

Sent: via eMail < water@esc.vic.gov.au >

Date: Saturday, April 30, 2011 / PES/AN/NR/YT/TE/dsh

To: Essential Services Commission Victoria
35 Spring Street, 2nd Floor, Melbourne Vic, AUS 3000

Attn: The Director

Re: Quiet Lakes Patterson Lakes Precept Issues, Melbourne Waters Proposal Water Price Review/Increase for Precept Rate for 2011/12

- [Requests for considerations – your Notice in the Frankston Weekly 5 April 2011, Page 15](#)
- [Melbourne Water proposal; The Price Review of 11 Sections & 21 Pages \(Submission closing date before Wednesday, 4th March 2011\)](#)

ACC: Undisclosed Patterson Lakes Residents/KCC Ratepayers; PLQLOR (Lake Resident Association, Anthony Moffatt, President); PLAC (Patterson Lakes Advisory Committee), Lake Legana Representative. Rolf Daniel; Victoria State Member for Carrum, Donna Bauer MLA; + interested parties.

Dear Director,

In reference to the various attached files obtained on requests /we, as an interest/focus group of Lake Legana, Patterson Lakes Vic 3197, known as the Patterson Lakes/Kingston Council Ratepayers or the 'Positive Group' and the Essential Services Commission (ESC) seeking public comments/input on the above referred proposal, we call to action for the here after briefly raised issues to be addressed/reviewed i.e. in the spirit of the Aussie 'FAIR-GO' for Quiet Lakes/Water-Front Residents in the interests of the wider community at large and Patterson Lakes as a thriving place to be.

A. General Issue of Concerns:

Is it our understanding Vic ESC is involved in this '*Precept Rate* Review', is this necessary when **Melbourne Water** (MW) intends to charge us more than the Standard CPI increase to which MW are entitled to charge? And, MW can charge Waterfront Residents 2xCPI, if there is a need for greater charges to recover costs MW must seek the ESC approval and in turn MW must account for relevant capital expenditures, etc. Yet, MW does not seek approval from its *Precept Rate* payers to have capital expenditures what they, (MW) are projecting for 2012 has not been reached on any consultations and/or on consensus with the Water Front Residents. It appears to us these decisions are made by some unidentified individuals and not by the Quiet Lake community, nor does PLAC (MW's Patterson Lakes Adviorsy Committee) consult with its Residents and Stakeholders, it is supposed to represent!!

Surely, it is more than ironic, indeed very concerning, that MW wants more & more funding from Quiet Lake Residents, increasing our *Precept Rate* to maintain our Quite Lakes, but not RETURNING THEM TO THEIR ORIGINAL DESIGNS & FUNCTION i.e. Swimmable, to which we believe we are rightfully entitled to ! Yet,

- **'THE PATTERSON LAKES – QUIET LAKES' WATER QUALITY DISASTER'** - prevails.

Indeed keeps getting worse, so much so, that Lake Legana's water started to smell again during the past few days and that we have been facing this BGA/HAB's(Harmful Algal Bloom's) contaminated water quality issues for the 13th year !! - and, this with nasty lasting, costly public health consequences. Not only for water front residents, but for the wider community, i.e. in windy conditions when HAB's get airborne. Please check out for your self latest INTERNATIONAL SCIENTIFIC RESEARCH on HAB's.

Surely MW's overhead component on our Quiet Lake Maintenance must be phenomenally and out of proportion, unacceptably high?! OBSERVABLE WORK is minimal and cannot justify these

unreasonable charges. And, this does nothing at all for our swimmable water quality, also not the massive amount of water testing that is being done, when 'Blind Freddie' can see what rotten water quality we have been having and must expect, when the Lakes' System is not operated as a fully circulatory flow through system all to its design concept and intent. No amount of water testing will fix the problems without the appropriate action required.

What is required is water flow and circulation, a flow through approach, to raising the lakes water table to its design level, in order that it can function as designed to maintain the water quality as defined in the planning permit!! And, a further issue is, how many times do we really pay GST, with all these sub-contactors, likely each to charge their GST. Clarification on this is required.

In addition MW states that they operate the Quiet Lake Amenities like a body corporate, so please show us and treat us as stake holders of this very body corporate and consult with us and provide full transparency where the funds are going and what the percentage of overheads are and above all why MW is not able to deliver the water quality as defined in the planning permit.

B. Patterson Lakes Essential Flood Prevention Infrastructure/ EFPI – for Patterson Lakes & part of Carrum.

We believe in accordance to 'THE PATTERSON LAKES PROJECT' development approval/planning permit, please provide a copy there of, to clearly establish and confirm that very defined precise flood preventions infrastructure zone, the area it covers, particularly to what areas of CARRUM are in this EFPI-zone, the Quiet Lake System, which forms the very, essential flood prevention infrastructure, without which no approval/planning permit was given to develop the Patterson Lakes Township.

Our Question is: why, and is it not inequitable that Quiet Lake Residents have been funding to maintain this vitally important, essential flood prevent infrastructure, all on their own, for the benefit of all Patterson Lakes and part of Carrum without other, Patterson Lakes/Carrum residents, not living on the water front contributing to their flood protection??

Requests:

1. We kindly request that this very issue and anomaly be addressed in a detailed review, to see and know how this is being dealt with and resolved. We believe in the utmost interest of the wider Patterson Lakes/Carrum Community at large that this EFPI is at all times ready to deal with flood issues hence must be well maintained. And in respect & total fairness to the Quiet Lake Residents; that, those water front residents and/or those with access to the water, who have been paying a ***Precept Rate*** for all these many years (37) to protect the total community. You owe this to the water front community i.e. for the benefit of the total community now we make the call to actions that all residents in this flood prevention zones, protected by the Quiet Lake System, make at last a contribution i.e. also all those who live in Patterson Lakes/Carrum.*

* **Again, the issue is: The Quiet Lake System (and likely the Tidal Water Ways (TWW) System, the latter, which we never could totally research as confirmed) is Patterson Lakes & Part of Carrum's Essential Flood Prevention Infrastructure (EFPI) Without this essential infrastructure in place and functioning, **NO** planning permit would be granted for the Patterson Lakes Town Ship i.e. THE PATTERSON LAKES PROJECT.**

For some 35+ years Quiet Lake Waterfront Residents (and if applicable TWW waterfront residents) paid the precept rate to maintain this very essential flood prevention infrastructure i.e. please note; for all Patterson Lakes & Part of Carrum when all households in Patterson Lakes and the part of Carrum in that very flood protection zone, should make a financial contribution & pay their fair share to this EFPI, that protects **ALL of Patterson Lakes and part of Carrum, and this on a 'user pay approach' - hence pay also a part Precept Rate. Say for e.g. \$100.00 per billing period, or what ever is considered approved by ESC, and thus reduce Lakes water front residents Precept Rate somewhat to compensate them for the costs of the past and for all future times. How can it ever come that we, Water-front residents should foot all these costs alone, when it, the EFPI is for the total community of Patterson Lakes & part of Carrum? This is totally unfair and not equitable.**

2. Determination: In order to proceed & make that case and deliver success to make it fair and equitable, please have the State Government table the **Patterson Lakes Development Approval/ Planning Permit for 'THE PATTERSON LAKES PROJECT'** (1973), because this is absolutely relevant to make this determination, which we believe will confirm the flood infrastructure issues and identify its zone, hence all in that zone must share these costs.

Request: Kindly please provide us with a copy of the mentioned **Patterson Lakes Development Approval/Planning Permit for 'THE PATTERSON LAKES PROJECT'**, and all its associated documents, conditions, requirements, etc. pertaining to this town planning efforts, to create this unique, ECO Water Recreational Quiet Lakes/Tidal Water Way Suburb.

3. Melbourne Water's information states that the *Precept Rate* will continue to rise for years and the amount of increase and the numbers of years are not known, which is most concerning. Can you please confirm what is MW's legal authority to allow MW to assume such a responsibility??
4. MW services cover for maintenance and up-keep includes renewal of assets[1] and this without any consultation with the community. Is this legal when maintenance [2a & 2b] of an asset does not include renewal of same?? Therefore do we *Precept Rate* Payers not have a right to be included in these issues in a consultation process, and reach consensus on all these matters and who all have to pay for it, as an 'essential flood protection infrastructure, **ALL** in Patterson Lakes and Part of Carrum benefit directly from the flood protection system, which cost should not be just offloaded to Water Front Residents.
5. **User-Pay approach**, the usage of the Quiet Lakes and Tidal Water Ways waters and its associated maintenance, kindly please note, these have nothing to do at all with the property values. Such a basis is out-dated, not equigalliterian, not fair, not democratic hence absolutely not appropriate and must be changed to a user-pay approach!! Surely this must be appreciated for all the obvious reasons.

[1] Replacement. Yet part of the Lakes' System essential operational infrastructure has been decommissioned and/or abandoned to the very detriment of our Quiet Lake System [the Seawater Pipeline (decommissioned in 1982) and Overflow Pipeline from Lake Illawong and Carramar to Ibis Court, (date of abandoning not known) all discovered by us in December 1999] and this was carried out all without any consultation with the unsuspecting Quiet Lake Residents, the Stakeholders.

Question: Why should we Quiet Lake Residents potentially pay for such infrastructure replacements, when we are rightfully entitled that the Quiet Lake System is maintained/asset managed [2a & 2b] to ensure all system remains fully and totally operational to its design concept and its intent all in line with its planning permit? MW must restore the Lake System at NO COST to Lake Residents to its original design concept, which delivered the essential swimmable water quality!! Asset Management is to protect the asset and maintain and add value and not destroy it.

[2a] The Definition of Maintenance (source World Dictionary) is:- "**care or upkeep, as of machinery or Property Land Asset**".

[2b] The Definition of Asset Management (source World Dictionary) is:- "**A professional management company that offers financial, administrative, and maintenance related management. Maintains the Asset and adds value ... Asset Property Management, Inc. The Key to Professional Community Association Management!**"

Or another definition for asset management:- **What is Asset Management?** "Asset management is defined as a comprehensive and structured approach to the long term management of assets as tools for the efficient and effective delivery of community benefits. The emphasis is on the assets being a means to an end, not an end in themselves." (Austroads 1997 Strategy for Improving asset management practice). **The World Road Association (PIARC) has adopted an OECD definition of asset management, which in turn was derived from a FHWA definition, viz:- "A systematic process of effectively maintaining, upgrading and operating assets, combining engineering principles with sound business practice and economic rationale, and providing the tools to facilitate a more organised and flexible approach to making decisions necessary to achieve the public's expectations."**

[3] IMPORTANT SPECIAL CONSIDERATIONS which must be addressed.

- [3a] The majority of Lake Legana Residents* did **NOT** receive from MW, their, in the News Letter dated 4th April 2011 referred to, mentioned Precept Proposal, neither did they realise that they had to request it. The undersigned requested it on receipt of the News letter (7th April 2011- 3:02PM), please see attachment #2 below. Please Note; we do not receive the [Frankston Weekly](#) Paper in our area!! Please see attachment #4.
- [3b] The majority of Lake Legana Residents* do not fully understand MW's proposal, its implications and consequences. In honest reality, ordinary people not used to dealing in such matters, are simply not meant to deal with such a 21 page report, without prior consultation with the Stakeholders, let alone expect to making a submission!
- * (It is believed this goes as well for the majority of the Quiet Lake/Tidal Water Way Community)
- [3c] Our Lake MW PLAC (Patterson Lakes Advisory Committee) Representatives did not liaise with the Lake Community on this very issue. Questions could not be answered for reasons that these members, could not obtain explanations from MW themselves.
- [3d] Under fair and reasonable considerations of [3a, b, c] and this by any standards, i.e. with total respect to the complexity of these very serious issues and concerns of these matters (should Lake Residents comprehend these issues apart from not having received the relevant information) the period given to [Precept Rate Payers](#), at best from the 4th of April to before the 4th of May 2011, to seek any community comments/input is just too very short and not in line with fair and proper community consultations!

Important, please note:-

Under the advisement from the Hon Alan J Hunt, the former Minister for Planning and Local Government (in the Hamer Vic State Government) under whom THE PATTERSON LAKES PROJECT has been executed, a visionary plan converted to reality, the Quiet Lake System must be restored at **NO COSTS** to Lake Residents as this is a failure, a dereliction of MW's fiduciary duties. And, MW, Kingston City Council, the former and the Vic State Government of the day, have been in detail informed on this matter i.e. by the Hon. Alan J. Hunt himself.

We would appreciate your prompt attention & consideration in these important matters and we look forward to your reply in detail addressing these issues.

Please advise should you require further information as we await your prompt replay. Yours, in anticipation.

Please confirm receipt of the attachments. Thank you.

Regards for and on behalf of the Lake Residents/KCC Ratepayers

peter e

P.E. STECK, 40 LEGANA COURT, LAKE LEGANA, PATTERSON LAKES AUS 3197, CITY OF KINSTON – MELBOURNE – VICTORIA - AUSTRALIA

Enclosures:- mentioned

1. MW's Notice, dated 4th April 2011 (please see separate pdf attachment)
2. My eMail of 7 April 2011 to MW requesting not enclosed Price Review Report (Not dated and NOT signed. (please see below)
3. MW's Proposal, 21 Pages, dated (not dated and not signed) (please see separate pdf attachment)
4. ESC's Notice/Advertisement in the Frankston Paper of 5th April 2011. (please see separate pdf attachment)

New links:-

www.esc.vic.gov.au

<http://plac.mwcstaging.com/>

http://www.melbournewater.com.au/content/about_us/our_customers_and_services/services_offered_to_patterson_lakes_customers/water_quality_monitoring_at_the_quiet_lakes.asp?bhcp=1&bhhash=1#ecoli

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*we do not yet have in Australia

[Attachment #1](#) MW's Notice, dated 4th April 2011 }
[Attachment #3](#) MW's Proposal, 21 Pages, dated (not dated & not signed) } - please see separate attachments to this eMail dispatch
[Attachment #4](#) ESC's advmt. in the Frankston News Paper of 5th April 2011 }

[Attachment #2](#) My eMail of 7th April 2011 to MW, please see below

From: E Pierre Steck; **Sent:** Thursday, 7 April 2011 3:02 PM; **To:** Timothy Seipolt, **Importance:** High
Cc: ROLF DANIEL - PLAC/MW ADVISORY COMMITTEE - LAKE LEGANA RESIDENT REPRESENTATIVE
Subject: QUIET LAKES - ANNUAL PRECEPT RATE REVIEW FOR 2011/12 your letter 4th April 2011- Rcvd 7th April 2011

To: MELBOURNE WATER CORPORATION

Attn: **TIM SEIPOLT Program Leader - Land Mngt & Precepts Areas** (Tim.seipolt@melbournewater.com.au)

Re: **QUIET LAKES - ANNUAL PRECEPT RATE REVIEW FOR 2011/12 - your letter 4th April 2011 - Rcvd 7th April 2011**

Dear Mr. Tim Seipolt,

I confirm with thanks today's receipt of your above referred letter re subject matter. Please be informed, that the by you referred -

-*"enclosed a summary of the 2011/12 annual precept rate proposal"*...

- this 'rate proposal' is not enclosed and I would appreciate to receive this by return mail. Thank you.

In addition you state in you letter:- Qt

-*"We will be consulting further with the Quiet Lakes community input in this determinations."*... eoQ.

However, your 'further' would it not imply that you have consulted with us, the Quiet Lake community, already?? But, certainly not with the undersigned and, not with other Lake Legana Residents, as this is new to me/us. We first got to know about your review by receipt of the above referred letter received today.

Kindly please extend us, stake holders, the courtesy by means of an elaborated explanation, because there are other considerations in regard to the **Quiet Lake System** which is **Patterson Lakes' Essential Flood Prevention Infrastructure** protecting all of Patterson Lakes and part of Carrum and I/we would like to see IF these considerations, long overdue, have now been successfully addressed by Melbourne Water and integrated into the precept model

I look forward to hear from you soon.

Regards

peter e
