational channels in the port.

The powers of an appointed port manager include, but are not limited to; entering into contracts; employing staff; exercise its powers outside the port lands or waters of the port to the extent necessary or convenient to carry out the functions of port manager.

The port manager of a local port may impose a charge for the use of any facility in the port – this could include a channel in the port or the use of any service provided by the port.

The port manager of a local port, may alter, dredge, cleanse, scour, straighten and improve the bed and channel of any river or sea-bed in port waters; reduce or remove any banks or shoals within such a river or sea bed.

### **MARINE ACT (1988)**

The Marine Act sets out the functions and powers of waterway managers at Section 111 of the act.

Under the act a waterway manager has the following functions:

- the management of vessel activities on the waters under the control of the waterway manager;
- the management and allocation of mooring and berths in the water under the control of the water way manager;
- the provision and maintenance of navigational aids;
- the control of native vegetation and vessel movement;
- altering or dredging of channels for navigation in the waters under the control of the waterway manager.

These functions must be carried out by waterway managers in a way that ensures the safe operation of vessels in the water, and minimizes the risk of environmental damage.

A waterway manager has the power to enter into contracts and agreements, employ persons, charge fees for any services provided by the waterway manager, and the general power to do all things necessary to enable its functions under this section be carried out.

### **COASTAL MANAGEMENT ACT (1995)**

The purpose of the Coastal Management Act is to provide for: the long term planning and sustainable use and management of coastal resources, protection of areas of environmental significance, provision of recreational and tourism facilities, and public education on coastal matters. Coordination of strategic planning and management for Victoria's coast is achieved through the establishment of The Victorian Coastal Council and Regional Coastal Boards and the preparation of the Victorian Coastal Strategy and Regional Coastal Plans.



Crown land and private land both fall within the scope of the Act. The Act provides for the preparation of Coastal Management Plans for coastal Crown lands and for the Victorian Coastal Strategy and Regional Coastal Plans for both Crown land and private land.

Coastal Crown land refers to any Crown land within 200 metres of the high water mark and includes the sea-bed of the coastal waters of Victoria. Crown land may be declared to be coastal Crown land or alternatively not to be coastal Crown land by the Governor in Council, for the purposes of the Act.

### **WATER ACT (1989)**

The Water Act (1989) provides a framework for the allocation and management of surface water and groundwater throughout Victoria. It provides a principal mechanism for maintenance of ecosystem functions including those of aquatic ecosystems. Any construction for maintenance activity that affects beds and banks of waterways, riparian vegetation, or the quality or quantity of water requires a licence, permit or approval from the relevant authority.

### **PLANNING AND ENVIRONMENT ACT (1987)**

The Planning and Environment Act 1987 establishes the land-use and development planning and control system. It establishes planning schemes administered through municipalities, setting out objectives, policies and controls for the use, development and protection of land. It provides a framework for planning schemes through the Victorian Planning Provisions.

Under this legislation, municipal planning schemes are given subordinate legislation status and can contain planning policies which relate to waterways and their environs on both public and private land. The Planning and Environment Act applies planning policy as well as land-use zoning and development control overlays, covering the Kananook Creek and its environs. As such, if a planning permit is triggered for a land use or development proposal under the planning scheme that affects Kananook Creek or its environs, the decision making authority must consider any planning policies that relate to the proposal and/or the Kananook Creek.

### **LOCAL GOVERNMENT ACT (1989)**

The Local Government Act 1989 provides a framework for the establishment and operations of local councils in Victoria. The Act is the main legislative instrument for the Frankston City Council.

The Act includes the Local Government Charter which details the purpose, objectives and functions of a council. Further to this the act also includes provisions for:

- levying and payment of council rates and charges
- council decision making, including elections and community representation
- preparation of council plans, budgets and annual reports
- Councils' powers to make and enforce local laws.

The Act sets out Frankston City Council's core obligations and guides its approach to the management of the Kananook Creek corridor.

### **MARINE SAFETY ACT (2010)**

The Marine Safety Act 2010 provides a framework for safe marine operations in Victoria. The Act replaced the Marine Act 1988.

The act details safety duties for persons and parties responsible for marine safety and penalties and enforcement tools to address non-compliance with marine safety legislation and waterway rules.

The act seeks to provide a safe operating environment and cater for the wide range of boating and water activities. The Marine Safety Act 2010 also enables a waterway manager (such as Parks Victoria) to make amendments and exemptions, in consultation with Transport Safety Victoria, to relevant laws such as the Marine Safety Act 2010, Marine Safety Regulations 2012 and Waterway rules that govern the operation of vessels and to create activity exclusion zones on the waterways it manages.

### **WATER INDUSTRY ACT (1994)**

The Water Industry Act 1994 establishes the framework under which water corporations are regulated. It provides the framework for regulating water process and service standards and establishes statements of obligations at section 41 of the act.

These statements specify the obligations of Victoria's water corporations in relation to the performance of their functions and the exercise of their powers. The Melbourne Water Corporation's Statement of Obligations details its roles and responsibilities relating to:

- Governance
- Risk management
- Customer and community engagement
- Planning
- Water Services
- Compliance.

## **APPENDIX C**

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### **PLANNING SCHEME REVIEW**

## PLANNING SCHEME SUMMARY

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### STATE PLANNING AND POLICY FRAMEWORK

**Cl.11 Settlement** recognizes the need to contribute towards the protection of environmentally sensitive areas and natural resources. Specifically at 11.03-2 Open Space Management sets a strategy to ensure public land immediately abutting waterways and coastlines remains in public ownership. Further to this at 11.04-5 Environment and Water sets and objective of protecting natural assets and improving the planning of water systems through measures including the protection of significant water and sewerage assets.

**Cl.12 Environmental and Landscape Values** identifies the need to protect the health of ecological systems and the biodiversity they support. At 12.02-5 Bays the clause sets out strategies to improve the quality of stormwater and improve waterway management arrangements in the Port Phillip Bay and Western Port Catchments.

**Cl.13 Environmental Risks** seeks to identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social well-being of society. At clause 13.01-1 strategies to manage the coastal impacts of climate change are identified, including the appropriate future sea level heights to be used for planning development. At clause 13.02 Floodplains the objectives for floodplain management are set out including the aim to protect life, property and community infrastructure from flood hazard and the aim to protect the natural flood carrying capacity of rivers, streams and floodways.

**Cl.14 Natural Resource Management** seeks to facilitate the conservation and use of natural resources including water. Clause 14.02-1 Catchment planning and management sets an objective of protecting catchments, waterways and water bodies and the marine environment. The clause sets strategies to manage stormwater, encourage sediment filtration and maintain vegetated buffer zones.

**Cl.17 Economic Development** seeks to support a strong and innovative economy. Clause 17.03-3 Maritime Precincts aims to maintain boating and recreational infrastructure around the bay in maritime precincts including Frankston.

### LOCAL PLANNING POLICY FRAMEWORK

#### MUNICIPAL STRATEGIC STATEMENT (CLAUSE 21)

The MSS notes that the municipality encompasses a range of environmentally significant creek and wetland areas including the Kananook Creek. It details that these features create visual interest in the urban area, provide a refuge for local plants and wildlife and provide passive recreation opportunities.

#### Key Issues (Clause 21.02)

Clause 20.02 *Key Issues* identifies climate change as a key issue for the future of the municipality, particularly in areas of coastline and tidal creek which are vulnerable to increases in sea level. The Clause further specifies that the precautionary principle will assist in decision making for any major developments proposed in coastal waters, along the foreshore, or close to Kananook Creek. In addition, the Clause outlines

Council's approach to incorporating the principals of environmental sustainability which include managing urban development to minimise the impact on the ecological and environmental values and ecosystems of creeks, wetlands, reserves and foreshore.

#### **Vision and Strategic Framework (Cl.21.03)**

Clause 21.03-1 *Vision and Strategic Framework* sets out the Council's aspirations for the future of the municipality, aspirations for the community include being active and healthy and being clean and green. The clause sets out directions to minimise the impact of climate change, reduce pollution and encourage the sustainable use of natural resources and protect and preserve biodiversity and enhance the natural environment. The Framework Plan recognises the Kananook Creek Corridor as an environmentally sensitive area. In addition, the clause identifies a number of key strategic directions for land use planning and development including supporting opportunities for increased housing densities, particularly around the Frankston CAD and identifies potential for a recreational activity node at the Kananook Creek mouth.

#### **Settlement (Cl.21.04)**

The clause seeks to protect environmentally sensitive areas, including Kananook Creek, from inappropriate development, through the use of the Significant Landscape Overlay and implement the Kananook Foreshore Development Structure Plan which includes works to enhance the area near the mouth of the Creek. The Settlement Framework map indicates the potential for a potential link between areas of open space, from Mile Bridge to the CAD along the Kananook Creek Corridor, and extending to Sweetwater Creek in the south and Seaford in the north.

#### **Environmental Risk (Cl. 21.05)**

This clause relates to the management of risks including sea level rise or extreme weather events through the use of the precautionary principle in the consideration of major development along the Kananook Creek. It also applies policy to require new development in areas affected by acid sulphate soils to address the risks and impacts. Further work is proposed to identify areas and management techniques for acid sulphate soils.

#### **Environmental and Landscape Values (Cl. 21.06)**

Clause 20.06 *Environmental and Landscape Values* sets out the key issues relating to the environmental and landscape values within the municipalities and sets out objectives, strategies and actions to address these issues. The need to protect waterways, habitats and ecosystems from inappropriate development or environmental degradation is noted. Additionally identifying and protecting areas of landscape significance is also identified as an issue.

The Clause also sets the objective to maintain and enhance the current level of biological diversity in the municipality particularly along watercourses and identified habitat corridors. The Clause outlines Council's approach to achieve this through: ensuring that the use, development and management of land within and adjacent to sites of botanical or zoological significance is compatible with their long term protection and enhancement; ensuring that new development anywhere in the City does not diminish the integrity of Frankston's biodiversity; and requiring the

revegetation of land to re-create faunal habitat corridors where appropriate. The clause also proposes purchasing “the few remaining strips of land along Kananook Creek that are in private ownership” as another action.

## ZONES AND OVERLAYS

The Zones and Overlays that exist within the Creek Corridor include:

- Environmental Significance Overlay
- Wildfire Management Overlay
- Heritage Overlay
- Design and Development Overlay
- Public Acquisition Overlay
- Land Subject to Inundation Overlay
- Special Building Overlay
- Public Park and Recreation Zone
- Public Conservation and Resource Zone
- Road Zone
- Public Use Zone
- Comprehensive Development Zone
- Commercial 1 Zone
- General Residential Zone
- Green Wedge Zone
- Urban Flood Zone

## ZONING

### COMMERCIAL 1 ZONE

The Commercial 1 Zone (C1Z) applies to the commercial land along the Kananook Creek Corridor including the commercial precinct of the Frankston City Centre and the smaller commercial and retail precincts distributed along the Creek corridor.

The C1Z aims to facilitate commercial centres for retail, office, business, entertainment and community usage. The zone also aims to provide for complementary residential development in commercial centres. The zone allows a variety of commercial activities including the development and operation of offices, shops and accommodation.

The zone seeks to limit the development of industrial and warehousing uses and prohibits the development of major sports and recreation facilities and intensive animal husbandry.

## **COMPREHENSIVE DEVELOPMENT ZONE– SCHEDULE 2**

The Comprehensive Development Zone (CDZ) (Schedule 2) applies to the land abutting Kananook Creek corridor and its environs, in the area bounded by the Port Philip Coastline, Wells Street, Nepean Highway and Nolan Street.

The CDZ aims to facilitate the development of land in accordance with a comprehensive development plan incorporated into the Planning Scheme. Schedule 2 to the zone incorporates the Kananook Creek Comprehensive Development Plan, May 1999 and comprises of the Kananook Foreshore Development Structure Plan (June 1998) and the Kananook Creek Study Precincts Plan (May 1999).

The schedule to the zone aims to improve the contribution of the Kananook Creek foreshore area to the safety, amenity, economy and lifestyle of Frankston, provide for boat users and promote Frankston as a boating destination.

The schedule sets the key directions for the purpose of the lower reaches of the Kananook Creek corridor including the provide for pedestrian walkways, the retention of boat hire facilities, the introduction of canoe hire services, improvements to water quality and protection and enhancement of creek-side vegetation.

Under the zone development must comply with conditions specified in the schedule to the zone. The schedule set a height control of two storeys for all buildings in the area.

## **GENERAL RESIDENTIAL ZONE**

The General Residential Zone (**GRZ**) applies to much of the land which abuts the Kananook Creek corridor from Wells Street to Eel Race Road. This includes the majority of land used for residential purposes. No schedule to the zone is applied at present.

The GRZ aims to provide for a diversity of housing types and moderate housing growth in areas offering good access to services and transport. Further to this the zone seeks to encourage residential development that respects existing neighbourhood character and adopted neighbourhood character policy.

The GRZ allows for the development of single dwellings and some medium density dwellings, this includes single dwellings, dual occupancies, villa units and some townhouse developments where appropriate. The GRZ also allows for a limited range of other non-residential uses such as educational, recreational and community uses to serve local community needs. The zone prohibits the development of a variety of uses including industry, office, warehouse and retail uses.

(It is noted that residential land that abuts the Kananook Creek in the City of Kingston is zoned GRZ3 which applies maximum site coverage, maximum building height and minimum private open space requirements).

## **PUBLIC CONSERVATION AND RESOURCE ZONE**

The Public Conservation and Resource Zone (PCRZ) applies to the land within the Kananook Creek corridor from the mouth of the creek to Eel Race Road where the waterway becomes Eel Race Creek. This includes the waterway channel and the majority of the surrounding public open space north of the Nepean Highway Bridge.

The PCRZ aims to protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values. In addition



to this the zone aims to provide for facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment.

The zone allows for the development of services relating to outdoor recreation conducted by or on the behalf of a public land manager or Parks Victoria under relevant provision. This includes boat launching facilities, camping and caravan parks, car parks, kiosks, informal outdoor recreation and interpretation centres.

### **PUBLIC PARK AND RECREATION ZONE**

The Public Park and Recreation Zone (PPRZ) applies to various parcels of publically owned land along the Kananook Creek including the RF Miles Recreation Reserve at Seaford Road and the linear open space abutting the creek from the Nepean Highway to Beach Street.

The PPRZ aims to recognize areas for public recreation and open space; conserve and protect areas of significance and provide for commercial uses where appropriate.

The zone predominantly allows for the development and use of informal outdoor recreation and open sports grounds. The zone also allows a variety of other uses including retail premises and offices on the condition they are used by a public land manager of Parks Victoria and are consistent with relevant legislation. The zone prohibits more intensive uses and activities that are inconsistent with applicable legislation.

### **PUBLIC USE ZONE**

The Public Use Zone (PUZ) recognises public land used for public utility and community services and facilities. The zone provides for the associated uses that are consistent with the intent or purpose of the public land reservation. Along the Kananook Creek corridor there are four types of Public Use Zone for: Service and Utility (PUZ<sub>1</sub>), Education (PUZ<sub>2</sub>), Transport (PUZ<sub>4</sub>) and Local Government (PUZ<sub>6</sub>), which correlate with the public land authority and usage.

## **PLANNING OVERLAYS**

### **HERITAGE OVERLAY**

The Heritage Overlay (HO) applies to four land parcels that abut the Kananook Creek corridor:

- Markalia - 273 Nepean Highway, Seaford (HO<sub>44</sub>)
- Stokesay – 288 Nepean Highway, Seaford (HO<sub>45</sub>)
- Former Railway Substation off Station Street, Seaford (HO<sub>60</sub>)
- Tarraleah – 95 Gould Street, Frankston (HO<sub>65</sub>)

The HO seeks to conserve and enhance heritage places of natural or cultural significance and ensure that development does not adversely affect the significance of heritage places.

Under the overlay a permit is required to subdivide land, demolish or remove a building, construct a building or carry out works.

### **ENVIRONMENTAL SIGNIFICANCE OVERLAY**

The Environmental Significance Overlay (ESO) aims to identify areas where the development of land may be affected by environmental constraints.

The ESO (Schedule 1) applies to land along the Kananook Creek corridor including the waterway and surrounding reserves from Eel Race Road to Beach Street. The application of the Overlay is more extensive on the eastern bank of the Creek and predominantly applies to publically owned land with some minor application to private properties. Schedule 1 to the Overlay identifies remnant indigenous vegetation and provides for the protection of populations and communities of native plants and/or fauna. Under the schedule to the overlay a permit is required to construct a building or carry out works, remove, destroy or lop native vegetation.

The ESO (Schedule 4) applies to various properties abutting the Kananook Creek corridor. Schedule 4 to the Overlay aims to protect and enhance trees and areas of vegetation that have been identified as being significant. Under the schedule to the overlay a permit is generally required to construct a building or carry out works in the Tree Protection Zone or to remove, destroy, prune or lop significant trees.

### **BUSHFIRE MANAGEMENT OVERLAY**

The Bushfire Management Overlay (BMO) applies to the Kananook Creek corridor and surrounding land on the eastern and western sides from Eel Race Road to the north and Allawah Avenue in the south. The BMO aims to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. Under the overlay a permit is required to subdivide land and to construct or carry out works associated with a range of uses.

### **LAND SUBJECT TO INUNDATION OVERLAY**

The Land Subject to Inundation Overlay (LSIO) applies to land within the Kananook Creek corridor including the waterway, and abutting public and private land. The overlay identifies land in a flood storage area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The LSIO aims to ensure that development maintains or improves river and wetland health, waterway protection and flood plain health. Under the overlay, applications must be referred to Melbourne Water as the relevant floodplain management authority. It is noted that the extent of this overlay is under review by the Council and Melbourne Water.

### **SPECIAL BUILDING OVERLAY**

The Special Building Overlay (SBO) applies to land abutting the eastern side of the Kananook Creek corridor between Railway Parade and Overton Road. The overlay also extends into areas further east of the Kananook Creek corridor. The SBO identifies land in urban areas liable to inundation by overland flows from the urban drainage system as determined by the floodplain management authority. The overlay aims to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage and appropriately manages flood risk.

Under the overlay a permit is required to construct a building or carry out associated works. Applications must be referred to Melbourne Water as the relevant floodplain management authority.

### **DESIGN AND DEVELOPMENT OVERLAY**

The Design and Development Overlay (DDO Schedule 6) applies to the land adjoining the western side of the Kananook Creek corridor and the residential and commercial land on the eastern side of the corridor from Overton Road to just short of Wells Street. The DDO aims to identify areas that are affected by specific requirements relating to the design and built form of new development. Schedule 6 to the overlay applies to the Frankston to Seaford Coastal Strip (Mile Bridge to Eel Race Road) and aims to ensure that building height and bulk are compatible with the preferred character of the locality. Further to this it aims to encourage buildings that respect the environmental qualities of the environs of Kananook Creek, particularly through appropriate siting, site coverage, fencing and landscaping.

The schedule specifies that buildings and works must not exceed 9 meters in height if located south of Mile Bridge and west of Kananook Creek. Additionally buildings and works must not exceed 12 meters in height if located north of the Mile Bridge. Where a site adjoins Kananook Creek, the second and third story component of any building must be set back from the creek elevation a distance of at least the height of the story below.

Frankston City Council has advised that this DDO is under review.

### **PUBLIC ACQUISITION OVERLAY**

The Public Acquisition Overlay (PAO) (Schedule 3) applies to private land abutting the Kananook Creek corridor at 59-64 Nepean Highway and 1 Armstrong's Road in Seaford. The PAO identifies land which is proposed to be acquired by a public authority or municipal council, with the aim to reserve land for a public purpose and to ensure that changes to use or development of the land do not prejudice the purpose for which the land is to be acquired.

For the PAO<sub>3</sub> along the Kananook Creek corridor the acquiring authority is the Frankston City Council which seeks to acquire the land for the purpose of Open Space/ Recreation. Under the overlay a permit is required to construct a building or carry out works and applications must be referred to the acquiring authority for the land.

## **APPENDIX D**

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### **ENGAGEMENT SUMMARY**

# Kananook Creek Ministerial Advisory Committee



## Engagement Summary

### Review of Kananook Creek Management Arrangements

May 2016



# 1 THE PROJECT

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## GENERAL

The Victorian Government has committed to improving the management of Kananook Creek to protect it from inappropriate development. The Hon. Lisa Neville Minister for Environment, Climate Change and Water established an independent Ministerial Advisory Committee (MAC) to review the management arrangements for Kananook Creek. The independent review of Kananook Creek will provide clear recommendations for future management arrangements for the Creek.

The Ministerial Advisory Committee (MAC) wishes to undertake meaningful and targeted engagement with stakeholders and the broader community. Communication about the Committee's work will focus on the best management arrangements to address the values, issues and opportunities impacting on the Creek.

The primary requirement of the MAC is to prepare a report outlining future management options and recommending the most appropriate management model for the waterway corridor; the recommended management model should be aligned to the most effective level of governance. Once approved by the MAC the report will be forwarded to the Minister. The report should also recommend the outline of a planning control regime, Crown land status and a rationalisation of delegations.

## STUDY AREA

The MAC has determined that the study area will follow the waterway corridor from the mouth of Kananook Creek, where it joins Port Phillip Bay, to the point at which Eel Race Creek passes under the Mornington Peninsula Freeway. This extension along Eel Race Creek includes the pumping station that feeds the Creek from Patterson Lakes.

The waterway corridor will include the immediately abutting properties on either side, although for some purposes a wider context may need to be referred to.

## PURPOSE OF STAKEHOLDER ENGAGEMENT

The purpose of the stakeholder engagement through the process of the review is to ensure that the MAC is fully informed of the views of waterway corridor management authority's responsibilities, views and issues, and of the broader community's values, issues and suggestions for the future management of the Creek Corridor. The MAC is concerned to ensure that as many interested parties as possible are consulted during the process of the review, having regard only to the timeline available.

## PROCESS

The Stages of the stakeholder engagement are:

Stage 1: Understand the values, issues and management options of the waterway managers and wider stakeholder groups

Stage 2: Discuss preferred management option with the waterway corridor managers

## 2 CONSULTATION FRAMEWORK

### IAP2 FRAMEWORK

The IAP2 Core Values and Code of Ethics provide a theoretical basis for the consultation approach for the Kananook Creek Ministerial Advisory Committee. The engagement approach for the Kananook Creek Advisory Committee has been based on these values and ethics in designing a program that will genuinely inform, consult and involve the various stakeholders at relevant stages of the review.

The table below presents IAP2's Public Participation Spectrum which provides the basis for the selection of the level of participation that defines the role of the various project stakeholders in this engagement program.

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	PUBLIC PARTICIPATION GOAL	PUBLIC PARTICIPATION GOAL	PUBLIC PARTICIPATION GOAL	PUBLIC PARTICIPATION GOAL
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	PROMISE TO THE PUBLIC	PROMISE TO THE PUBLIC	PROMISE TO THE PUBLIC	PROMISE TO THE PUBLIC
We will keep you informed	We will keep you informed, listen to and acknowledge your concerns and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

## 3 ENGAGEMENT APPROACH

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The stakeholder engagement approach involves two consultation stages:

### **Stage 1- Issues and Options Consultation**

Stakeholder consultation in Stage 1 is aimed at identifying management systems that are effective and clear, and management issues that result in ineffective, conflicting, duplicative or complicated systems and methods. This stage will include informing, consulting and involving the key waterway corridor managers and informing and consulting with the wider community.

### **Stage 2: Management Recommendations**

Stage 2 will involve targeted consultation and involvement with water corridor managers to discuss the draft management options and any recommendations.

## **STAGE 1: ISSUES AND OPTIONS CONSULTATION**

### **WATERWAY MANAGER MEETINGS**

The initial consultation occurred with Waterway Corridor Managers to obtain the following information:

- Roles and responsibilities
- Statutory obligations
- Key issues and suggestions

This consultation took the form of one-on-one interviews with senior representatives from each of the four direct waterway managers:

- DELWP
- Parks Victoria
- Melbourne Water
- Frankston City Council

A set of standard questions was prepared and pre-circulated to the identified representatives, and a written response requested either at or after the meetings.

### **WIDER STAKEHOLDER AND COMMUNITY ENGAGEMENT**

The wider stakeholder and community engagement occurred in mid-February. It consisted of two components:

#### **Workshop**

The following groups were invited to send a representative to the Workshop:

- Advocacy Groups
- Waterway corridor users: active
- Waterway corridor users: passive



The Frankston City Council assisted in providing contacts for representatives of these groups. Other groups' contacts were obtained by the MAC members or the consultant. Direct email to these groups was undertaken providing a background Project Bulletin and Feedback Form.

#### **Open Drop-In Sessions**

Two open drop-in sessions were held at 5-7pm on Wednesday 17<sup>th</sup> February at the Frankston Mechanics' Institute and 5-7pm on Wednesday 24<sup>th</sup> February at the Seaford Community Hall, to which the above groups, their membership, and abutting / nearby residents and business owners were invited via a letterbox drop of the Project Bulletin, and any interested party could attend.

The sessions involved provision of written information including maps, the ability to speak directly with MAC members, departmental staff and the consultants and to complete a Feedback Form to provide written comment.

The purpose of the drop-in sessions was to provide the opportunity for all interested parties to:

- be informed about the review and the role of the MAC,
- meet the MAC members,
- discuss the values, issues and any suggestions regarding management of the Creek with the MAC and consultants, and
- provide input to the considerations before the MAC in preparing its recommendations.

The methods of publicity for the drop in session were:

- Hand delivered Project Bulletin, Feedback Form and Project Update advising of the Seaford session, to abutting occupiers, and
- Letter, Project Bulletin and Feedback Form mailed or emailed to identified stakeholder groups, advising of the review, the engagement exercise and the meetings.
- Public notice in the regular Frankston City Council column in the local newspaper
- A Feedback Form made available to invited residents and groups and at the drop-in sessions
- Project Bulletin made available to invited residents and groups and at the drop-in session

#### **PROJECT BULLETIN**

The Project Bulletin provided broad information about the process and issues identified to date, with information about the public drop in session at Frankston. A subsequent Project Update was delivered to the same properties with information about the newly scheduled Seaford drop-in session. A copy of the Project Bulletin is included at **Appendix 1**.

## FEEDBACK FORM

The Feedback Form provided the opportunity for all stakeholders to provide written feedback. The Form contained open-ended questions to elicit an understanding of the community's values, issues and suggestions for the management of the Creek Corridor. A short timeframe was required for receipt of this feedback. The Forms were collected at the drop-in session or sent to the MAC via the DELWP, and after registering and copying / scanning were forwarded to the consultants. The Form provided prompting questions regarding the respondents' use of, values, issues and suggestions for the management of the Creek Corridor. A copy of the Feedback form is Included at **Appendix 2**.

## ENGAGEMENT SUMMARY

The results of the stakeholder consultation were summarised for consideration by the MAC, and consisted of a tabulation of attendees into the identified groups, and a summary of key issues raised.

## STAGE 2: MANAGEMENT RECOMMENDATIONS

A single workshop with the four waterway managers (DELWP, Melbourne Water, Parks Victoria, Frankston City Council) and a representative of the Kananook Creek Association was held to discuss the emerging views on management arrangements. This workshop occurred after preparation of a draft Stage 2 report for the MAC, and prior to finalisation of the report.

## ENGAGEMENT OVERVIEW

The *Stakeholder Engagement table* (**Appendix 3**) summarises the stakeholders for this project, consultation objectives for each, and methods of consultation proposed.

## 4 MEETING WITH WATERWAY MANAGERS

A one on one meeting with the four key existing waterway and land management agencies in the Kananook Creek Corridor was held on the 14<sup>th</sup> of January, 2016. Representatives from Frankston City Council, Melbourne Water, Parks Victoria and the Department of Environment, Land, Water and Planning were invited to attend. A series of pro forma questions were circulated to the agencies before the meeting.

The following points are indicative of the information the MAC requests from the respective management agencies to address at the meeting:

1. The agency's current and suggested vision/mission or statement of significance for the Kananook Creek waterway corridor
2. What are the key values of Kananook Creek, from your agency's perspective?
3. What are the main issues facing Kananook Creek?
4. How is the management of Kananook Creek currently administered?
5. What are the legislative and regulatory roles and responsibilities of your agency for the Kananook Creek waterway corridor? Please identify any gaps in agency roles in relation to management of the Creek.
6. What are your agency's key links to Government policy and local planning, and how is the Kananook Creek recognised in your agency's Corporate Plan or Business Planning?
7. What is your agency's role in relation to the Victorian Planning System, relative to the Kananook Creek waterway corridor?
8. How useful have the previous reports and management plans for Kananook Creek been in assisting in your management of Kananook Creek?
9. What resources and level of funding has your agency allocated historically, currently and planned for the future, to Kananook Creek?
10. What is your agency's asset and infrastructure management, maintenance and investment regime for Kananook Creek? Please list any assets or infrastructure requiring urgent, but unfunded, maintenance, upgrade or removal.
11. Please nominate any opportunities for investment in asset and infrastructure that would improve the overall management and use of the waterway corridor.
12. What are the key shortcomings or missed opportunities with the present management regime for the Creek?
13. What do you see as potential future efficiencies in management arrangements of the Kananook Creek? What would be your suggested management model?
14. Other information of value to the MAC – eg monitoring programs, support for volunteer groups, key reference material

The agencies were also asked to provide a written response to the questions to the KCMAC; these responses can be found at **Appendix 4**.

## 5 **STAKEHOLDER WORKSHOP SUMMARY**

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A workshop for waterway users, advocacy groups and indirect waterway managers was conducted on the 17th of February 2016 from 2:30 to 4:30pm at the Frankston Mechanics Institute Hall. A variety of groups and organisations were invited to send a representative to the workshop. The Frankston City Council assisted in providing contacts for representatives of these groups. Other groups' contacts were obtained by the MAC members or the consultant. Direct email to these groups was undertaken providing a background Project Bulletin and Feedback Form. 16 people representing 12 organisations attended the workshop, with the members of the Ministerial Advisory Committee and consultants facilitating and observing the discussion of groups. The lists of Invitees and Attendees is included at Appendix 5.

### **OPENING DISCUSSION**

As an opening discussion participants were asked to introduce themselves and their organisation, and to give a short description of what they appreciate about Kananook Creek and its environs. This discussion was designed to act as both an ice breaker for attendees as well as an opportunity for the workshop facilitator to gauge the interests and values of creek users and indirect managers. The passion amongst attendees for Kananook Creek was evident, with a broad range of views being expressed by attendees, including:

- The transformation of Kananook Creek could lead to the transformation of Frankston. The community has invested in efforts to clean up Kananook Creek to make it a recreational asset.
- The Creek is a gem and is significant environmental resource to the north, however is less of an environmental asset to the south near the Frankston CBD.
- The unique topography of Kananook Creek with the bay, a sand dune, the Creek and then a secondary sand dune.
- There is village feel on Long Island due to Kananook Creek. The northern reaches of the Creek can feel like a 'holiday in the Daintree' making it a significant asset.
- Kananook Creek offers safe harbour for boating providing for calm water.
- I hold ambitions for the future development of land along the Creek.
- There have been a declining number of complaints to the EPA on water quality and litter in Kananook Creek.
- Insights raised from today can feed into the Victorian Coastal Strategy.
- The Kananook Creek is one of the Catchment Management Authorities' 17 Living Links Projects.
- Kananook Creek is beautiful, provides relaxation, is well used and contributes to mental and physical wellbeing.
- Kananook Creek is safe, while Frankston is portrayed as unsafe.
- Everybody else likes it; it is a wonderful park including the ducks.
- Transcendent experience and relaxation

- Tranquillity and birdlife
- The unparalleled beauty of Kananook Creek, the Creek is a significant focus of my art. I know artists who live in Seaford because of the Creek.
- The 'Gem' of Frankston, underutilised and has the potential to be a focal point.
- Variety of water activities including stand up paddle boarder who lives in a property that abuts the Creek.

While each attendee brought a unique perspective to the discussion, a number of community values arose as being key themes amongst the workshop attendees:

- Tranquillity
- Diversity in the ways people use the Creek
- Diversity in environments experienced along the Creek
- The Creek is undervalued and under-recognised
- It is unique
- The Creek can be a catalyst for change in Frankston
- It is a 'gem' and a jewel in the region

## MANAGEMENT ISSUES DISCUSSION

A detailed discussion of the management issues was conducted, exploring the perceived positives and negatives of the current management arrangements of Kananook Creek. Attendees broke into two groups of approximately 7 people and were asked to list what was 'working well' with the current management of Kananook Creek and what aspects of management 'needed improvement'. Members of the Ministerial Advisory Committee and consultants observed the discussions of each group before the each group feedback their issues to the workshop.

### WHAT IS WORKING WELL?

A number of aspects of the current management arrangements were described as working well by attendees. These positive aspects of current management were centred around the management of water flow through the Creek, the quality of adjoining reserves, community involvement and investment in the Creek and the environmental qualities of the of the Creek. Whilst attendees could detail positive aspects of the management of the Kananook Creek many attendees stressed that their lists of 'works well' were much shorter than their 'needs improvement lists'. The aspects of Kananook Creek's current management that were identified as working well include:

- **Flow of water:**
  - The flow of water is good
  - Water flushing
- **Walking tracks**
  - Maintenance of tracks
  - The walking tracks connect and are covered by tree canopy
- **Community participation and involvement**

- The Kananook Creek Association has a good relationship with Melbourne Water
- Community investment, for instance lots of litter is collected by users
- Lots of community involvement
- Community ownership
- Community and volunteer involvement
- **Vegetation and weed management**
  - Melbourne water grants for revegetation
  - Diversity of vegetation
  - Weed management
- **Scenery**

#### WHAT NEEDS IMPROVEMENT?

The workshop had a robust discussion about the areas of management that need improvement. These negative aspects or gaps in the current management of the Creek centred on the issues of an insufficient programme of dredging and de-silting preventing the recreational use of the Creek; lack of overall responsibility for the entirety of the Creek Corridor; the impacts of development on the amenity of the Creek; and the lack of understanding of the cultural values of the Creek. The aspects of Kananook Creek's current management that were identified as needing improvement include:

- **Dredging and de-silting**
  - Lack of dredging from Beach Street to the Boat Ramp
  - Lack of dredging at the mouth of the Creek
  - The Creek is too shallow in parts
- **Water quality and pollution**
  - Nurdles (plastic beads) and pollution in the Creek from further up
  - Pollution from drains of private properties into the Creek
  - No quality control mechanisms for things such as water quality, no one checks this.
- **Overall management and accountability**
  - Lack of continuity and coordination between various management authorities
  - No one takes responsibility for the entirety of the Creek
  - Lack of accountability for removing silt
  - Lack of accountability by statutory authorities
- **Pre and post contact cultural heritage**
  - Lack of knowledge about cultural history, such as the first meeting of Aboriginals and Europeans.
- **Soil and sand**
  - Acid-sulphate soils
  - Introduction of soil to creek banks on private land

- Replacement of sand that has washed away by non-local sand that impacts on the bay
- **Planning and development controls**
  - Land owner structures are not being monitored adequately
  - Unsuitable development along the Creek, such as false walls
  - Inconsistency of planning rules and laws, unclear interpretation of rules about development.
  - Possible 'Skyrail' level crossing removal
  - The Creek as it passes through the town centre doesn't inspire – this is where the Creek is most visible – however this is also where the Creek is at its least 'beautiful'. Whereas the Creek is most visually appealing where it is most inaccessible.

## FEEDBACK DISCUSSION

Stemming from this discussion a more targeted discussion centred around the views of attendees on the current and future land and waterway managers of Kananook Creek was facilitated. Attendees held diverse range of views on the management authorities coloured in part by individual experiences with organisations

Through the initial discussion it was identified that the waterway was well managed for stormwater and flooding prevention purposes. Attendees identified that the management of this aspect of Kananook Creek was the responsibility of Melbourne Water. When asked whether Melbourne Water needed to be the appointed waterway manager a number of views were expressed:

- The EPA currently has a productive relationship with Melbourne Water and encourages Melbourne Water to flush the Creek.
- Melbourne Water previously had recreation in their charter and ran a program called 'Canoe to Kananook'; however recreation is no longer in their charter.
- Melbourne Water does not manage Kananook Creek in a way that is consistent with the recreational values held by the community.

The initial discussion identified that the parks and reserves adjoining the Creek as well as the paths and trails encompassed within the reserves were well maintained and valued by the community. Attendees were asked to identify who was responsible for this, with attendees identifying the Frankston City Council and the community (particularly the Kananook Creek Association) as being largely responsible for this. When asked if the Frankston City Council did a good job managing the Kananook Creek Corridor attendees said:

- Frankston City Council generally does a good job of managing reserves.
- Changes in staffing and leadership at Frankston City Council mean that some things do fall through the cracks.
- Frankston City Council doesn't deliver on the long-term strategic stuff such as the masterplan.
- Frankston City Council previously failed to work collaboratively with boating groups in redeveloping community assets.

The need to harness the passion of the community for Kananook Creek was a key issue identified through the discussion. Recognising and acknowledging the cultural and social history of Kananook Creek by utilising local knowledge emerged as an important issue for the future management of the Creek. Attendees identified the following activities as potential avenues for greater recognition of the Creek's history:

- Maintenance of heritage elements of the Creek such as footbridges
- Greater opportunities for recognition and interpretation of cultural history
- Hosting events and activities centring on Kananook Creek.
- Accessing local Knowledge

#### Prioritisation of issues

A written list of the sixteen management issues that were identified by attendees as needing improvement was compiled and displayed on the walls of the meeting room. Attendees were then invited to prioritise these issues by 'voting' for issues using adhesive dot stickers indicate what management were most important to them.

- No coordination by authority and a lack of overall responsibility (11 votes)
- Silt removal, different responsibilities (10 votes)
- Strategic plans not followed, political cycles, management plan not used (5 votes)
- No responsibility or recognition for activity and recreation role (3 votes)
- Cultural management, heritage, events, promotion and tourism promotion (3 votes)
- Creek not given priority as a potential for CBD not activated (2 votes)
- Lack of accountability (2 votes)
- Environmental management (2 votes)
- Acid-sulphate soils, water table issues (2 votes)
- Classified as a drain, needs recognition same as Maribyrnong and Yarra (2 votes)
- Harnessing community passion (2 votes)
- Pollution, nurdles, sewerage (1 vote)
- Type of development adjoining creek not adequately controlled (1 vote)
- Threat from rail crossing removal (1 vote)
- Conflict between commercial interests and environmental and water users (1 vote)
- Land owner activities, buildings and encroachment (0 votes)



## 6 FEEDBACK FORM RESULTS

A FEEDBACK FORM WAS MADE AVAILABLE TO THE COMMUNITY TO provide the opportunity for all stakeholders to provide written feedback. The Form contained open-ended questions to elicit an understanding of the community's use of the Creek, their values, issues and suggestions for the management of the Creek Corridor a copy a Feedback Form is included at **Appendix 2**.

The Feedback Form was distributed via letterboxing to surrounding residents and landowners; available online; hard copy at drop-in session and sent by mail or email to stakeholders. A short timeframe was required for receipt of this feedback. The Forms were collected at the drop-in sessions or sent to the MAC via the DELWP. DELWP registered and catalogued the contents of the Feedback Forms and the results were forwarded to the consultants.

A total of 59 completed Feedback Forms were received by the MAC. A majority of respondents to the Feedback Form resided in the suburbs through which the Kananook Creek passes, with 57% living in Seaford and 33% in Frankston. One respondent from each of the following suburbs also submitted a Feedback Form: Frankston Heights, Seaford North, Mornington, Mt Eliza and Foster – representing a total of 10% of the Feedback Forms received.

### QUESTION 1: WHAT IS YOUR MAIN INTEREST IN THE CREEK?

The majority (62%) of people identified their main interest in the Creek as being a nearby resident of the Kananook Creek. A significant number of respondents indicated that their main interest in the Creek was as a creek user for a variety of recreational activities including for: canoeing (9%), boating (5%), kayaking (5%), walking (5%) or for several recreational purposes (5%). In addition several respondents also indicated that business interests (3%), being a Kananook Creek Association Member (3%) or the environment (2%) as their main interest in the Creek.

Eg.

*"Nearby residents who regularly walk our dog among the Creek"*

*"We walk on the Creek tracks 1-5 times per week. We occasionally paddle surf skis up the Creek to Seaford end or down through mouth to the sea"*

*"Local property owner and resident and user of the area"*

### QUESTION 2: WHAT DO YOU APPRECIATE ABOUT THE CREEK?

Respondents offered a broad range of aspects that they appreciated about the Creek. The natural features of the Creek were the most commonly reported appreciated aspects of the Creek, with 22% of respondents indicating they appreciated the Creek environment; additionally respondents also indicated that they appreciated the: wildlife (10%); vegetation (7%); waterway (5%); flora and fauna (2%); and birdlife (2%) of the Creek Corridor.

Eg.

*"The naturalistic appeal it gives to the area, the beautiful birdlife, kayaking and the walking tracks surrounding the Creek"*

*"We greatly appreciate the access we have to the beautiful bushland and creek - with all its native trees, multitude of birds and its restful amenity generally."*

The recreational features of the Creek were also another popular aspect with 12% of respondents indicating they appreciated the walking tracks, and a further 9% who appreciate the Creek for a variety of recreational purposes.

Eg.

*"In some parts it is apparent wilderness within the metropolitan area. The walking tracks which fortunately are mostly not bitumen or concrete, but are mainly the natural sand surface. They are a great alternative to walking along Nepean Highway when we walk into Frankston or to the Station Street shops"*

*"Its lavish nesting and use as a canoeing area/walking track."*

A number of respondents indicated that they appreciated slightly more intangible aspects of the Creek Corridor such as the atmosphere (10%), beauty (9%) scenery (2%) and value (2%) of the Creek.

Eg.

*"We thoroughly enjoy the sense of tranquillity that the Creek affords us as we walk among it."*

*"The peace & tranquillity of the Creek precinct is lovely with the walks being very lovely."*

### **QUESTION 3: WHAT DO YOU THINK IS WORKING WELL IN THE MANAGEMENT OF THE CREEK CORRIDOR?**

There was a breadth of responses to what is working well in the management of the Creek Corridor. The most commonly reported result (25%) was the management of the water flow; this was followed by the management of the walking tracks and pedestrian access (19%) and the management of the Kananook Creek Corridor environment (17%).

Eg.

*"The management of the water flow keeping it clean"*

*"Great work being done on paths along creek, planting and beautification making this a unique natural reserve"*

*"Obviously pumping seawater from Patterson River is well managed, keeping a consistent flow in Kananook Creek"*

The involvement of the community (particularly the Kananook Creek Association) was also rated highly as a positive feature of the current management of the Creek with 12% indicating this aspect was working well in the current management of the Creek.

*"Natural environment has been improved over the years by groups such as the Kananook Creek Association"*

*"The Kananook Creek Association has been a major factor in bringing the Creek back to life and maintaining of through working bees, clean ups and lobbying"*

In addition to this, respondents also indicated that rubbish removal (2%) fire hazards (2), water quality (2%), land degradation issues (2%) were working well in the current management of the Creek. Just 4% of people indicated that they thought the

coordination of Management Authorities was working well in the current management of the Creek.

Eg.

*"It has been a lot cleaner since litter traps site have been in place continual flushing helps"*

#### **QUESTION 4: WHAT DO YOU THINK IS NOT BEING MANAGED WELL IN THE CREEK CORRIDOR?**

The management of rubbish in the Creek Corridor was rated most frequently respondents (20%) as being not currently managed well in the Creek Corridor. Similar issues relating to pollution (2%), odours (2%), graffiti (2%) and rats (5%) were also indicated by respondents as not being managed well. The management of walking tracks was also considered as an issue by some respondents (4%).

Eg.

*"The actual creek always seems to suffer some pollution - plastic, cans etc. (shopping trolleys)"*

*"Debris, particularly drink cans & supermarket trolleys, is a minor but ongoing problem in the Creek, particularly at McCulloch Avenue. Exotic weeds, particularly coarse grass. Some feral pests remain despite control measures, including foxes and rats"*

*"The walking track from Mile Bridge to Carrum is not well maintained."*

The coordination of management authorities (9%) and the communication of management authorities (14%) were also identified by a significant number of people as being aspects not currently working well.

E.g.

*"Disconnect between the various authorities"*

*"Coordination and responsibility of the health of the waterway is a major concern"*

The management of the environmental aspects of the Creek also featured prominently in responses with participants indicating that revegetation (5%), dead trees (4%) and the Coast Banksia Woodland (2%) were currently not managed well.

Eg.

*"I have seen the Coast Banksia Woodland within the Kananook Creek Corridor ( & the Seaford Foreshore Reserve) degrade to such and extent they can no longer be regarded as an intact EVC 2: Coast Banksia Woodland. The Coast Banksia's are senescing, dying, being fuelled and there is no renourishment. There are few overstorey Eucalyptus left. In places the vegetation is dominated by closed strands of Coast Tea-Tree with a weed understorey & ground flora"*

*"I would like to see more diversity in the planting program"*

*"Dead trees and snags should be removed on a more regular basis."*

Respondents also indicated that various aspects relating to creek depth and navigability were not currently being managed well in the Creek Corridor, including: de-silting (9%), dredging (7%), and overall water depth (4%).

Eg.

*"Build up of silt makes it almost impossible to paddle down to the Creek mouth except at high tide."*

Development issues and the impact of development were also expressed as an area of management that is not currently working well (9%).

Eg.

*"Large visually intrusive developments and smaller developments, often obtrusive because of lack of articulation & economical building materials. Single dwellings that "want to be seen" who clear their backyards that face the Creek and replace with too much formal or overly designed landscaping and / or paving."*

*"Dredging - for safe entry & exit of creek mouth for better boating"*

#### **QUESTION 5: ARE THERE ANY IMPROVEMENTS TO THE MANAGEMENT OF THE CREEK CORRIDOR THAT YOU WOULD LIKE TO SUGGEST?**

A diverse range of suggestions for the future management of the Creek were expressed by respondents.

A number of suggestions relating to the overall management of the Creek were received including suggestions for improved authority coordination (9%), communication between management authorities (7%) authority role clarification (2%), overall planning (2%), and an advisory committee (2%). A further 2% of respondents also suggested maintaining the current management strategy.

Eg.

*"Would it simplify management if a single authority always had overriding authority? Such authority should always subject themselves to the public interest"*

*"Keep cleaning it up. You have done a good job"*

*"I believe an advisory authority is needed to help manage this public asset properly - "Kananook Creek Authority" - A small Committee with F.C.C, Melbourne Water & Local citizens involved. Perhaps 6 people, F.C.C & Melbourne Water would have the ultimate authority in their areas & the means to carry out the work"*

*"More responsibility should be shared between Frankston Council & the Kananook Creek Association for planning and management/maintenance of the Creek Corridor"*

A large number of more specific suggestions for improving the management of the Creek were also recorded by respondents. Suggestions relating to water flow and quality were common including: dredging (11%), de-silting (4%), water quality improvements (2%) and improved flood management (2%).

Eg.

*"Dredging to Beach St every 6 months, making sure that small bottomed crafts can pass easily without getting stuck"*

*"It would be good if the silt & muck on the Creek bottom could be cleaned up. Maybe then it would be possible to swim in the Creek."*

*"Dredging shallow sections of the Creek to make it navigable for small boats"*

Improving recreational access and facilities were also common suggestions with respondents suggesting better pedestrian access (4%), improved boating (2%), recreational plans (2%) and recreational facilities (2%).

Eg.

*"Why can't the entrance to the bay from the Creek be more like Mordialloc - With moorings & recreational facilities on the Creek"*

*"I am pretty happy with it but I think sheds for local residents to store canoes so they can use the Creek more"*

Suggestions relating to the natural and environmental conditions of the Creek were also frequently suggested including: vegetation clean-up (2%), tree maintenance (9%), wildlife problems (2%) and bushfire plans (2%).

Eg.

*"All the dead trees, bushes at the Creeks edge pulled out before they fall into the water and impede the flow of water."*

*"The vegetation needs active management to restore it to EVC 2 - Coast Banksia Woodland"*

*"People need to use the trail & the Creek to be able to appreciate it and want to protect it because it is overgrown many people don't feel safe using it (women & children)."*

A significant proportion of respondents also believed that rubbish removal plans (7%), more allocated funding (4%), education (7%) and better communication with the public (4%) would improve the management of the Creek.

Eg.

*"I think there should be at least 2 - 4 complete litter removals, vegetation management routine, litter trap cleans, works per year. It appears at the moment that there is no proactive management - just wait until something obviously needs attention."*

*"Improve community knowledge of creek values through education campaigns, including cultural history"*

*"A concrete effort with finance allocated to achieve results to dredge & flush the water way."*

## 7 COMMUNITY DROP-IN SESSIONS

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Two open drop-in sessions were held at 5-7pm on Wednesday 17<sup>th</sup> February at the Frankston Mechanics' Institute Hall and 5-7pm on Wednesday 24<sup>th</sup> February at the Seaford Community Hall, to which the stakeholder groups, their membership, and abutting / nearby residents and business owners were invited via a letterbox drop of the Project Bulletins (2), and any interested party could attend.

The sessions involved provision of written information including maps, the ability to speak directly with MAC members, departmental staff and the consultants and to complete a Feedback Form to provide written comment.

The purpose of the drop-in sessions was to provide the opportunity for all interested parties to:

- be informed about the review and the role of the MAC,
- meet the MAC members,
- discuss the values, issues and any suggestions regarding management of the Creek with the MAC and consultants, and
- provide input to the considerations before the MAC in preparing its recommendations.

The methods of publicity for the drop in session were:

- Hand delivered Project Bulletin, Feedback Form and Project Update advising of the Seaford session, to abutting occupiers, and
- Letter, Project Bulletin and Feedback Form mailed or emailed to identified stakeholder groups, advising of the review, the engagement exercise and the meetings.
- Public notice in the regular Frankston City Council column in the local newspaper
- A Feedback Form made available to invited residents and groups and at the drop-in sessions
- Project Bulletin made available to invited residents and groups and at the drop-in session

A total of 47 people attended the two community drop in sessions. A total of 31 people attended the Frankston community drop-in session, with a further 16 people attending the Seaford community drop in session.

## 8 KEY FINDINGS

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As a result of the stakeholder workshops, community drop-in sessions and completion of Feedback Forms, a clear picture has emerged of community and stakeholder views, values and aspirations for Kananook Creek. A number of key findings can be derived from the Stage One engagement process.

### **WHAT THE COMMUNITY APPRECIATES ABOUT KANANOOK CREEK:**

The community's appreciation for the environmental and recreational aspects of Kananook Creek and its adjoining parklands was evident throughout the Stage One community engagement process. The key aspects that the community appreciate Kananook Creek have been identified as the following:

- Recreational value of Kananook Creek; including the use of Kananook Creek for walking, kayaking, canoeing, stand up paddle boarding and boating.
- The value of the natural environment along the Creek; for both its scenic qualities and environmental contribution. This includes trees and other vegetation, wildlife, birdlife and fish.
- The presence of Kananook Creek as a unique feature in the coastal landscape of Frankston and Seaford.
- The cultural heritage and history of Kananook Creek.
- The tranquil atmosphere and relief from an urban environment offered by the Kananook Creek.

### **WHAT THE COMMUNITY THINKS IS WORKING WELL WITH THE MANAGEMENT OF KANANOOK CREEK:**

The community identified various aspects of the management of Kananook Creek that are currently working well. The aspects of management that the community believes are currently working well include:

- The management of water flow; including maintaining an appropriate flow of water through the Creek for recreational activities.
- The provision of walking tracks and public access in the adjoining parks and reserves.
- The environment; including the maintenance of the overall appearance of the Creek and weed control
- The participation of the community in the everyday operations and management of Kananook Creek.

### **WHAT THE COMMUNITY THINKS IS NOT WORKING WITH THE CURRENT MANAGEMENT OF KANANOOK CREEK:**

The community identified various aspects of the management of Kananook Creek that are currently not working well. The aspects of management that the community believes are currently not working well include:

- Overall management of Kananook Creek: including accountability, coordination and communication by management authorities.

- Dredging and de-silting practices: including their impacts on the navigability of Kananook Creek for activities such as boating, canoeing and kayaking.
- Rubbish, water quality and pollution.
- Management and appreciation of pre and post-contact heritage within the Kananook Creek Corridor.
- Planning and development controls and the impact of development on the qualities of Kananook Creek.
- Protection of the natural environment and biodiversity of Kananook Creek, particularly the retention Coast Banksia Woodland.

### **COMMUNITY SUGGESTIONS FOR THE FUTURE MANAGEMENT OF KANANOOK CREEK**

The community suggested various improvements for the future management of Kananook Creek. The suggestions include:

- Improved coordination, communication and planning between management authorities.
- Greater community participation in decision making for the management of Kananook Creek
- Better communication from management authorities to the community.
- Proper recognition of the recreational values of Kananook Creek.
- Addressing issues such as: water navigability, recreational facilities, rubbish and water quality.



## 9 NEXT STEPS

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The findings from the Stage One community engagement process have been used to formulate a series of draft options for consideration by the Ministerial Advisory Committee. These draft options will address the views and values of the community as exposed through the community workshop, drop-in sessions and Feedback Forms, and the key issues and opportunities identified for the Kananook Creek Corridor.

Further consultation with the four existing waterway management authorities (Melbourne Water, Frankston City Council, Parks Victoria and the Department of Environment, Land, Water and Planning) on the future management options took place in early May 2016. Following this engagement the MAC will make a final recommendation to the Minister on the preferred future management model for Kananook Creek by the end of May, 2016.

Further engagement on the recommended management options and the implementation of a new management structure will be at the discretion of the Minister.

## **APPENDIX 1**

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### **COMMUNITY BULLETINS**

# Kananook Creek Ministerial Advisory Committee

Project Bulletin, 2016



Environment,  
Land, Water  
and Planning

The Victorian Government is committed to improving the management of Kananook Creek to protect it from inappropriate development. The Honourable Lisa Neville MP, Minister for Environment, Climate Change and Water has established a Ministerial Advisory Committee (MAC) of independent experts to review the management arrangements for Kananook Creek and some of its immediate environs.

## WHAT IS THIS REVIEW ABOUT?

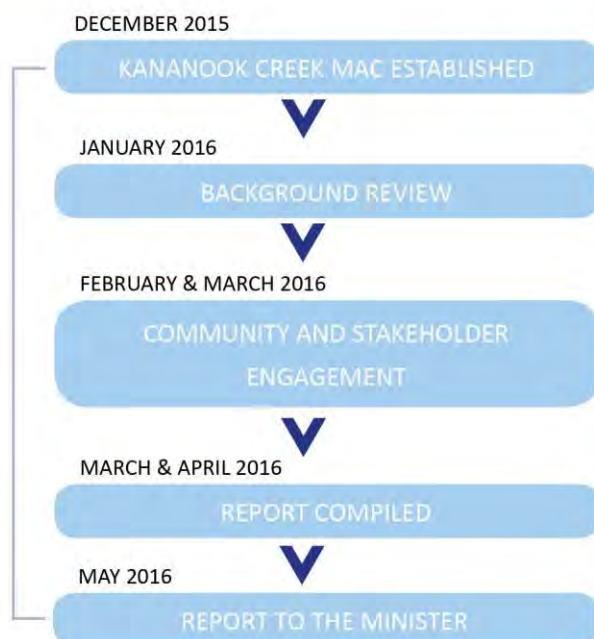
The independent review of Kananook Creek will provide clear recommendations for future management arrangements for the Creek that will be best placed to address the issues impacting on the Creek.

As part of the process of identifying management and other issues associated with the Creek, the MAC is undertaking a process of consultation with authorities, groups, local residents and other interested parties. The MAC is keen to hear from all those with an interest in the Creek about ways in which the Creek is managed and issues that need to be addressed in any future management arrangements.

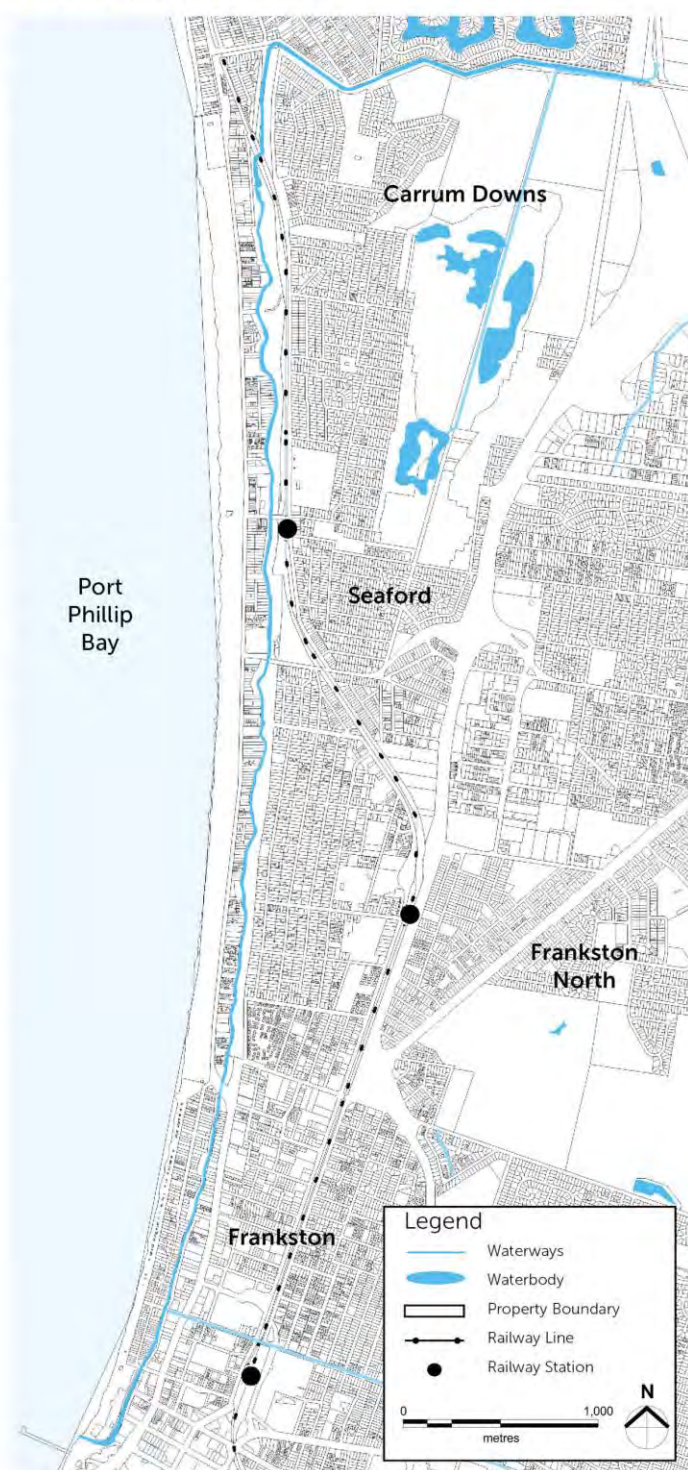
The Creek and its immediate environs have many roles including flood management, stormwater dispersal, active and passive recreation; and environmental, heritage and aesthetic values. A management approach needs to balance these sometimes competing roles and values.

Two community drop-in sessions are to be held to enable anyone with an interest in the Creek to meet the Ministerial Advisory Committee and its consultants, and discuss the issues of relevance to you. See overpage for the details.

## TIMELINE



## KANANOOK CREEK MAP





# What we've learnt about Kananook Creek so far....

## Who currently manages Kananook Creek?

The water and land that forms the Kananook Creek Corridor is managed by several government departments and authorities. The four main managers of Kananook Creek Corridor are Frankston City Council, Melbourne Water, Parks Victoria and the Department of Environment, Land, Water and Planning (DELWP).

## Key Kananook Creek Issues

Some of the key issues identified by the Ministerial Advisory Committee so far include:

Coordination between  
Agencies

Sediment and dredging

Resources and funding

Local community group  
involvement

Encroachments onto  
public land

Balancing recreational,  
environmental and  
amenity values

The Management Plan

Flood management

Development pressure

# How can I find out more and get involved?

Two community drop-in sessions are being held to discuss your views about future management arrangements for the Kananook Creek, with the Ministerial Advisory Committee members and their consultants.

### First Community Drop-in Session:

5pm-7pm, Wednesday 17th February

Frankston Mechanics Institute, 1A Plowman Place, Frankston (cnr Nepean Hwy)

### Second Community Drop-in Session:

5pm-7pm, Wednesday 2nd March

Seaford Community Centre, Corner of Station and Broughton Streets, Seaford (Enter via Broughton Street)

*A RSVP is not required; there will be no formal presentation.*

## Feedback Forms & More Information

A Feedback Form is available for anyone with an interest to provide their views on the management of Kananook Creek.

For further information or more copies of the Feedback Form contact Caitlyn Pringle, Environmental/Statutory Planner at the Department of Environment, Land, Water and Planning at: [enviroplan.portphillip@delwp.vic.gov.au](mailto:enviroplan.portphillip@delwp.vic.gov.au)

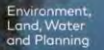
## **APPENDIX 2**

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### **FEEDBACK FORM**



## FEEDBACK FORM



**WHAT IS YOUR MAIN INTEREST IN THE CREEK?** (EG NEARBY RESIDENT, CANOEIST, BOAT RAMP USER ETC)

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[illegible]



## WHAT DO YOU THINK IS NOT BEING MANAGED WELL IN THE CREEK CORRIDOR?

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## ARE THERE ANY IMPROVEMENTS TO THE MANAGEMENT OF THE CREEK CORRIDOR THAT YOU WOULD LIKE TO SUGGEST?

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### CONTACT DETAILS (OPTIONAL)

Name: .....

.....

Address: .....

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Email Address: .....

.....

*Thank you for your input.*

### SUBMISSION DETAILS

Please submit your Form to the Ministerial Advisory Committee in person at a Drop-in Session, **OR**

The Form can be sent by mail to: Kananook Creek MAC c/-: Caitlyn Pringle, Environmental/Statutory Planner, Department of Environment, Land, Water and Planning, 609 Burwood Highway, Knoxfield, Victoria, 3018; **OR**

A scanned copy of the Form or answers to the questions can be sent via email to:  
[enviropian.portphillip@delwp.vic.gov.au](mailto:enviropian.portphillip@delwp.vic.gov.au)

**SUBMISSIONS CLOSE FRIDAY 11 MARCH, 2016.**

The answers you provide are confidential and will only be used for research purposes relating to the Kananook Creek Ministerial Advisory Committee. The information you provide in this Feedback Form will be treated in compliance with the Commonwealth Privacy Act (1988) and the Australian Privacy Principles. In providing your personal information you are permitting DELWP to add your name to its mailing list in order to notify you in conjunction with this project only.

## APPENDIX 3

### STAKEHOLDER ENGAGEMENT TABLE

CATEGORY	STAKEHOLDERS	INTERESTS	ENGAGEMENT OBJECTIVES	ENGAGEMENT TOOLS
<b>Waterway corridor managers</b>	DELWP Melbourne Water Parks Victoria Frankston City Council (FCC)	<i>Directly responsible for management of particular aspects of the waterway; responsible authority &amp; planning authority; traffic authority (local roads)</i>	<b>COLLABORATE:</b> by direct invitation, provide input to the formulation of values, issues and options Consult on the MACs draft recommendations	<ul style="list-style-type: none"> <li>– One-to-one meetings on 14 Jan (inputs to Stage 1 Report)</li> <li>– Workshop in week beginning 21 Mar (to expose KCMAC's emerging ideas in Stage 2 report)</li> </ul>
<b>Advocacy Groups</b>	Kananook Creek Association Long Island Residents Group Frankston Business Network	<i>Community-based groups that advocate for improved management of the Creek Corridor and nearby areas</i>	<b>INVOLVE:</b> for input to the formulation of values, issues and management options. Identify any other advocacy groups (Frankston City Council to assist)	<ul style="list-style-type: none"> <li>– Invite representative to Stakeholder workshop by mail/email</li> <li>– Invite a written submission, with Feedback Form provided</li> <li>– Membership able to contribute directly to public engagement via Feedback Form, drop-in information sessions (see below)</li> </ul>
<b>Indirect management interests/referral authorities</b>	EPA City of Kingston Catchment management authority SE Water Coastal Board	<i>Their decisions can impact on Creek management interests Decisions on Creek management by others may impact on their interests</i>	<b>CONSULT:</b> for input to the formulation of values, issues and management options	<ul style="list-style-type: none"> <li>– Inform via Project Bulletin by Mail/email</li> <li>– Invite representative to Stakeholder workshop</li> <li>– Invite a written submission, with Feedback Form</li> </ul>



CATEGORY	STAKEHOLDERS	INTERESTS	ENGAGEMENT OBJECTIVES	ENGAGEMENT TOOLS
<b>Waterway corridor users: active</b>	Canoeists Boat ramp users Yacht club Recreational anglers Walkers Cyclists	<i>Each user group has needs, wants and aspirations, some of which may conflict with the needs, wants and aspirations of other groups</i>	<b>INVOLVE:</b> for input to the formulation of values, issues and management options. Identify any representative groups (Frankston City Council to assist)	<ul style="list-style-type: none"> <li>– Invite (direct mail or email where available) identifiable representatives of key user groups to Workshop</li> <li>– Target hard-to-reach users in broader information campaign, and invite to drop-in information sessions</li> <li>– Provide Feedback Form for written submission</li> </ul>
<b>Waterway corridor users: passive</b>	Picnickers/playground users Birdwatchers/naturalists			
<b>Waterway corridor abutters</b>	Commercial land owners & occupiers Residential land owners & occupiers SE Water	<i>Concerned to maintain or improve land value, amenity, access etc</i>	<b>CONSULT:</b> about opportunities to input to the formulation of issues and options	<ul style="list-style-type: none"> <li>– Inform about the study (hand delivered Project Bulletin)</li> <li>– Invite to drop-in information session</li> </ul>
<b>Wider community</b>	Frankston community Metropolitan community	<i>Whether or not they use or visit the Creek Corridor, members of the wider community may have an interest in how the Creek is managed</i>	<b>INFORM and CONSULT:</b> for input to the formulation of values, issues and management options	<ul style="list-style-type: none"> <li>– Inform about the study and drop in sessions via advertising/public notices in Frankston newspaper</li> <li>– Invite written response via Feedback Form</li> </ul>

## **APPENDIX 4**

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### **WATERWAY MANAGEMENT AUTHORITIES RESPONSES TO KCMAC'S REQUEST FOR INFORMATION**

## **FRANKSTON CITY COUNCIL**

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### **RESPONSE TO KCMAC REQUEST FOR INFORMATION**

## **MAC INTERVIEWS WITH 4 KEY AGENCIES (DELWP, PV, MW, FCC)**

### **CONTEXT**

A Ministerial Advisory Committee (MAC) has been appointed by the Honourable Lisa Neville MP, Minister for Environment, Climate Change and Water to undertake an independent review of the Kananook Creek waterway corridor at Frankston. Planisphere Consultants has been engaged to assist the MAC to:

- a) Identify and examine a range of issues and factors that impact on the effective management of Kananook Creek (inclusive of Eel Race Drain) including but not limited to: protection of natural values, management of the Crown land reserve, planning controls, water flow and quality, erosion, salinity, commercial and residential use and developments, community amenity and public recreation.
- b) Identify a range of options to resolve the issues and factors identified in (a); and
- c) Recommend the most appropriate management arrangement for Kananook Creek that can effectively deliver on the options identified in (b).

Currently there are four (4) key waterway corridor management agencies that have direct management responsibilities for particular aspects of the waterway corridor (Department of Land, Water, Environment and Planning, Parks Victoria, Melbourne Water and Frankston City Council). Each of the management agencies has been invited to meet with the MAC and its consultants.

### **REQUEST FOR INFORMATION**

The following points are indicative of the information the MAC requests the respective management agencies to address at the meeting. In addition it would assist the MAC if concise written statements were provided in response to each of the following requests for information, addressing as appropriate (a), (b) & (c) above.

- 1. The agency's current and suggested vision/mission or statement of significance for the Kananook Creek waterway corridor**

#### ***Extracts from Frankston City Council Plan 2013-2017***

##### *Sustainable City*

*3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents*

*3.2 Build a local community culture of good stewardship of the environment*

*3.3 Ensure good governance and management of Council resources*

*1.3.2 Develop an Open Space Strategy, including Foreshore Management Plan to protect and enhance Frankston's natural assets including the foreshore, parks and reserves and open spaces.*

### ***Extracts from Frankston Planning Scheme***

#### ***21-01***

*A network of major nature conservation reserves, smaller natural bushland reserves and vegetated creek valleys, e.g. the Langwarrin and Pines Flora and Fauna Reserves, Frankston Natural Features Reserve, Sweetwater and Kananook Creek valleys, create visual interest in the urban area, bringing the bush to the City, and providing a refuge for local plants and animals as well as passive recreation opportunities.*

#### ***21-06.1***

*☐ Protecting waterways, significant wetlands and habitats and ecosystems from inappropriate development or environmental degradation.*

#### ***21-06.2***

*Maintain and enhance the current level of biological diversity in the City and encourage the retention of and revegetation with indigenous species, particularly along watercourses, the coastline and identified habitat corridors.*

#### ***Other actions***

*☐ Purchase the few remaining strips of land along Kananook Creek that are in private ownership*

#### ***21-03.3***

*Recreation activity nodes are identified along the coast, at Keast Park and Station Street, Seaford, Mile Bridge, Kananook Creek mouth and Olivers Hill, Frankston and the potential to promote a coastal village theme at Seaford is also identified.*

## **2. What are the key values of Kananook Creek, from your agency's perspective?**

*The most important values are as follows;*

- *biodiversity*
- *ecosystem services*
- *landscape attractiveness*
- *residential amenity*
- *local character distinctiveness*

- opportunities for recreation, including land and water based activity
- opportunities for enjoyment of nature (e.g. walking, bird watching)
- tourism
- economic development (especially in the Frankston Metropolitan Activity Centre area).

*Natural Values recognised in the Frankston Planning Scheme:*

*Frankston City Council's Municipal Strategic Statement recognises Kananook Creek reserve as supporting regionally significant vegetation. The Kananook Creek Reserve is managed to protect these values. North of Mile Bridge the Kananook Creek is highlighted as an area of botanical and zoological significance as part of the linear system associated with the Seaford Foreshore Reserve. Seaford Wetlands adjoining Eel Race Drain is also included as a site of botanical and zoological significance.*

*An Environmental Significance Overlay (ESO1) applies to public land only along the Kananook Creek corridor between Eel Race Road and Mile Bridge, with the exception of RF Miles Reserve, and Mile Bridge. The ESO1 recognises the remnant indigenous vegetation in Frankston and its important contribution to the biological diversity of the City.*

*The Kananook Creek Corridor Management Plan (2009) states:*

*Overall Eel Race Drain and Kananook Creek provide an important environmental and recreational corridor linking Seaford and Frankston. As development occurs with increased numbers of people using the corridor, the need to proactively manage the corridor and the interface treatment will become increasingly important.*

*The Kananook Creek Management Plan documents the following key values –*

- *Overall Eel Race Drain and Kananook Creek provide an important environmental and recreational corridor linking Seaford and Frankston.*
- *KC provides an important environmental and recreational linear open space corridor that links the Frankston CAD and the Waterfront to the City's northern boundary in Seaford.*
- *KC is the only creek in the municipality of Frankston that is used for water-based recreation and it is highly valued by the community for this.*
- *Kananook Creek is a landform that has high potential for Aboriginal archaeological sites, particularly the areas which retain remnant vegetation. KC reserve supports a number of cultural heritage sites including two scar trees.*

- *The KC Management Plan also documents significant European cultural heritage values.*

### **3. What are the main issues facing Kananook Creek?**

*The most challenging issues for Council are;*

- *Managing impacts of pollution and run-off into the waterway*
- *Protecting vegetation and wildlife habitat*
- *Impacts of erosion and siltation on the values of the waterway*
- *Maintenance of public land and public infrastructure eg. bridges*
- *residential encroachment into public areas*
- *managing new development of private land*
- *public access*
- *managing recreation activity*
- *funding of improvements*

*The 2009 Management Plan identified the key issues – these are considered current in 2016. However, many of the issues are being addressed in on-going actions (refer to implementation spreadsheet). Issues are summarised these issues as follows.*

*Development and Landuse:*

*Development has potential to influence the natural landscape character and the recreational and visual amenity of public users of Kananook Creek and Eel Race Drain:*

- *height, bulk and proximity of buildings to the creek corridor impacting on the environmental values and visual landscape amenity of the creek corridor;*
- *structures and built form adjacent to the waterway including jetties, boat ramps, decks, rear and side fences, carports and other outbuildings, boatsheds and retaining walls which preclude the opportunity to rehabilitate the riparian zone and associated terrestrial vegetation;*
- *loss of riparian vegetation and associated terrestrial vegetation in adjoining land leading to loss of in-stream and terrestrial habitat values; and*
- *potential impact of noise, light and activity on the habitat values of the creek corridor (subject to further studies on terrestrial fauna values).*

*Drainage and flood management:*

- *Change in the flow patterns and a lack of event flows in Kananook Creek which are needed to naturally maintain the creeks original cross-sectional size and periodic inundation of the riparian zone;*

- *reduction in base flows when the Kananook Creek Pump Station loses power (during local blackouts)*
- *saline flows from the Patterson River have increased salinity levels in the creek resulting in the potential change of the riparian vegetation from brackish to saline communities.*
- *Sediment build-up at mouth and major drain outlets.*

#### *Water Quality:*

- *increased salinity of the system by the diversion of flows into the creek from Patterson Lakes changing the in-stream habitat values and riparian vegetation;*
- *high sediment loads in the creek due to the sandy nature of the catchment, which has required periodic dredging, however, EPA Guidelines adopted in 2001 have made it difficult to dredge due to higher environmental standards regarding disposal of sediment and*
- *elevated contaminant levels associated with urban runoff.*

#### *Stream System Values:*

- *a high diversity of birds were recorded in the Kananook Creek corridor in 1999, however, there has been no recent study of the terrestrial fauna values;*
- *impact on fauna values from feral animals; and*
- *in-stream fauna values are threatened by periodic cessation in flows and large macro algal blooms.*

#### *Vegetation:*

- *gaps in the riparian vegetation reducing the habitat connectivity and function of the riparian corridor and the associated terrestrial vegetation;*
- *stressed condition of remnant riparian vegetation, the cause of which is unknown, however is assumed to be the increased marinisation of the stream; and*
- *weed invasion threatening the condition of indigenous vegetation and the lack of consistent weed mapping on all public land and monitoring to address this.*



*Recreation and community use:*

*The following issues were identified in 2009.*

- *the lack of a well signed and accessible linked trail along Kananook Creek corridor including Eel Race Drain;*
- *open space reserves adjoining the creek lack a diversity of recreational facilities which restricts its appeal and use to the diverse community including local and regional visitors;*
- *incremental impact of adjoining development on the peaceful enjoyment and use of the Kananook Creek/Eel Race Drain open space corridor; and*
- *small watercraft use of the creek is limited by the poor condition of launch ramps and the lack of associated facilities at these points.*

*Cultural heritage and historical values:*

- *the creek corridor has high Aboriginal cultural heritage and archaeological sensitivity; and*
- *the lower reaches have some European historical values that require protection in future works.*

#### **4. How is the management of Kananook Creek currently administered?**

*The current management is shared between Council and various State Government agencies. Local community groups also have a role.*

*Within the Council organisation, different departments have specific functional responsibilities. For example the Planning and Environment Department manages planning approvals for land abutting the Kananook Creek reserve.*

*The KC Corridor Management Plan lists the following management responsibilities – these remain current:*

*DELWP:*

- *Land owner of Crown Land downstream of Wells Street to the mouth including Long Island Reserve and the public reserve south of Davey Street. FCC is the appointed Committee of Management for the Crown Land reserves.*

- *Approval of the dredging undertaken by FCC at the mouth of Kananook Creek EPA:*
- *Implementation of the State Environment Protection Policy regarding water quality.*
- *Administration of the dredging protocols.*
- *Approval of the dredging undertaken by FCC at the mouth of Kananook Creek.*

*FCC:*

- *Ownership of some public land within KC corridor*
- *Reserve management*
- *Dredging mouth*
- *Maintenance of municipal drainage system*
- *Maintenance of water and land based recreational facilities*
- *Committee of Management for Crown land downstream of Wells St*
- *Management of local drainage and flood mitigation*
- *Town Planning and enforcement*
- *Management of conservation values in Council reserves along the creek*
- *Enforcement of building works code of practice under Local law No. 7*
- *Authorisation of recreation activities.*

*Kingston City Council:*

- *Responsible for water quality impacts from City of Kingston into Eel Race Drain and Kananook Creek*

*Melbourne Water:*

- *Responsible for oversight of river health*
- *Maintenance of bed and banks, provision of floodplain, stormwater and drainage management*
- *Statutory referral Authority for planning applications under LSIOParks Victoria:*
- *Responsible waterway manager under the Marine Act 1988*

*VicTrack:*

- *Management of land within the railway reserve.*
- *Containment, collection, and disposal of litter on railway reserves.*

**5. What are the legislative and regulatory roles and responsibilities of your agency for the Kananook Creek waterway corridor? Please identify any gaps in agency roles in relation to management of the creek.**

*The legislative and regulatory roles are many and varied, however it is not this complexity that is necessarily the most problematic issue. So while Council has particular land management (public and private), waterway management and coastal management responsibilities that may overlap with other agencies it is the resourcing issue that is most relevant. Council could achieve a lot more within its current responsibilities if there were sufficient funding to deliver the enhancements that have been proposed over time. If there are single purpose agencies with dedicated funding for the Creek, then this could be more effective in delivering improvements in outcomes.*

*Aside from funding constraints, the overarching principle should be the EU's concept of 'subsidiarity': the lowest level of administration that is best able to manage the issue should have the responsibility for delivery. For most aspects relevant to the management of Kananook Creek, this should be the City of Frankston.*

**6. What are your agency's key links to Government policy and local planning, and how is the Kananook Creek recognised in your agency's Corporate Plan or Business Planning?**

*Key policies relevant to the Creek are contained in the following documents :*

- *Frankston Planning Scheme*
- *Greening our Future, Frankston City's Environmental Strategy 2015*
- *Draft Frankston Coastal Management Plan 2015*
- *Draft Frankston Open Space Strategy 2016*

*Individual projects for the Kananook Creek area appear in the Planning and Environment Department Business Plan, the Capital Works Master Plan, .*

**7. What is your agency's role in relation to the Victorian Planning System, relative to the Kananook Creek waterway corridor?**

*Frankston City Council is the responsible authority for the Frankston Planning Scheme which includes the Kananook Creek area. Council issues permits for private developments, with key agencies having a referral role. On publicly owned land, depending on the tenure arrangement, the Minister for Planning may be the responsible authority for new development applications and approvals.*

**8. How useful have the previous reports and management plans for Kananook Creek been in assisting in your management of Kananook Creek?**

*Previous reports have provided comprehensive information about the Creek and desirable management activities. These continue to be a useful reference for current activities.*

*The current Kananook Creek Corridor Management Plan was prepared in 2009. It is a comprehensive document prepared for Frankston City Council and Melbourne Water. Issues, actions and priorities identified in the plan remain current. The plan has a 15 year timeframe and, while it requires some updating, should remain the key management document for FCC and Melbourne Water for the study area.*

*The Plan is supported by a number of technical documents and studies that, while sound, may require some updating.*

*The plan identifies over 200 Actions to undertake which range from on-ground works to education programs and further investigations in to specific issues to be implemented over an approximate 15-year timeframe.*

*Frankston City Council maintains an implementation database of actions identified in the Management Plan and their status (e.g. completed/on- going).*

**9. What resources and level of funding has your agency allocated historically, currently and planned for the future, to Kananook Creek?**

*An accurate figure is difficult to compile. Council has numerous projects and services that directly apply to the Kananook Creek and environs. The creek extends some eight km through the municipality and has many residents and activities along it that attract Council funding. A comprehensive figure would be millions of dollars annually.*

**10. What is your agency's asset and infrastructure management, maintenance and investment regime for Kananook Creek? Please list any assets or infrastructure requiring urgent, but unfunded, maintenance, upgrade or removal.**

**(Need to check with the Infrastructure Department.)**

**11. Please nominate any opportunities for investment in asset and infrastructure that would improve the overall management and use of the waterway corridor.**

*The most obvious priorities would be:*

- *Dredging of the creek on a regular basis*
- *Managing environmental flows to flush the system*
- *Maintaining creek banks and revetment walls*
- *Improving drainage infrastructure and litter capture*
- *Improving pathways, bridges, piers and decking.*

**12. What are the key shortcomings or missed opportunities with the present management regime for the creek?**

*An integrated assessment of priorities for the creek across the three main agencies (Council, Melbourne Water and DELWP) would allow a better and more effective allocation of existing resources. For example, water quality and biodiversity health could be improved by a coordinated effort of all three agencies.*

**13. What do you see as potential future efficiencies in management arrangements of the Kananook Creek? What would be your suggested management model?**

*The 'ideal' management model is a dedicated authority resourced to be the single point owner of the Creek and its environs. A more pragmatic option is to devolve all eligible responsibilities to Frankston City Council as the 'geographical owner and champion' and where these functions must be retained at a state agency level, have mandatory protocols that activity in the Creek environs must be managed cooperatively with Council. Of course, any devolved functions must come with resourcing attached.*

**14. Other information of value to the MAC – eg monitoring programs, support for volunteer groups, key reference material**

*Volunteer and community groups are essential to the effective management of the Creek. Not only is it best practice to engage the locals in the management of the geographical resource. It is also a good way to harness the enthusiasm and skills of unpaid people to undertake monitoring, reporting, maintenance and promotional activities.*

*Monitoring is essential to inform on-going management effectiveness. Unfortunately it is rarely undertaken on a consistent and comprehensive basis.*

Thank you for spending the time providing concise written statements in respect of the above topics and attending the meeting with the MAC.

We undertake to keep the agency informed of progress of the MAC's independent review of the Kananook Creek.

DM 160105

## **MELBOURNE WATER**

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### **RESPONSE TO KCMAC REQUEST FOR INFORMATION**

## **MAC INTERVIEWS WITH 4 KEY AGENCIES (DELWP, PV, MW, FCC)**

### **CONTEXT**

A Ministerial Advisory Committee (MAC) has been appointed by the Honourable Lisa Neville MP, Minister for Environment, Climate Change and Water to undertake an independent review of the Kananook Creek waterway corridor at Frankston. Planisphere Consultants has been engaged to assist the MAC to:

- a) Identify and examine a range of issues and factors that impact on the effective management of Kananook Creek (inclusive of Eel Race Creek) including but not limited to: protection of natural values, management of the Crown land reserve, planning controls, water flow and quality, erosion, salinity, commercial and residential use and developments, community amenity and public recreation.
- b) Identify a range of options to resolve the issues and factors identified in (a); and
- c) Recommend the most appropriate management arrangement for Kananook Creek that can effectively deliver on the options identified in (b).

Currently there are four (4) key waterway corridor management agencies that have direct management responsibilities for particular aspects of the waterway corridor (Department of Land, Water, Environment and Planning, Parks Victoria, Melbourne Water and Frankston City Council). Each of the management agencies has been invited to meet with the MAC and its consultants.

### **REQUEST FOR INFORMATION**

The following points are indicative of the information the MAC requests the respective management agencies to address at the meeting. In addition it would assist the MAC if concise written statements were provided in response to each of the following requests for information, addressing as appropriate (a), (b) & (c) above.

#### **1. The agency's current and suggested vision/mission or statement of significance for the Kananook Creek waterway corridor**

Melbourne Water's vision is "Enhancing Life and Liveability". In relation to Kananook Creek Melbourne Water have a number of strategies that underpin this vision. They include the Healthy Waterways Strategy, the Waterways and Drainage Strategy, the Stormwater Strategy and Flood Management Strategy. These strategies focus on protecting property from flood damage, investing in areas that the community values and that will protect and improve environmental values and increase liveability.

Kananook Creek is identified as a priority area for investment under the Healthy Waterways Strategy. The Healthy Waterways Strategy outlines Melbourne Water's strategic focus for waterways between 2013/14 and 2017/18.



Future management: “In 2030 coastal banksia woodland/swamp scrub mosaic is the dominant vegetation community along Kananook Creek and a vegetated corridor exists from Patterson Lakes to the Creek outlet. High value wetlands continue to be maintained and improved and an urban tolerant community of native fish is present in Kananook Creek. Shared pathways along the streamside corridors link Carrum and Frankston.” (Healthy Waterway Strategy 2013 p176)

Kananook Creek also provides critical drainage and flood protection for the wider catchment. Melbourne Water is the designated floodplain manager for the region. Urban planning, development, and land and waterway managers have a role in helping to reduce the impacts of floods by preserving natural floodplains and ensuring new development doesn't make flooding worse.

## **2. What are the key values of Kananook Creek, from your agency's perspective?**

- Aquatic and Riparian Vegetation
- Aquatic and Riparian Fauna and the provision of Fauna Habitat, and
- Provision of Drainage and Flood Protection
- Amenity value to our customers.

## **3. What are the main issues facing Kananook Creek?**

- Development in close proximity to the creek, particularly to the west side, which can reduce the width and future potential of the riparian corridor.
- The Bushfire Management Overlay (BMO) across the area, which severely limits our ability to achieve good riparian outcomes. The overlay requires cleared land adjacent to developments. Advice received from our internal fire specialists was that the risk may be overstated, given most of the vegetation is on the east bank and most of the houses are on the west bank. We understand that Frankston Council may have gone some way towards removing the BMO a couple of years ago. As such we suggest a re-evaluation of the overlay may be warranted.
- Private jetties and encroachment on private waterway frontages. This is a significant issue along the creek, which requires more enforcement and remediation.

## **4. How is the management of Kananook Creek currently administered?**

Most management is shared between Melbourne Water and Frankston Council.

### Melbourne Water Activities

- Management to improve waterway health (we are nearing the end of a large-scale revegetation and weed control program along most of the creek)
- Ongoing maintenance of the bed and banks of Eel Race Creek and Kananook Creek, including debris and litter removal (as well as ongoing litter boom operation)
- Maintenance of three canoe launching ramps, two of which were recently replaced (McCulloch Ave and Riviera St) and one of which was recently repaired (adjacent Patterson River Secondary College)

- Operation and maintenance of Patterson Lakes Pump Station (provides most of the low flows to Kananook Creek) and Riviera Street flood control complex (takes high flood flows direct to the bay, bypassing most of Kananook Creek)
- Flooding, floodplain and hydraulic management of Eel Race Creek and Kananook Creek, including statutory referrals under the Land Subject to Inundation Overlay (LSIO)
- The management of five major drainage outlets (and associated pump stations) to the creek which are de-silted and cleared as required to maintain hydraulic capacity
- Providing a safe level of flood protection, including major flood mitigation works (i.e. Sandgate project)
- Maintenance of all Melbourne Water-owned land and drains
- Responding to statutory referrals as a designated referral authority
- Responding to pollution events on waterways in collaboration with the EPA.

#### Other Authorities Activities

- Management of riparian reserves above the top of bank of Kananook Creek (Crown land with Frankston Council delegated as committee of management under the *Crown Land (Reserves) Act 1978*)
- Maintenance of the local municipal drainage system and gross pollutant traps (Frankston Council)
- Provision and maintenance of recreational infrastructure (including pedestrian bridges, walking tracks, signs) (Frankston Council)
- Dredging for navigational purposes, boating or mooring (Parks Victoria has powers under the *Port Services Act 1995* as the local port manager. It is our understanding that responsibility for maintenance of the navigable channel from the mouth of the creek upstream to the public boat ramp is currently shared between Parks Victoria and Frankston Council. Frankston Council manages the channel maintenance dredging on behalf of both entities. Parks Victoria has delegated powers to issue licences for moorings in those portions of the Creek that are unreserved Crown land.)
- Town planning (Frankston Council) with referral to other authorities such as Melbourne Water.

### **5. What are the legislative and regulatory roles and responsibilities of your agency for the Kananook Creek waterway corridor? Please identify any gaps in agency roles in relation to management of the creek.**

Melbourne Water is responsible for the waterway (including aquatic and riparian health) and flood management of Kananook Creek, and is designated as the waterway manager under the *Water Act 1989*. In addition, Melbourne Water has ministerial delegation to issue works licences under S67 of the *Water Act 1989*, to undertake works on waterways including Kananook Creek. Melbourne Water is also a statutory referral authority for any planning applications for works on Kananook Creek, assessing impacts on flood levels, velocities and the riparian environment. We have provided some of the key legislative sections below.

The main gap in relation to the management of the creek seems to be dredging and administration for boating. Enforcement of encroachment on private frontages including jetties is also an issue.

**6. What are your agency's key links to Government policy and local planning, and how is the Kananook Creek recognised in your agency's Corporate Plan or Business Planning?**

As noted above, the Healthy Waterways Strategy, the Stormwater Strategy and Flood Management Strategy are Melbourne Water's key strategic documents in relation to Kananook Creek.

The Healthy Waterways Strategy contains targets for the broader Dandenong catchment including Kananook Creek. As part of this strategy Kananook Creek has been identified as a priority area for investment due to the level of interest in the creek from the local community.

The Kananook Creek Management Plan - released in June 2009, outlines 200 actions to be completed by Melbourne Water, Frankston Council and the Kananook Creek Association over the next 15 years.

**7. What is your agency's role in relation to the Victorian Planning System, relative to the Kananook Creek waterway corridor?**

Melbourne Water is a referral authority for the LSIO, which allows us to comment on flooding, hydraulic and biodiversity related considerations including riparian corridors.

Melbourne Water also has additional powers under the *Water Act 1989* (Vic) that do not extend to the recreational functions of a waterway, including dredging for the purpose of recreational boating. Similarly, Melbourne Water does not receive funding for these activities making any investment relating to canoe launching ramps, anomalous.

**8. How useful have the previous reports and management plans for Kananook Creek been in assisting in your management of Kananook Creek?**

They have been useful in helping to understand different aspects of Kananook creek such as sedimentation, fish diversity and water quality. The reports are considered when making decisions in relation to the creek.

**9. What resources and level of funding has your agency allocated historically, currently and planned for the future, to Kananook Creek?**

What	How Much	Status
Retaining Walls	\$1,600,000	[In Delivery]
Revegetation and Weed Control	\$300,000	[In Delivery – almost complete Feb 2016]
Two Canoe Launching Ramps	\$50,000	[Complete - 2014]
Kananook Creek Pump	Average \$103,000 per year	[Ongoing]

Station	(\$1.6 million over past 20 years)	
New Pump Upgrade	~\$120,000	[In Planning]
Sandgate - Flooding Mitigation	\$70,000,000	[Complete – 2013]
Grants to Landholders	\$1,683 for 2014/15	[Ongoing]

**10. What is your agency's asset and infrastructure management, maintenance and investment regime for Kananook Creek? Please list any assets or infrastructure requiring urgent, but unfunded, maintenance, upgrade or removal.**

Our proposed program for Kananook Creek is ongoing investment to maintain the current level of service. We will continue to invest in pumping water down the creek, litter removal, weed control, sediment removal (where required for hydraulic purposes), flood gate management and maintenance as well as other works along Kananook Creek.

As noted above we are currently procuring a new pump for the Kananook Creek Pump Station. This is estimated to cost ~\$120,000 and is fully funded by Melbourne Water.

**11. Please nominate any opportunities for investment in asset and infrastructure that would improve the overall management and use of the waterway corridor.**

No comment.

**12. What are the key shortcomings or missed opportunities with the present management regime for the creek?**

Increasing the width of the riparian corridor through improved management (native vegetation planting and encroachment removal) of private waterway frontages is a good opportunity.

**13. What do you see as potential future efficiencies in management arrangements of the Kananook Creek? What would be your suggested management model?**

Melbourne Water works very collaboratively with Frankston Council and the Kananook Creek Association to effectively manage Kananook Creek. In general we are supportive of the current approach in relation to the management of the creek.

Further clarity around recreation roles, particularly in relation to boating and dredging in the lower section is likely to give rise to improved recreational environmental outcomes for creek users. The authority responsible for boating could also potentially take over

responsibility for the canoe launching ramps, so that one authority was responsible for boating throughout Kananook Creek.

**14. Other information of value to the MAC – eg monitoring programs, support for volunteer groups, key reference material**

Melbourne Water has periodic water quality, fish and other monitoring programs in the waterway. We also have programs (Frog Census and Waterwatch) and funding (Community Grants) to support volunteer activities along the creek.

We have provided a significant volume of reference material to the MAC.

Thank you for spending the time providing concise written statements in respect of the above topics and attending the meeting with the MAC.

We undertake to keep the agency informed of progress of the MAC's independent review of the Kananook Creek.

DM 160105

Here are some of the key legislative and legal underpinnings for Melbourne Water in relation to Kananook Creek.

Water Act 1989 (Vic) - Section 188A - designated waterways, land or works – Melbourne Water Corporation.

- (1) Any—
  - (a) waterway that is within the waterway management district of Melbourne Water Corporation is a designated waterway of Melbourne Water Corporation; and
  - (b) land which abuts a waterway that is a designated waterway of Melbourne Water Corporation under paragraph (a), or is within 20 metres of such a waterway is designated land of Melbourne Water Corporation.

Definitions - "waterway" means [1] —

- (a) a river, creek, stream or watercourse; or
- (b) a natural channel in which water regularly flows, whether or not the flow is continuous; or
- (c) a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b); or
- (d) a lake, lagoon, swamp or marsh, being—

(i) a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous; or

(ii) a collection of water (other than water collected and contained in a private dam or a natural depression on private land) that the Governor in Council declares under section 4(1) to be a lake, lagoon, swamp or marsh; or

(e) land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous; or

(f) land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway; or

(g) if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip;

#### Water Act 1989 (Vic) – Section 189 – Functions of Authorities

(1) An Authority that has a waterway management district has the following functions in relation to designated waterways and designated land or works within that district – (b) to develop and to implement effectively schemes for the use, protection and enhancement of land and waterways; (bb) to (ii) carry out works and activities to improve the environmental values and health of water ecosystems including their biodiversity, ecological functions, quality of water and other uses that depend on environmental condition.

#### Water Act 1989 (Vic) – Section 202 – Floodplain Management Functions

(2) Melbourne Water Corporation has the following functions in relation to its waterway management district—

(a) to find out how far floodwaters are likely to extend and how far they are likely to rise;

(b) to declare flood levels and flood fringe levels;

(c) to declare building lines;

(d) to develop and implement plans and to take any action necessary to minimise flooding and flood damage;

(e) to control developments that have occurred or that may be proposed for land adjoining waterways;

(f) to provide advice about flooding and controls on development to local councils, the Secretary to the Department and the community.

#### Water Act 1989 (Vic) – Section 208 – Control of Works and Structures

(1) A person other than a public statutory body must not, without the Authority's consent (being an Authority to which this Division applies and that has the function referred to in section 202(1)(d) or (e) or referred to in section 202(2)(d) or (e))—

(a) cause or permit the undertaking or erection, within an area of land declared to be liable to flooding or declared to be a floodway area, of works or structures that may have the effect of—

(i) controlling or mitigating floodwaters; or

(ii) discharging stormwater; or

- (iii) excluding tidal water; or
- (iv) concentrating or diverting floodwater or stormwater; or
- (b) cause or permit the undertaking or erection of works or structures between a building line and any part of the designated waterway or designated land or works in relation to which the building line was declared.

Under By-law No.2 Waterways, Land and Works Protection and Management. This By-Law is made by Melbourne Water Corporation pursuant to its powers as a Water Authority under the Water Act 1989.

[http://www.melbournewater.com.au/aboutus/whoweare/Legislationandpolicies/Documents/By-law No 2 - Waterways Land and Works Protection and Management.pdf](http://www.melbournewater.com.au/aboutus/whoweare/Legislationandpolicies/Documents/By-law%20No%202%20-%20Waterways%20Land%20and%20Works%20Protection%20and%20Management.pdf)

## **11. Protection of Waterways, Land and Works**

(1) A person must not:

(a) carry out any activity, undertake any works or deposit or discharge any materials, matters or substances in or on any relevant land, waterway or works that:

(i) obstructs or interferes with the flow of water in the relevant land, waterway or works;

(ii) causes silting up, erosion or injury to the relevant land, waterway or works;

(iii) erodes or injures the banks of the relevant waterway;

(iv) pollutes the relevant land, waterway or works; or

(v) is likely to do any of the things set out in paragraphs (i), (ii), (iii), or (iv);

(b) damage interfere with or remove any tree or other vegetation, either alive or dead, in or from relevant land, waterways or works; or

(c) take any soil, earth, sand, gravel or other material within or from relevant land, waterways or works,

without a permit issued by Melbourne Water.

## **PARKS VICTORIA**

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### **RESPONSE TO KCMAC REQUEST FOR INFORMATION**



## **MAC INTERVIEWS WITH 4 KEY AGENCIES (DELWP, PV, MW, FCC)**

### **CONTEXT**

A Ministerial Advisory Committee (MAC) has been appointed by the Honourable Lisa Neville MP, Minister for Environment, Climate Change and Water to undertake an independent review of the Kananook Creek waterway corridor at Frankston. Planisphere Consultants has been engaged to assist the MAC to:

- a) Identify and examine a range of issues and factors that impact on the effective management of Kananook Creek (inclusive of Eel Race Drain) including but not limited to: protection of natural values, management of the Crown land reserve, planning controls, water flow and quality, erosion, salinity, commercial and residential use and developments, community amenity and public recreation.
- b) Identify a range of options to resolve the issues and factors identified in (a); and
- c) Recommend the most appropriate management arrangement for Kananook Creek that can effectively deliver on the options identified in (b).

Currently there are four (4) key waterway corridor management agencies that have direct management responsibilities for particular aspects of the waterway corridor (Department of Land, Water, Environment and Planning, Parks Victoria, Melbourne Water and Frankston City Council). Each of the management agencies has been invited to meet with the MAC and its consultants.

### **REQUEST FOR INFORMATION**

The following points are indicative of the information the MAC requests the respective management agencies to address at the meeting. In addition it would assist the MAC if concise written statements were provided in response to each of the following requests for information, addressing as appropriate (a), (b) & (c) above.

#### **1. The agency's current and suggested vision/mission or statement of significance for the Kananook Creek waterway corridor**

*Parks Victoria does not have a vision / mission statement specific to Kananook Creek.*

#### **2. What are the key values of Kananook Creek, from your agency's perspective?**

*As a park management agency we acknowledge the value from an environmental, recreational and social perspective of the lineal park that Kananook Creek provides to the local community.*

*The boat ramp within Kananook Creek provides access for small motorised vessel to Port Phillip which is of interest to Parks Victoria in its capacity of local port manager for Port Phillip.*

#### **3. What are the main issues facing Kananook Creek?**

*Updated management plan to provide clear direction and re-affirm the vision for the creek.*

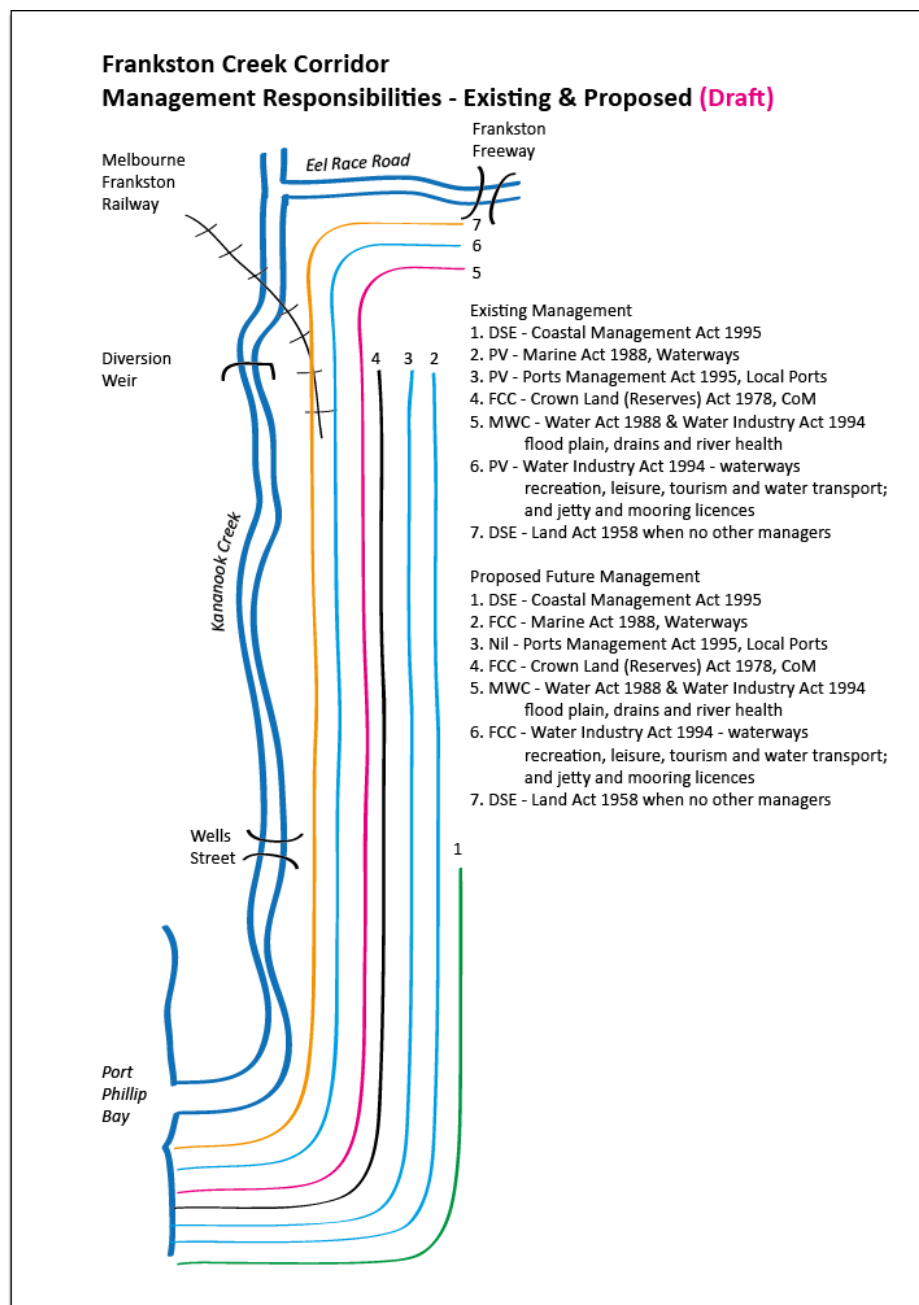
*An implementation plan that resolves Crown land management accountabilities and other legislative instruments required to assist the delivery of the management plan.*

## Resourcing

### 4. How is the management of Kananook Creek currently administered?

*There have been at least two reports prepared on this topic (The Public Land Consultancy in 2010 and a separate report by Terence A Walsh, Manager Regional Land Information, Department of Sustainability and Environment in May 2011).*

*A copy of the Public Land Consultancy report is attached for information. An extract from Terence Walsh's paper is provided below.*



**5. What are the legislative and regulatory roles and responsibilities of your agency for the Kananook Creek waterway corridor? Please identify any gaps in agency roles in relation to management of the creek.**

*Part of Kananook Creek falls within the definition of “waterways land” which is un-reserved crown land forming the bed and banks of waterways and 20 metres from the top of bank in the Metropolitan Area. Parks Victoria under its management agreement with DELWP has management accountabilities, in accordance with S132 Water Industry Act 1994 for the purposes of recreation, leisure, tourism and water transport.*

*Parks Victoria has been delegated powers under S135A of the Water Industry Act 1994 to issue licences for jetties and mooring over waterways land. One license has been issued to the Frankston Boat hire business in the past and is in the process of renewal.*

*Parks Victoria is the declared local port manager under the Port Management Act 1994, for Port Phillip which includes the navigable rivers and creeks connected to the bay. Kananook Creek is a navigable waterway connected to Port Phillip and is considered part of the local port. Managers of local ports have general powers to enable them carry out functions under S44A Port Management Act 1994 which include making charges for use of facilities, dredging, aids to navigation, facility maintenance, etc.*

*Parks Victoria is also the waterway manager under the Marine Safety Act 2010 for the local port of Port Phillip. Please refer to section 216 of the Act for the functions of a waterway manager.*

**6. What are your agency’s key links to Government policy and local planning, and how is the Kananook Creek recognised in your agency’s Corporate Plan or Business Planning?**

*Parks Victoria’s Corporate and Business Plan covers the agencies role broadly for the entire estate that it manages (about 18% of the State), as such there are no specific mentions in the plan referring to Kananook Creek. That aside, the plan does reference broadly Parks Victoria’s local port and waterway management accountabilities.*

**7. What is your agency’s role in relation to the Victorian Planning System, relative to the Kananook Creek waterway corridor?**

*Given that Parks Victoria has limited/no land management accountabilities along Kananook Creek, there have been no planning permit applications or Planning Scheme amendments referred to Parks Victoria for comment.*

*A review of the DELWP case management system identified that there had been 9 statutory planning cases dealt with by DELWP along the Creek over the past 10 years or so. Most relate to residential/commercial development and only one involved works on the Creek. This was in April 2013 for a jetty associated with a commercial/residential development that was subject to a PV Works Permit and a DELWP licence.*

## 8. How useful have the previous reports and management plans for Kananook Creek been in assisting in your management of Kananook Creek?

*Parks Victoria has installed maritime speed limit signs and issued a licence to the Frankston Boat Hire business for its moorings and berths.*

*These works were undertaken either in consultation with Council or as a requirement of an audit conducted by Transport Safety Victoria (who is the regulator of maritime safety in Victoria).*

*Assessment by Melbourne Water in 2011 of siltation in the Creek identified the complexity and costs of dredging or other responses. A copy of the Executive Summary is provided for your information, please note that this extract is an early draft of the report.*

### Kananook Creek : Desilting Investigations

**(1) Scoping Study for Increased Boat Access** – This scoping study is a high level document that broadly identifies the issues to be considered and addressed before boats could be regularly accommodated within Kananook Creek between the outlet to Port Phillip Bay and Beach Street – document currently in draft format, this is to be the focus of this meeting, 14 July 2011.

**(2) Sedimentation and Flow Management Study** – Hydraulic modelling and cross sectional survey comparisons to analyse historic, existing and potential future sediment loads. This study is designed to investigate approximate rates of sedimentation in order to further understand maintenance requirements. The study will also investigate if options exist to change the flow regimes to minimise sediment build-up. Document in development – Draft due Friday 22 July.

#### Summary of findings – Scoping Study for Increased Boat Access

##### Boat/Channel Size

- If de-silting was undertaken, vessels of up to 6m in length could navigate/utilise Kananook Creek for access and mooring, at all times.
- Larger vessels could be accommodated if the retaining walls lining the Creek are replaced or upgraded, as the existing infrastructure does not support dredging all the way up to these. Therefore 'benching' will be required.
- Kananook Creek can accommodate a realistic channel size of up to 10m wide down to a depth of -2m AHD.
- There is a need for the provision of additional mooring infrastructure.

##### Costing

- Initial removal of approximately 8000 m<sup>3</sup> of sediment would be required to achieve this channel size at an estimated cost of \$5.2 million. This cost is purely for removal, cartage and disposal (including the EPA levy).
- Annual removal of approximately 260 m<sup>3</sup> of sediment is expected, at an estimated cost of \$250,000 (*note: this is likely to change based upon findings of sedimentation study*).

##### Sediment Contamination

- The sediment is not clean and is expected to be classified as contamination Category C, necessitating disposal to landfill.
- Preferred methodology, based upon contamination and existing infrastructure would be similar to Mordialloc Stage 1: excavator for extraction and addition of a polymer prior to disposal to an EPA approved facility.

##### Recommendations if dredging is to occur

- Triple bottom line assessment.
- Further sediment sampling and analysis required prior to EPA disposal approval.
- Environmental Management Plan.
- Infrastructure upgrades.
- Planning considerations – such as the regulation of private moorings.

**9. What resources and level of funding has your agency allocated historically, currently and planned for the future, to Kananook Creek?**

*There are no dedicated resources applied to the management of Kananook Creek.*

*Parks Victoria focuses its resources on managing the high use piers and jetties, updating boating zones, maintaining aids to navigation, etc. around Port Phillip and Western Port.*

*Parks Victoria issues Notices to Mariners and Works Permits to Council for their dredging and development works associated with the Kananook Creek entrance and the boat ramp respectively.*

*Maintenance of the 5 knot speed limit signs and administration of the mooring licence is the extent of the Parks Victoria resourcing applied to Kananook Creek.*

**10. What is your agency's asset and infrastructure management, maintenance and investment regime for Kananook Creek? Please list any assets or infrastructure requiring urgent, but unfunded, maintenance, upgrade or removal.**

*Parks Victoria maintains a few signs. There are no other Parks Victoria assets in Kananook Creek.*

**11. Please nominate any opportunities for investment in asset and infrastructure that would improve the overall management and use of the waterway corridor.**

*Councils dredge Kananook Creek and entrance to ensure that it is accessible for motorised vessels. Perhaps there is a need to review the role of the Kananook Creek boat ramp and the costs of providing access. Consideration should be given to looking at other locations for investment in boating access to the bay rather than Kananook Creek.*

*The focus for the creek could then be changed to be more suited to non-motorised vessels which may not require expensive dredging.*

**12. What are the key shortcomings or missed opportunities with the present management regime for the creek?**

*We do not believe that the management regime creates missed opportunities it is ensuring that there is an agreed vision that is the critical success factor in creating opportunities.*

**13. What do you see as potential future efficiencies in management arrangements of the Kananook Creek? What would be your suggested management model?**

*Creating a Crown land reserve under the Crown Land (Reserves) Act for the entire Kananook Creek corridor and appointing a committee of management to manage the reserve may be appropriate. This would, in effect remove the Water Industry Act 1994 waterways land status. There may be a need to create Regulations under the CL(R) Act to assist with managing the reserve.*

*It is questionable as to the benefit of Kananook Creek being included in the local Port of Port Phillip, however there is probably still value in having a waterway manager under the Marine Safety Act appointed to manage vessel activities on the waterway. This could be the committee of management.*

**14. Other information of value to the MAC – eg monitoring programs, support for volunteer groups, key reference material**

*None*

Thank you for spending the time providing concise written statements in respect of the above topics and attending the meeting with the MAC.

We undertake to keep the agency informed of progress of the MAC's independent review of the Kananook Creek.

DM 160105

## **DEPARTMENT OF ENVIRONMENT, LAND, WATER & PLANNING**

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### **RESPONSE TO KCMAC REQUEST FOR INFORMATION**

## MAC INTERVIEWS WITH 4 KEY AGENCIES (DELWP, PV, MW, FCC)

### CONTEXT

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- a) Identify and examine a range of issues and factors that impact on the effective management of Kananook Creek (inclusive of Eel Race Drain) including but not limited to: protection of natural values, management of the Crown land reserve, planning controls, water flow and quality, erosion, salinity, commercial and residential use and developments, community amenity and public recreation.
- b) Identify a range of options to resolve the issues and factors identified in (a); and
- c) Recommend the most appropriate management arrangement for Kananook Creek that can effectively deliver on the options identified in (b).

Currently there are four (4) key waterway corridor management agencies that have direct management responsibilities for particular aspects of the waterway corridor (Department of Land, Water, Environment and Planning, Parks Victoria, Melbourne Water and Frankston City Council). Each of the management agencies has been invited to meet with the MAC and its consultants.

### REQUEST FOR INFORMATION

The following points are indicative of the information the MAC requests the respective management agencies to address at the meeting. In addition it would assist the MAC if concise written statements were provided in response to each of the following requests for information, addressing as appropriate (a), (b) & (c) above.

- 1. The agency's current and suggested vision/mission or statement of significance for the Kananook Creek waterway corridor**

N/A

- 2. What are the key values of Kananook Creek, from your agency's perspective?**

The key values identified by DELWP include environmental, social and economic values listed below;

**Environmental;** Biodiversity along the creek, waterway health, including siltation, fish species and the health of the fish.

**Social;** Recreation, such as boating, fishing, canoeing, walking etc, increased physical health, walking paths etc.

**Economic;** The Kananook Creek would be a main drawcard for the area for many tourists and business such as café's along the Creek, SEW etc. Also the creek could



potentially increase the values of the houses around the area, and therefore generate higher rates and therefore revenue for Council.

**3. What are the main issues facing Kananook Creek?**

- There is currently a lack of understanding as to the management bodies, and the different jurisdictions the agency is responsible for.
- Siltation of the creek, also a lack of understanding as to the management responsibility of the siltation and dredging of the creek
- Encroachment from adjoining landowner, such as fences, private jetties and other infrastructure. Also there does not seem to be any compliance associated with this, and there is a lack of understanding as to who is responsible for the compliance of encroachment issues.

**4. How is the management of Kananook Creek currently administered?**

- DELWP; Land owner on behalf of the Crown. Issues Coastal Management Act (CMA) consents for any development application within 200 metres of the high water mark of Coastal Crown Land in accordance with the Coastal Strategy 2014, but has no direct management responsibilities.
- Frankston CC; Appointed the Committee of Management under the Crown Land Reserves Act
- Melbourne Water; responsible for the waterway
- Parks Victoria; responsible for the recreational aspects of the creek, such as boating.

**5. What are the legislative and regulatory roles and responsibilities of your agency for the Kananook Creek waterway corridor? Please identify any gaps in agency roles in relation to management of the creek.**

N/A. DELWP acts on behalf of the land owner (The Crown).

**6. What are your agency's key links to Government policy and local planning, and how is the Kananook Creek recognised in your agency's Corporate Plan or Business Planning?**

N/A

**7. What is your agency's role in relation to the Victorian Planning System, relative to the Kananook Creek waterway corridor?**

The 'Big P' in DELWP reviews Planning Scheme Amendments prior to presenting it to the Minister for Planning for approval.

- 8. How useful have the previous reports and management plans for Kananook Creek been in assisting in your management of Kananook Creek?**

N/A

- 9. What resources and level of funding has your agency allocated historically, currently and planned for the future, to Kananook Creek?**

N/A

- 10. What is your agency's asset and infrastructure management, maintenance and investment regime for Kananook Creek? Please list any assets or infrastructure requiring urgent, but unfunded, maintenance, upgrade or removal.**

N/A

- 11. Please nominate any opportunities for investment in asset and infrastructure that would improve the overall management and use of the waterway corridor.**

N/A

- 12. What are the key shortcomings or missed opportunities with the present management regime for the creek?**

There is no current management plan for the Kananook Creek to assist with the management divisions or future direction of the Creek.

- 13. What do you see as potential future efficiencies in management arrangements of the Kananook Creek? What would be your suggested management model?**

DELWP believes that Frankston CC should be appointed as CoM over the land and Melbourne Water should be appointed to be the waterway manager. PV may not require a role in the management of the creek into the future. DELWP will remain the land owner on behalf of the crown, but have no management function.

- 14. Other information of value to the MAC – eg monitoring programs, support for volunteer groups, key reference material**

DELWP will provide a supportive role to all CoM's by;

- Assisting with funding applications,
- Writing management plans;
- CMA consents;
- Community consultation.

Thank you for spending the time providing concise written statements in respect of the above topics and attending the meeting with the MAC.

We undertake to keep the agency informed of progress of the MAC's independent review of the Kananook Creek.

## APPENDIX 5

### STAKEHOLDER WORKSHOP – INVITEES & ATTENDEES

ORGANISATION	NAME	POSITION
Frankston Beach Association Inc.	Mr Frank Hart	President
	Ms Eve Welsh	Secretary
	*Mrs Pat Bentley	Proxy
Frankston Lifesaving Club Inc	Mr Craig Stoodley	President
Frankston Yacht Club	*Mr Rohan Ogier	Secretary
Kananook Creek Association	*Mr Trevor Nock	Secretary
	*Ms Levine	Member
	*Mr Rob Thurley	Past President
	*Ms Meredith Foster	Past Secretary
Long Island Residents Group Inc	Ms Jenni Alexander	President
	*Ms Hilary Poad	Proxy
Frankston Environmental Friends Network	*Mr David Cross	Chairman
Frankston Anglers and Boat owners club	Mr Bruce Waixel	
Frankston Coast Guard	Mr Ron Lyon	
Seaford Community Committee Inc.	*Mr Noel Tudball	President
Seaford Lifesaving Club	Mr Darren McLeod	President
Kananook Creek Canoe Club	Ms Lynette Austin	President
Frankston Tourism Network	Mr Peter De Wever	Chairperson
	*Mr Cameron Taylor	Proxy
Frankston Business Network	Ms Karin Hann	
	*Mr Cameron Taylor	Proxy
Boon Wurrung Foundation	Ms Sonalee	

<b>Patterson River Secondary College</b>	Mrs Maree Vinocuroff	Principal
<b>Kananook Primary School</b>	Mr Michael Block	Principal
<b>Seaford Primary School</b>	Mr Michael Brown	Principal
<b>Seaford North Primary School</b>	Mr Lee Murnane	Principal
<b>South East Water</b>	Mr Jon Theobald	Environmental Manager
<b>Kingston City Council</b>	Mr Adam Ryan	Foreshore Coordinator, Parks, Recreation & Depot Services
<b>Central Coastal Board</b>	*Mr Ross Kilborn	Chair
<b>Port Phillip and Westernport Catchment Management Authority</b>	Mr Ian Morgans	Environmental Strategy Manager
	*Ms Sarah MacLagon	Proxy
<b>EPA</b>	Mr Leigh Bryant	Manager, Dandenong
	Ms Marleen Mathias	Southern Region
	*Mr Martin O'Shaughnessy	Proxy
<b>Friends of Seaford Wetlands</b>	*Glenn Farth	Past President
<b>VicTrack</b>	Ms Julie Kortholt	
<b>Adjoining resident</b> (accompanying Ms Pat Bentley)	*Ms Adele Pignolet	Local Resident

Note: \*Asterisk denotes Attendee



## **APPENDIX E**

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### **WATERWAY MANAGEMENT MODELS**

## WATERWAY MANAGEMENT MODELS

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There are a number of management models for rivers and creeks within Victoria.

### CROWN LAND COMMITTEES OF MANAGEMENT

Across Victoria approximately 1,200 voluntary Committees of Management (CoMs) manage 1,500 Crown land reserves. A further 2,800 reserves are managed by municipal councils as CoMs. All CoMs manage their reserves on behalf of the Minister for Environment and Climate Change and have responsibility to manage, improve and maintain their reserve. The Minister, or Minister's delegate, appoints committees to manage Crown Land Reserves under the Crown Land (Reserves) Act 1978.

The Crown Land Reserve Act outlines that the management of land that has been permanently reserved under the Crown land (Reserves) Act for the recreation, convenience and amusement of the public can be appointed to a committee of management at the discretion of the Minister. Similarly the Minister may revoke at any time any such appointment or remove any person appointed as a member of the committee.

A Committee of Management appointed under the Act may consist of;

- any three or more persons;
- a Council;
- Melbourne Water Corporation;
- Parks Victoria;
- any board, committee or trust established by or under the act for any public purpose;
- a company that is registered under the Corporations Act;
- or any combination of these persons and bodies.

In practice, there are various methods of appointment of members of a committee of management. The process of appointment or reappointment depends on the type of committee: community elected, user group or 'skills-based'. Small committees are usually made following a public election process. User-group committees are comprised of representatives nominated by user groups and representatives of Council where applicable. Large committees dealing with complex management issues will generally have positions advertised by the Victorian Government followed by a skills-based selection process the minister appoints a new committee.

Committees may be incorporated or un-incorporated. Members of an incorporated committee of management may be appointed for a period of up to three years with the potential for reappointment.

These committees have control over various aspects of the management and functions of reserved Crown Land. The powers of committees of management include, but are not limited to:

- Managing, improving and controlling land for the purposes for which it is reserved;
- Carrying out works and improvements on Coastal Crown Land;

- Employ people;
- Charging fees for services and the use of land such as camping, boat sheds and boat ramps;
- Granting licenses to enter and use any portion of reserved land (for a period not exceeding three years);
- Undertaking financial transactions and entering into contracts;
- Entering into agreements to operate services and facilities consistent with the purpose of reservation;
- Entering into tenancy agreements with persons to construct buildings and structures.
- Reporting on its finances and other issues as directed by the Department of Environment, Land, Water and Planning (DELWP).

## MANAGEMENT COMMITTEES

Management Committees vary from Committees of Management primarily in the method by which they are established and appointed. Therefore the extent and types of powers and responsibilities can vary. Management Committees are typically incorporated bodies comprising invited or self nominated representatives. As an incorporated body they can determine their own charter and membership and can operate independently of any government organisation. Management Committees can be appointed as Committees of Management for Crown Land. Two examples are discussed below.

### MERRI CREEK

Merri Creek Management Committee Inc. (MCMC) is an environmental coordination and management agency formed in 1989 to achieve a shared vision for the waterway corridors of the Merri catchment. Its members include all municipalities in the catchment: Darebin, Hume, Moreland, Whittlesea, Yarra and Mitchell, plus the Friends of Merri Creek and new member (as of 2006), the Friends of Wallan Creek. Representatives of these member groups form the Committee of Management that guides MCMC's activities.

MCMC's primary aim is to ensure the preservation of natural and cultural heritage, and the ecologically sensitive restoration, development and maintenance of the Merri Creek and tributaries, their corridors and associated ecological communities. It employs specialist and dedicated staff and its programs are funded by Council members, by state and federal grant programs, by competitively won tenders, by grants from philanthropic organisations and through sponsorship.

### DAREBIN CREEK

The DCMC was formed in 2001 by amalgamating the Darebin Creek Co-ordinating Committee (est.1984) and the Darebin Parklands Committee of Management (est.1978). The DCMC consists of 11 members who represent the four city councils, Banyule, Darebin, Whittlesea, Yarra and La Trobe University. The Committee employs approximately 5 staff in two divisions. The Parklands division manage, maintain, educate and revegetate the Darebin Parklands, while the Co-ordination



division plan, advice, liaise, and comment on a range of issues that affect the creek and its linear parklands.

The Committee has been established to ensure the preservation, restoration, environmental protection, and ecologically sensitive development and maintenance of the Darebin Creek Linear Park. As a result the Committee works closely with councils on planning issues, bush crew works, creek maintenance, revegetation and related issues.

The Darebin Creek Management Committee Inc. has the authority to undertake the following tasks:

- Manage Creek Parklands to ensure environmentally sensitive maintenance and development, established regenerated indigenous vegetation, restore the landscape on public land along the Creek valley (while recognising the historic significance of designated individual exotic plants)
- Comment on land use planning issues along the Darebin Creek, and Implement the Lower and Middle Darebin Creek Concept Plans
- Raise funds from member body contributions, grants, donations, membership fees and other resources
- Encourage community involvement, work with existing and future community groups, and educate the community about environmental issues
- Co-operate with the community, and local, state and federal Government Authorities in protecting and enhancing the Darebin Creek Linear Park

Darebin Creek Management Committee is an incorporated association and is governed by a Statement of Purposes and a Constitution.

## **PATTERSON RIVER**

Parks Victoria is the Committee of Management for the recreational use of Patterson River. Parks Victoria undertakes regular dredging of Patterson River to ensure safe boating access to and from Patterson River.

Melbourne Water has responsibilities of management for Patterson River with respect to water quality, drainage and flooding. Patterson River provides for the drainage of the Dandenong Creek Catchment. Large amounts of catchment water drain into Port Phillip via these watercourses. MW is responsible for maintaining the levy banks of the Patterson River, the erosion of the north bank and dredging north of Wells Road. The Crown land along the banks of the Patterson River is vested in Melbourne Water for drainage use.

## **MORDIALLOC CREEK**

Parks Victoria is the Committee of Management for the mouth of the Mordialloc Creek, including the Mordialloc Pier.

Melbourne Water has responsibilities of management for Mordialloc Creek with respect to water quality, drainage and flooding. Mordialloc Creek provides for the drainage of the Dandenong Creek Catchment. Large amounts of catchment water drain into Port Phillip via these watercourses. MW is responsible for dredging and

bank maintenance in Mordialloc Creek from a water quality and drainage perspective and also the maintenance of litter traps in Mordialloc Creek.

### **VLG ACT COMMITTEE UNDER SECTION 86**

Under section 86 of the Victorian Local Government Act (1989) a Council may establish a Committee of Management to 'act on the behalf of Council' for a range of purposes. This would be regarded as an extension of the Council and therefore is governed by the same requirements and legislation as the Council, including those obligations set out in the Local Government Act (1989), the Occupational Health and Safety Act (2004). Councils generally convene a section 86 committee under this Act to develop and manage selected community facilities and resources; this can include both land owned by Council as well as land owned by the Crown where Council is the managing authority.

The membership of a section 86 committee is detailed in a Deed of Delegation and appointments are generally made for a three year term. Council can remove a member from a committee at any time

A section 86 committee has the power to:

- manage, improve, maintain and control the land and facility
- carry out works and improvements on the land/facility with the consent of Council
- set regulations for the management, care and protection of the land, giving the committee the power to exercise control over the use of the reserve and the ability to enforce compliance with them
- enforce Council policies or regulations.

Section 86 in conjunction with Section 3(1) of the Local Government Act provides for appointment of an advisory committee to provide advice to Council.

