

13th February 2017

The Essential Services Commission
Via Email: water@esc.vic.gov.au

Dear Commission,

RE: DRAFT WATER PLAN DECISION AS IT RELATES TO PATTERSON LAKES

I am writing in response to Melbourne Water's recent response to the Essential Services Commission's Price Submission, particularly in regard to the ongoing management and enjoyment of the Patterson Lakes Waterways and Lakes and the proposed tariff for the running of the bore to manage water quality at the Quiet Lakes.

Use of the bore to provide flow for flushing the lakes is original, existing, practical, reasonable, inexpensive and essential in achieving the goal of maintaining **secondary** contact water quality, including safe levels of Blue Green Algae.

I believe that Melbourne Water is responsible for managing and maintaining healthy water in the lakes and that the cost, through the requested tariff of \$156pa, should not be imposed on our Quiet Lakes residents.

In short, Melbourne Water is responsible for maintaining the quality of water in the Quiet Lakes to secondary contact standards. Melbourne Water should incur the cost of running the bore, as it is a proven method for managing blue green algae and maintaining healthy water to secondary contact standards.

To give context to my position:

An Independent Review was completed in 2013 to determine the roles and responsibilities for the management of the Patterson Lakes (inclusive of the Quiet Lakes). Kingston Council at its 22 September 2014 Ordinary Council Meeting resolved to accept in principle the recommendations of the Patterson Lakes Independent Review.

I encourage you to read the Independent Review document, along with Melbourne Water's responses to the tasks provided to them which is available at the Melbourne Water website.

As a councillor for The City of Kingston for the last 4 years I have had the privilege to attend a number of the Independent Review Steering Committee meetings. Kingston City Council has been and continues to be an active member of the Independent Review Steering Committee working together with Melbourne Water, Parks Victoria and the resident's representatives in a collaborative sense to develop a manage plan for the ongoing management and enjoyment of the Patterson Lakes Waterways and Lakes.

I believe that the Essential Services should reject Melbourne Water's claims for imposing a tariff on the basis that:

1. The beneficiaries of secondary contact water quality, including the management of safe levels of Blue Green Algae are those that live there, use them and those downstream including not only humans but flora and fauna. This is consistent with the findings of the Independent Review - Sections 5.3 page 64 & 5.5 page 74.
2. The goal of maintaining secondary contact water quality as the minimum standard includes the management of safe levels of Blue Green Algae. This is consistent with the Independent Review's Recommendations 2 & 3 and as clearly expressed by the Independent Review on page 71.
3. Melbourne Water is financially responsible to ensure flow is guaranteed through Lake Carramar. This is consistent with the Independent Review's Recommendations 4 & 6.
4. Design Flow has determined from the recent 3-year bore trial that 1.5ML/day of bore water is required to manage safe levels of Blue Green Algae over the warmer months between October and March inclusive. This is consistent with Independent Review's Recommendation 5.
5. Melbourne Water is financially responsible for running the bore to manage safe levels of Blue Green Algae in fulfilling its requirement to manage and operate the system of water flows funded by the MMWDC. This is consistent with the Independent Review's Recommendation 6
6. The bore is part of the original infrastructure installed by the developer in 1974 to provide water flows to manage water quality along with an extraction licence of 730ML to operate the system as originally engineered up to 365 day per year. In no way can the use of the bore to manage safe levels of Blue Green Algae to protect

waterway and public health be considered an 'additional service' or 'new capital project'. This is inconsistent with the Independent Review's Recommendations 9 & 15.

7. Melbourne Water currently operates "a pump 24 hours a day to provide flows of water to help minimize retention periods in the Tidal Waterways, and also to maintain environmental flows in the Kananook Creek" (Section 6.1 page 79). This activity is consistent with the Independent Review's Recommendation 6.
Further, as stated in Melbourne Water's "Kananook Creek Corridor Management Plan" (July 2009, 2.6.1 page 18) "*However the water quality was poor due to high nutrient levels and the high algal count. In response to the need for reliable flushing flows, the Dandenong Valley Authority commissioned the Kananook Creek Pump Station in 1982 and the Station commenced pumping in February 1984*". This is consistent with the findings of the Independent Reviews Recommendation 6.
8. The use of the bore as determined at the completion of the recent 3-year trial is essential in maintaining secondary contact water quality including safe levels of Blue Green Algae. This activity is consistent with the Independent Review's Recommendations 3, 5 & the discussion on page 71.
9. The 2008 NHMRC Guidelines state the guideline values for achieving safe levels of Blue Green Algae in 'Recreational Water' on pages 7 & 91.
'Recreational Water' includes Primary Contact, Secondary Contact and No Contact water quality as defined on page 16 of the 2008 NHMRC Guidelines. This is consistent with the Independent Review's Recommendations 2, 3 and the discussion piece on page 71.
10. The Department of Environment Land, Water and Planning – DELWP (formally, The Department of Environment and Primary Industries – DEPI) wrote to Melbourne Water on the 04/09/13 cautioning the Authority to manage public health and water quality giving specific reference to secondary contact criteria and Blue Green Algae as outlined in their circular.
The Blue Green Algae Circular states:
 - Overview – BGA Bloom, often making 'recreational water' unappealing and possibly unsafe for activities such as boating and fishing (secondary contact activities)
 - BGA Coordination Framework - the requirement to investigate

likely causes and identify actions to take to minimise future occurrences.

- Waterways Included – waterways that discharge into publically accessible water bodies.

In relation to the Quiet Lakes

- The likely causes and actions to take are detailed in the Design Flow WQMP on pages 7 & 32
- the publically accessible water bodies are Eel Race Creek, The RAMSAR Registered Seaford Wetlands, Kananook Creek, Patterson River and Port Philip Bay.

This is consistent with the findings of the Independent Review's Recommendations 2, 3, 4, 5 & 6 in conjunction with the discussions under Sections 5.3 page 64 & 5.5 page 74

11. Unfortunately Melbourne Water have provide misleading information to The Hon. Lisa Neville, which appears to have contributed to her decision not to support the use of the bore to manage safe levels of Blue Green Algae. The misleading information provided by Melbourne Water was that:
 - the original purpose of the bore being for topping up,
 - additional use of the bore pumps to be funding by the primary beneficiaries
 - that the use of the bore is considered an additional serviceALL three points, crucial in the Minister's decision making process, are clearly inconsistent with the findings of the Independent Review.
12. Melbourne Water's Community Bulletin 'Your opportunity to vote on bore flushing is coming' forced residents into a compromising position to agree to pay to protect their own health against the hazards of Blue Green Algae or suffer the consequence, whilst ignoring the benefit to those downstream including not only human but flora and fauna species.
13. There is no reference contained anywhere in the Independent Review that states Melbourne Water is not financially responsible for operating the bore to manage safe levels of Blue Green Algae.
14. Essential services Commission should apply the same logic that the Commission applied in March 2016 in its rejection of Melbourne Water's claim that the Marina at Patterson Lakes is the sole beneficiary of the tidal gates.

Melbourne Water's proposal to impose a tariff to operate, manage and fund the use of the bore is essentially proposing to charge the residents twice. Once, under the MMWDC in meeting Melbourne Water's obligation to implement the recommendations of the Independent Review and meeting its charter to protect waterway and public health from hazards such as Blue Green Algae. Then, a second time via a special tariff to achieve the goal of maintaining secondary contact water quality including safe levels of Blue Green Algae.

Consistent with the findings of the Independent Review, I request that the Essential Services Commission rejects Melbourne Water's proposal to impose a special tariff on the Quiet Lakes residents for the use of the bore to manage safe levels of Blue Green Algae to protect the Health of the Quiet Lakes and those downstream, including not only human but flora and fauna species.

Consistent with Essential Services Commission's response to Melbourne Water's October 2015 submission in regards to management of Jetties in the tidal waterways, I respectfully request that the Essential Services Commission instruct Melbourne Water to:

1. Re-instate weekly Blue Green Algae testing as the 'normal service' submitted by Melbourne Water (13/01/2014) and Approved by the Essential Services Commission (16/05/14) as "*a service considered to have a regional and community benefit*". This is consistent with the findings of the Independent Review's section 5.3 page 68
2. Conduct sand retrieval and water weed control to manage their asset as activities that Parks Victoria has decided it is unwilling to take over as this does not fall within its charter. This is consistent with the outcome as decided by Parks Victoria in relation to Jetty management accountabilities, that Melbourne Water agreed to manage.

Thank you for considering my position on this matter. The views I express are my own.

Regards,



Cr Tamsin Bearsley