



REGISTERED POST - AP ARTICLE Id: 512982453014

Wednesday, 2nd May 2012 /PES/TY/AR/tbh(G2)

Page 1 of 1
plus 4 pages attachment, total 5 pages

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

Attn: Mr. Andrew Chow, Director

Re: PATTERSON LAKES - QUIET LAKES PRECEPT ISSUES/ESC DETERMINATION 2012

- MW PRECEPT RATE REVIEW- OUR ISSUES OF CONCERN
- your Mr. M Donoghue eM: Sent: Tuesday, May 01, 2012 4:40 PM

Dear Director Andrew Chow,

We refer to subject matter and below communications with Mr. Matthew Donoghue in regard to our submission, dated 20 April 2012, eMailed to you < Sent: Monday, April 30, 2012 2:54 PM > and on Mr. Donoghue's request again forwarded it to you by eM < Sent: Tuesday, May 01, 2012 1:14 PM > because your office cannot open our submission consisting of two standard pdf format attachments. We herewith as per your office request < Sent: Tuesday, May 01, 2012 4:40 PM > have posted post to you hard copies of our submission, as follows.-

- 1x ESSENTIAL SERVICES COMMISSION VIC-A CHOW DIR- MW PRECEPT RATE REVIEW-ESC DETERMINATION 2012 -OUR ISSUES OF CONCERN - 20APRIL2012(G7b.pdf - 5 PAGES + 6 ATTACHMENTS - TOTAL 11 Pages + 1, 2 Pages
- 1x BARRY P ARNOLD - SEPT, OCT+ NOV 2005-MW ROB SKINNER 18 OCT 05 + G JENNINGS JUNE 2010-Rcvd 06 APRIL 2012(G2).pdf - 9 Pages

We sincerely trust that the issues addressed by us, Lake Legana Residents/Kingston Council Rate-Payers & Precept Rate Payers, will give you a comprehensive/clear picture of our plight on the Quiet Lakes, hence we urge you to assess/consider this huge impost on our Community/Rate-Payers & Precept-Rate Payers.

We truly believe that you will make a fair judgment as your important decision will have a huge impact on our Lifestyle and Quality of Life which we are rightfully entitled to and our financial well-being for the next 10 years.

Kindly please confirm receipt of this correspondence. Thank you.

Best Regards

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


P E STECK

From: E Pierre STECK; **Sent:** Wednesday, May 02, 2012 10:20 AM
To: Matthew.Donoghue@esc.vic.gov.au; water@esc.vic.gov.au; **Cc:** dean.wickenton@esc.vic.gov.au
Subject: ESC VIC-A CHOW DIR- MW PRECEPT RATE REVIEW- ESC DETERMINATION 2012 // RESENT AS REQUESTED
- Your eM Sent: Tue, May 01, 2012 11:32 AM & Sent: Tuesday, May 01, 2012 4:40 PM & Sent: Wednesday, May 02, 2012 9:50 AM

BCc: To Interested Parties

Attn: Matthew Donoghue | Essential Services Commission | Water Division

Dear Matt, good morning,

RE: ESC report not able to open sent pdf attachments (two off)/ your request for a hard copy by Post

Thank you for your message < Sent: Wednesday, May 02, 2012 9:50 AM >. Yes, this is indeed unbelievable i.e. for all of us, because F.y.i.o. - all BCc Recipients/Interested Parties confirmed, that they have NO such problems you are having with our submission, i.e. not being able to open our pdf attachments, hence this must be a problem at your receiving end.

You can expect receiving our submission in the post, by registered mail – and we sincerely hope this mail will get to you. Surely, you can appreciate this is rather inconvenient. We do this sort of work in our spare time.

Kind Regards and have a pleasant, productive day.

peter e

From: Matthew.Donoghue@esc.vic.gov.au On Behalf Of water@esc.vic.gov.au; **Sent:** Wednesday, May 02, 2012 9:50 AM
To: E Pierre STECK; **Cc:** dean.wickenton@esc.vic.gov.au; water@esc.vic.gov.au
Subject: ESC VIC-A CHOW DIR- MW PRECEPT RATE REVIEW- ESC DETERMINATION 2012- please see two pdf attachments // RESENT AS REQUESTED - - Your eM Sent: Tue, May 01, 2012 11:32 AM & Sent: Tuesday, May 01, 2012 4:40 PM

Hi Peter

Thank you for your understanding.

You're right. It is quite a unique problem - well, its the first time I've come across it anyway.

Our address is "Level 2, 35 Spring Street, Melbourne 3000".

Regards

Matt

Matthew Donoghue | Essential Services Commission | Water Division

T: 03 9651 0221 | F: 03 9651 3688 | Level 2, 35 Spring Street, Melbourne 3000 | E: matthew.donoghue@esc.vic.gov.au

From: E Pierre STECK; **Sent:** Tuesday, May 01, 2012 11:58 PM **Importance:** High
To: Matthew.Donoghue@esc.vic.gov.au ; **Cc:** water@esc.vic.gov.au ; dean.wickenton@esc.vic.gov.au
Subject: ESC VIC-A CHOW DIR- MW PRECEPT RATE REVIEW- ESC DETERMINATION 2012-
 please see two pdf attachments // RESENT AS REQUESTED
 - Your eM Sent: Tue, May 01, 2012 11:32 AM & Sent: Tuesday, May 01, 2012 4:40 PM

Attn: Matthew Donoghue | Essential Services Commission | Water Division

Dear Matt,

RE: ESC report not able to open sent pdf attachments (two off)

I confirm receipt of your eM < Sent: Tuesday, May 01, 2012 4:40 PM; > in regard to this most unique problem you, the ESC face i.e. with not being able to open the attached pdf documents sent to you. The pdf attachments are by ADOBE ACTROBAT PROFESSIONAL 7.0 and Rich Text Format within these documents play not role in regard to opening such pdf documents, which if desired also can include photographic material i.e. the content of the documents is not relevant to the not being able to open these pdf documents. For your information, the undersigned communicates extensively with Governments/Institutions, Corporate environments, etc. in the globe arena inclusive AUS Fed. Government and AUS State Governments and never ever faced this problem, that pdf documents dispatched by the sender cannot be opened. Further all my communications are HTML.

Kindly please provide us with your postal address, PO Box and we shall forward to you a hard copy by post within the next days. Thank you.

PS.

Please Note; F.Y.I. The following three communications listed here after, to The ESC <water@esc.vic.gov.au> of last year i.e. 2011 with multiple pdf attachments (same type of attachments) were confirmed as received by the ESC. The present communications of this week are not any different and conform to international communications/format standards.

1. Snet: 5/2/2011 8:54AM
2. Sent: 11/8/2011 11:01PM
3. Sent: 12/6/2011 7:01PM

Kind Regards

peter e

From: Matthew.Donoghue@esc.vic.gov.au [mailto:Matthew.Donoghue@esc.vic.gov.au] On Behalf Of water@esc.vic.gov.au;
Sent: Tuesday, May 01, 2012 4:40 PM; **To:** E Pierre STECK; **Cc:** dean.wickenton@esc.vic.gov.au ; water@esc.vic.gov.au
Subject: ESC VIC-A CHOW DIR- MW PRECEPT RATE REVIEW- ESC DETERMINATION 2012-OUR ISSUES OF CONCERN
 - please see two pdf attachments // RESENT AS REQUESTED
 - Your eM Sent: Tue, May 01, 2012 11:32 AM

Hi again Peter

Unfortunately we still cannot access your attachments.

I checked the issue your email with our IT staff, he told me that "we can't open it because it was sent from Outlook. Outlook sends files in ".dat" format to preserve the .RTF formatting. See here:
<http://support.microsoft.com/kb/278061> "

He suggested that we request your submission in plain text or HTML. Another alternative would be for you to send us a hardcopy by post.

We hope one of these options works for you.

Regards,
 Matt

From: E Pierre STECK; Sent: Tuesday, May 01, 2012 1:14 PM; Importance: High
To: water@esc.vic.gov.au ; Matthew.Donoghue@esc.vic.gov.au ; dean.wickenton@esc.vic.gov.au
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OUR ISSUES OF CONCERN - please see two pdf attachments // RESENT AS REQUESTED
- Your eM Sent: Tue, May 01, 2012 11:32 AM

RESENT AGAIN DUE TO NOT RECEIVING ATTACHMENTS

Gentlemen, very good afternoon to you,

Re: Your reported failure to receive the two attachments, as per your eM < Sent: Tuesday, May 01, 2012 11:32 AM >

Thank you for your above referred message and, as requested by you, again resend below eMail < Sent: Monday, April 30, 2012 2:54 PM > with the referred two attachments as requested.

I sincerely hope that these will now be received by you.

Kindly please confirm successful receipt of the mentioned two attachments. Thank you.

Kind Regards and have a pleasant productive afternoon.

peter e

From: Matthew.Donoghue@esc.vic.gov.au [mailto:Matthew.Donoghue@esc.vic.gov.au] On Behalf Of water@esc.vic.gov.au;
Sent: Tuesday, May 01, 2012 11:32 AM
To: E Pierre STECK; Cc: dean.wickenton@esc.vic.gov.au ; water@esc.vic.gov.au
Subject: ESSENTIAL SERVICES COMMISSION VIC-A CHOW DIR - MW PRECEPT RATE REVIEW-
ESC DETERMINATION 2012-OUR ISSUES OF CONCERN please see two pdf attachments

Good morning Peter

Thank you for your email.

Unfortunately we did not receive the attachments you mentioned - can you please resend the email.

Regards,
Matt

Matthew Donoghue | Essential Services Commission | Water Division

T: 03 9651 0221 | F: 03 9651 3688 | Level 2, 35 Spring Street, Melbourne 3000 | E: matthew.donoghue@esc.vic.gov.au

From: E Pierre STECK; Sent: Monday, April 30, 2012 2:54 Importance: High
 To: water@esc.vic.gov.au; Cc dean.wickenton@esc.vic.gov.au
 Subject: ESSENTIAL SERVICES COMMISSION VIC-A CHOW DIR- MW PRECEPT RATE REVIEW- ESC DETERMINATION 2012
 –OUR ISSUES OF CONCERN - please see two pdf attachments

To: **Essential Services Commission Victoria** <water@esc.vic.gov.au>
 35 Spring Street, 2nd Floor, Melbourne Vic, AUS 3000

Attn: **Mr. Andrew Chow, Director** <watere@esc.vic.gov.au>

Cc: **Dean Wickenton, Project Manager, Water** <dean.wickenton@esc.vic.gov.au>

Re: PATTERSON LAKES - QUIET LAKES PRECEPT ISSUES/ESC DETERMINATION 2012.

Melbourne Water Seeking Rate-payers (Lake Residents) feedback on:-

- Precept Rate Structure }
 • Draft Customer Service Charter outline } deadline Tuesday, 25th October 2011

Issues of Concern / Important Notice

QUIET LAKES WATER QUALITY & LACK THEREOF.

- **your eM** : Sent: Friday, December 02, 2011 10:31 AM / TRIM (C/11/31640) &
 Sent: Friday, January 13, 2012 10:47 AM

- **our eM**: Sent: Tue, Dec 06, 2011 7:01 PM and within referred attachments.;

Cc: Undisclosed Patterson Lakes Residents/KCC Rate-Payers & Interested Parties

Date: Monday, 30th April 2012/PES//AR/tbh(G7)

Dear Mr. Andrew Chow,

In reference to subject matter, please find attached our issue of concerns i.e. in response to above referred Quiet Lakes Precept Issues i.e. ESSENTIAL SERVICES COMMISSION OF VICTORIA (ESC) Determination 2012 consisting of the two(2) attached documents in 'pdf' format as follows.

We urge you that this, the issues addressed therein are what we kindly request you, to reassess this huge impost on the Community/Precept Rate Payers, the ESC to look into and trust all is self-explanatory.

- 1x ESSENTIAL SERVICES COMMISSION VIC-A CHOW DIR- MW PRECEPT RATE REVIEW-ESC DETERMINATION 2012—
 OUR ISSUES OF CONCERN - 20APRIL2012(G7).pdf (398KB)
 – 5 PAGES + 6 ATTACHMENTS – TOTAL 11 Pages
- 1x BARRY P ARNOLD - SEPT, OCT+ NOV 2005-MW ROB SKINNER 18 OCT 05 +G JENNINGS JUNE 2010-
 Rcvd 06 APRIL 2012(G2).pdf (329KB) - 9 Pages

Thank you in anticipation for your in-depth, comprehensive considerations.

Kindly please confirm receipt of the mentioned two(2) attachments. Thank you.

Best Regards

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

peter e

P E STECK

Encl:

Mentioned – 2 off.

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To: water@esc.vic.gov.au ; **Cc:** dean.wickenton@esc.vic.gov.au
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MW PRECEPT RATE REVIEW- ESC DETERMINATION 2012 -OUR ISSUES OF CONCERN
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To: **Essential Services Commission Victoria** <water@esc.vic.gov.au >
35 Spring Street, 2nd Floor, Melbourne Vic, AUS 3000

Attn: **Mr. Andrew Chow, Director** <watere@esc.vic.gov.au >

Cc: Dean Wickenton, Project Manager, Water <dean.wickenton@esc.vic.gov.au >

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In reference to subject matter, please find attached our issues of concern i.e. in response to above referred Quiet Lakes Precept Issues i.e. ESSENTIAL SERVICES COMMISSION OF VICTORIA (ESC) Determination 2012 consisting of the two(2) attached documents in 'pdf' format as follows.

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To: **Essential Services Commission Victoria**, <water@esc.vic.gov.au> 35 Spring Street, 2nd Flr, Melbourne Vic, AUS 3000

Attn: **Mr. Andrew Chow, Director** <watere@esc.vic.gov.au >

Cc: Dean Wickenton, Project Manager, Water <dean.wickenton@esc.vic.gov.au >

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Date: Friday, 20th April 012/PES/AR/AN/XS/ITY/NT/YT/tbh(G7b)

Page 1 of 5

Dear Mr. Andrew Chow,

plus 6 attachments- total 11 pages

We refer to subject matter and above referred, previous communications with you and thank you for your last response, eMail <Sent: Friday, January 13, 2012 10:47 AM > with the provided web-link. In view of the great importance of the upcoming June 2012 review, i.e. the Determination by the ESC Vic.

- ...”for Melbourne Water’s *Precept Rate Structure and Draft Customer Service Charter* “.....

and Melbourne Water’s (MW) Price Review, dated 5th April 2012.(total 23 pages) of which a copy was brought to our attention, we herewith for your further assistance are compelled to bring to your attention for your comprehensive in-depth considerations and kindly urge you that this, the hereafter is what we like you, the ESC to look into.

In confidence, please find separately attached, in - ‘pdf’- format, 9 pages, as referred to here after, important communications from 2005 to 2010 between Mr. Barry Arnold and Mr. George Jennings and Mr. Rob Skinner, Managing Director of MW which clearly demonstrate the plight we face with MW (also with KCC) and their unwillingness and lack of goodwill to do the right thing by us, Precept Rate-Payers/Stake-holders. For your information during 2010 Mr. Arnold went to see, in person, Mr. Skinner as well as the General Manager of KCC.

However we trust you are fully aware who the above referred gentlemen and/or all developer team members are and that without these and some other visionary men, women and their Business Partners, ‘PATTERSON LAKES’ would not exist and KCC would not get the windfall, rates from this unique Waterfront Real-Estate, hence the reason why the Council was meant to pay the precept rate and not its Residents.

The question that needs to be asked is whether anyone would again want to invest millions of dollars in this State of Victoria in any type of property development of CIH+R (Commercial, Institutional, Industrial Hospitality + Residential) and/or business ventures?? The undersigned was responsible to deliver for the overseas financiers/investors a \$ 1.4 billion Commercial Property Development in Melbourne (Melbourne Central) which was, at the time, the world’s largest private commercial development/ construction site, plus several others across this nation, but the financiers withdrew from Australia because of the Government. Further, he was the initiator to bring to AUS but in particular to Victoria because he did believe in Victoria, EU & Japanese Companies which set-up businesses here, including manufacture, but most since left. In our case the Vic. State & Local Governments (Councils) reneged on agreements re the Quiet Lakes and the local investors and their Stake-holders face the same dilemma since the late 1990’s, in spite of paying Rates plus the Precept Rate, since PATTERSON LAKES became integrated into the new (Mega) KCC during the ‘mega Council ‘amalgamation and with it were lost to Springvale Council who maintained the Quiet Lakes successfully. When Melbourne Water took over from DVA (Dandenong Valley Authority) the maintenance did not occur and as such they, MW and KCC have failed in their fiduciary duties.

Mr. Chow, Sir, as you surely appreciate, June 2012 ESC Vic. Determination is potentially a huge impost on Patterson Lakes Residents, Stake-holders & Precept Rate Payers & Rate-payers as this could lead to setting up Quiet Lakes & Tidal Waterway(TWW) Residents for huge inequalities imposed on Quiet Lake Residents & TWW Residents alike [1], [2]

What MW is applying and how they have constantly failed since 1999 to successfully address our issues, plight of serious concerns prevailing i.e. depriving us Quiet Lakes Residents of the use of the key facility of our properties i.e. the original Residents of the Quiet Lakes paid in good faith for the Lakes to be maintained to the specifications as per the numerous planning permits. Had they been told originally that down the track this was to be taken away from them at a later date, no sound minded person would have paid with their hard earned money. It is unconscionable to deny people what they have already paid for, i.e. they paid for the infrastructure when they purchased. They paid for the maintenance on an annual basis over the years. It is not the fault of the Residents that the Authorities have not kept their end of the bargain. There is plenty of evidence to verify that some of the infrastructure was taken from us without our knowledge plus the volume of water required for a functioning System. One does not buy a home only to find out later it has turned into a donkey. Common sense should prevail somewhere. And with it Residents no longer can enjoy a water recreational /swimmable lake environment which we are rightfully entitled to and hence our quality of life has been destroyed, as well as our property values and a reasonable real estate appreciation.

This is most frustrating for all Lake Residents, it is unjust and we deserve better and it is MW's as well as Kingston City Council's (KCC) failure in their fiduciary duties. Do we not have a right of some measure of justice?

MW's proposal and their argument for the precept increase is that Patterson Lakes precept rates have not been sufficient to cover the cost of asset renewal. Well, whose fault is it but their own!

Why haven't they, MW, been consistent in maintaining the Quiet Lakes for all that time and now out of a sudden when the Quiet Lakes System needs a lot of doing to it, they want more money?!

Why are they blaming everybody else but themselves for the precept rate being too low so that now they need to recover the funds to make the Lakes good again i.e. restore the Lakes to their former glory?

Asset management is maintaining and retaining the asset and value and not stuff it up i.e. beyond its intended use !!

This amounts to seriously bad housekeeping and gross negligence and is in breach of the planning permits, for not living up to their responsibilities regarding maintenance of the Quiet Lakes System for which we have been paying the precept rate all in good faith. We, the Quiet Lakes Residents, have trusted them, MW, for so many years to maintain our asset and give us the quality of life that we are rightfully entitled to (please see development approval/planning permits and associated conditions for which KCC has the legal obligation to ensure these legal requirements are met) and restore the Lakes, which has to be done at NO cost to the Residents.

Also, how can MW say that they had extensive Community consultations based on only 8.6% of the people living on the Quiet Lakes who responded to their survey with far too short notice (10 days, yet MW failed to provide additional relevant info requested to respond to their request for feedback) and the majority actually opposed the precept increase. How many people live on the Lakes and how many Properties are there on each Lake?? What a joke/insult! It shows that the majority of Residents don't really understand nor are meant to, as KCC is meant to ensure the planning laws are enforced and met by MW so that Lake Residents get what they really deserve and are rightfully entitled to. That is why we, the Quiet Lakes Residents, are facing this terrible situation and the cost increase of over 14%.

It is also right to say that MW and/or MW's PLAC (Melbourne Water's Patterson Lakes Advisory Committee) and/or KCC have seriously failed to adequately inform their Stake-holders/Precept Rate-Payers and Rate-payers i.e. the Quiet Lakes and TWW Community at large!

As to the 14% cost increase, is it not unjust that, we, the Stake-holders/Precept Rate-Payers who pay the Asset Management to maintain the Quiet Lakes System for its intended use, which, by the way has not happened for 12 long years, are hit with cost increases for a service which does not deliver outcome required by the relevant planning permits, i.e. the service we have been paying for is unable/incapable to deliver the intent of the key purpose i.e. to have the recreational Lakes with the required water quality which is part of our properties key facility we are rightfully entitled to. This, again, is in breach of the relevant planning permits and is therefore a failure in MW and KCC fiduciary duties. Any increase is absurd! Apart from the commercial reality, whatever asset management contract there is, one would terminate such a contract, make the contractor i.e. the asset manager liable and engage another Asset Manager. However, it appears we do not have such choices; this makes all this, a State Government institutionalized rip off. Where are ethical standards as after all we do not have any assurances or guarantees as to when the Quiet Lake System will be restored at no cost to Lake Residents/KCC Rate Payers and Precept Rate Payers!

The key Question is: where is justice and why are such inequalities/malpractice allowed?? We Quite Lakes Residents deserve much better. Paying for something we are not getting is stealing.

[1] An outright user-pay charge* on the Residents as applied by MW, instead of using the funds from their, MW general Budget is not in line with the Development/Planning Approval Permit and the still legal 1973 Agreement.

*If Kingston City Council/KCC applied that same 'user pay principal', e.g. KCC introduced library charges every time a book is borrowed, you can be assured that the community would respond straight away, protest and demand the charges be dropped.

[2] The Quiet Lakes are, in addition, Patterson Lakes and Part of Carrum's essential flood prevention Infrastructure!! ** Therefore again, as addressed in previous communications, every dwelling in this flood Zone had to make a contribution to their flood protection. It is not acceptable that Quiet Lakes Residents have to bear this cost alone and that since commission the Quiet Lakes System in December 1974.**

** without the Quiet Lakes essential flood prevention infrastructure, the PATTERSON LAKES PROJECT, i.e. building the Township, the planning permit would not have been granted.

In this regard, we would like to bring to your further urgent attention relevant issues concerning Quiet Lakes Issues and in addition we need and feel compelled to recap again some of our most concerning experiences and observations. It is apparent from the mentioned attachment (communications of 2005 to 2010 between Mr. Barry Arnold and Mr. George Jennings and Mr. Rob Skinner Managing Director of Melbourne Water), that Melbourne Water, consistently and intentionally, didn't and doesn't want to deal with the basic and fundamental Quiet Lakes (non- tidal lakes) operational issues [3] for which we have been fighting since late 1999 together and including Messrs Barry Arnold, George Jennings, the Hon. Alan J Hunt former Minister for Planning and Minister for Local Government in Hamer's Vic. State Government), and many others. And their correspondence and meetings with MW/Rob Skinner and KCC between 2005 to late 2010 of which, as previously mentioned, a copy is enclosed as a separate attachment in pdf format, which we trust is self-explanatory all for your in depth considerations.

[3] Basic Fundamental Lake Operational Issues are:-

1. Maintain the Lakes Water Table at its design level i.e. to the highest possible level *
2. Maintain flow and circulation by the essential bore water flow
3. Maintain the essential salinity – not less than 5,000 ppm up to 9,000+ppm to avoid HAB's/BGA (Harmful Algal Blooms/Blue Green Algae) best at all times 25% salinity of sea water ** to permanently eliminate throughout the most undesirable carp & associated but unnecessary costs involved in annual carp removal.
4. Maintain clean and functional the Lake's Storm water Drainage System for the Lake to receive clean storm water.
5. Maintain clean and functional all interconnecting overflow pipeline system too.
6. Maintain the Lakes interconnecting gravity overflow system to allow water cascading unrestricted from Lake Legana to Illawong to Carramar and their outfall to the Tidal Water- Ways to assure flow through all the Lakes' System which is the most essential part of the design for the Quiet Lakes.
7. Bore-pump; reinstate license equal to that or better than the original and maintain bore-water flow as required to maintain the essential water flow and circulation as required for the intended water quality.
8. Sea-Water (Bay-water) pipeline*** an essential asset of the Quiet Lakes System to be reinstated as a required source of water flow for the Quite Lakes System e.g. flushing through, when required including maintaining the required salinity (see item 3 above) for sanitary and the other occurrence obvious quality management reasons to maintain the intended i.e. per Planning Permit water quality.
9. Sewer manhole cover/pipeline at the South end of Lake Legana to prevent sewerage entering Lake Legana.

*Depth maintenance is essential; At design depth the lake water will circulate for the top 1 – 1.5m with the wind and this displaced water to return from under this level in the opposite direction. Thus maintains good oxygenation/aeration of the water body etc. preventing algae and maintains swimmable water quality. This basic and fundamental criteria has not been met by MW

** Ocean Water has salinity that is approximately 35,000 ppm. That's the same as saying ocean water is about 3.5% salt.

***No one will construct a kilometer+ long sea water pipeline at a very substantial investment cost, if it were not essential to have this essential infrastructure decommissioned by totally misguided people. Any suggestion that this part of the system should be abandoned is bad engineering and would continue to contribute to poor lake water conditions and raises concerns pointed out sine 1981 of algal growth in the tidal waterways.

It is pleasing to know that there is progress made with the bore water license but the lakes still do not get any water.

Residents must be made aware in detail i.e. by KCC. Since all these Lake issues need to be successfully resolved in the interest of ALL Lake Residents/Stake-holders, we, again, call to action to inform all Lake Residents & Tidal Water-Ways Residents!!

Again, as you can appreciate, the key issue is the Determination by ESC Vic, scheduled for June 2012, when the ESC Vic will make the independently assessed decision, without MW's and/or KCC's consultations with its Stake-holders, the Precept payers and Rate-payers, on our Quiet Lakes future for the next 10 years, till 2023 re expending funds, large sums of dollars for which we will have to foot the bill with a potential of an imposed increase in the Precept Rate and again all this without MW's and/or KCC's consultations with their Rate-Payers.

As we see it - the following goes hand in glove and is an integral part, of which KCC, but not Lake Residents, surely are aware. KCC, in partnership with its Rate-Payers/Precept Rate Payers, should help and prevent this from happening, as this must be rejected by Patterson Lakes Waterfront Residents (Quiet Lakes and Tidal Waterways alike). These very important issues must be addressed with the Waterfront Residents (Quiet Lakes & TWW). It is essential that Waterfront Residents are given the opportunity as this must be dealt with as a matter of priority by all Lake Community!! Yet, again, MW/KCC have failed, so far, to inform their Precept Rate/KCC Rate-Payers and/or the Lake Residents! [4]

1. MW 'CSC' (Customer Service Charter, Draft #2)
2. 'MOU' (MEMORANDUM OF UNDERSTANDING) which must have the consent and be signed off by its Stake-holders, the Waterfront Residents/Property Owners, who pay for it all and must comply with all the Planning Permits & associated conditions.
3. The MOU must totally and fully comply with all the relevant Planning Permits (TP's) and relevant conditions, some of which have been referred to here before including HEALTH issues addressed.
4. The ESC is to ensure that all the Planning Permits & associated conditions are met & upheld and that MW i.e. all parties respect and honor legal agreements/permits/TP's, etc.

[4] Please Note: These most important issues that may occur/eventuate will directly affect us as Stake-holders/Property Owners of the Quiet Lakes i.e. our quality of life, wellbeing and financial health, i.e. Livelihood! [5] After all KCC would have to be aware of what is going on at MW and affecting Rate-Payers within their, Council's, jurisdiction i.e. one of KCC's prime and unique residential precinct, whatever else is relevant to the Quiet Lakes & TWW Residential Precinct and their Residents/Rate-payers. However, due to the total silence on MW's and/or KCC's fronts, to this very date, we, the Residents are not familiar in detail with this Determination by the ESC Vic. which has potential to have very nasty and long lasting costly (for 10 years) consequences that will define our future and quality of life.

Therefore, kindly please have MW confirm when you and we Precept Payers will get a MW Newsletter informing us of their plan of action which will address the very subject matter and the complexity associated with it all and kindly provide the paying Precept Payers with a guaranteed undertaking as to when the key facility of our properties will again be available for us for its intended use, of which we have been deprived for the past 12 years but are rightfully entitled to. So far, we, Stake-holders have not been compensated for accepting a lesser standard, i.e. the Standards required by the relevant planning permits and associated conditions. We have to ask ourselves if we have missed something along the line for all this time and wonder where transparency, honesty and integrity have gone?

Further, in addition can you please inform us Precept Rate Payers about:-

- **The Water Management Act 2000 (WM Act) [5]**

and whether this act has been addressed by ESC to establish in the very best interests of Waterfront Residents/PRECEPT RATE-PAYERS, if this affects in any shape or form Patterson Lakes as it applies to the Lakes as well. Could this be another reason for MW's ongoing stalling approach, i.e. total inaction to restore our Quiet Lakes System's Water Quality i.e. ever since the water quality issues have been addressed with MW and KCC over and over again and this since late 1999 and very intensively since 2004 but to no avail?

[5] This legislation, we understand, covers controlled activities? - On 4th February 2008, the Rivers and Foreshores Improvement Act 1948 was repealed and the controlled activity provisions in the Water Management Act 2000 (WM Act) commenced. Unless an exemption from Section 91E(1) of the WM Act operates, a controlled activity approval under the WM Act is now required for controlled activities carried out in, on or under waterfront land.

What is waterfront land? Waterfront land includes:

- the bed of any river, together with any land within certain metres inland of the highest bank of the river, or
- the bed of any lake, together with any land within certain metres of the shore of the lake, or
- the bed of any estuary, together with any land within certain metres inland of the mean high water mark of the estuary.

In short we, the PRECEPT RATE-PAYERS, are beyond comprehension what is holding MW back and why they are refusing to implement remedial actions also those provided by the original developer's team to return our Lakes to their intended use as per the relevant Planning Permits. As you surely appreciate the matter that is at stake for the Quiet Lakes Residents as well as the TWW Residents, i.e. the Precept Rate-payers by your, the June 2012 ESC Determination is potentially a huge imposition on the Community hence we have a right to know what MW's and KCC's plan of action is to live up to their fiduciary duties and what the ESC Commission can do to help us make this right. Please, treat this as an absolute top priority matter!

As to MW, please note, they have made a deliberate effort not to take any notice of whoever gave them advice, suggestions and/or call to action to restore our Quiet Lakes, even when it came from the former executive developers team of the **Patterson Lakes Project and Lake Legana** (please see separate pdf attachment) thus clearly demonstrating that they, MW have a set agenda not to do anything that will restore the water quality to its intended use. By not even demonstrating some goodwill to try and operate the Lake System according to the above, basic and fundamental operating requirements, they willfully are in breach of development planning permits and their relevant conditions. KCC, who is responsible to enforce these planning issues, deliberately turns a blind eye, hence both, MW and KCC are failing their fiduciary duties and are in breach of the law, yet MW still sticks to their 'agenda' not to restore the Lakes. Considering all these years of experience with MW, it makes subject matter i.e. the

- ESC Vic/Essential Services Commission Vic - Quiet Lakes Determination 2012-2023

even of far greater concern as MW will again make the best effort to just do what they want to do and ignore the Stakeholders. Considering the magnitude of this issue as a whole and what is at stake, we sincerely hope that we herewith have assisted you in advancing this important matter for our community.

After all this is all about restoring our Lakes' water quality to their intended use, all in line with the planning permits,[6] which we are rightfully entitled to and this, at no cost to its Stakeholders!! [5]

[6] In the name of justice ESC MUST request from the Kingston City Council (KCC) and/or the Vic. State Government or the Vic State Minister for Water, a copy of "Patterson Lakes Development Approval/ Planning Permit No. 68618" as referred to in the legal 10th July, 1973 Agreement as zero progress has been made to restore the Quiet Lakes water quality. As a matter of fact the Lakes are still deteriorating and this since late 1999 and since meeting with the Council on 17th Sept. 2009, followed by three(3) Councilor meetings, meetings with MW and MW's PLAC (PATTERSON LAKES ADVISORY COMMITTEE) attended as well by PLQLOR/Lake Resident Ass. Committee Members, also a Lake Legana PLAC members. For your information, all is well documented.

We, as Rate-Payers and Precept Rate-Payers should not have been put through all this and repeatedly ask for the information as after all it is fundamental that one should be able to absolutely rely on verbal and/or written communication and assurances given by Council Officers but to this very date we have not received a copy from KCC or from the Vic State Government and we trust that the ESC will be able to just achieve that and resolve this matter once and for all to our satisfaction.

We thank you for your time afforded and that what we addressed will be looked into by ESC. We look forward, in anticipation, to a positive, fair and equitable outcome we have been deprived of for so very long by this ongoing 'Lake Saga'.

Kindly please confirm receipt of the mentioned pdf attachments. Thank you.

Regards on behalf of the Lake Residents/KCC Rate-payers

peter e

Peter E Steck

Encl Mentioned – separately attached

- 1x BARRY P ARNOLD SEPT, OCT+ NOV 2005-MW ROB SKINNER 18 OCT 05 +G JENNINGS JUNE 2010-Rcvd 06 APRIL 2012 (G2) for eM.pdf (325KB) - 9 Pages

From: Matthew.Donoghue@esc.vic.gov.au [mailto:Matthew.Donoghue@esc.vic.gov.au] On Behalf Of water@esc.vic.gov.au
Sent: Friday, January 13, 2012 10:47 AM; To: E Pierre Steck; Cc: Dean.Wickenton@esc.vic.gov.au
Subject: Patterson Lakes - Quiet Lakes Precept Issues

Thank you for your email Mr Steck (dated the 6th December).

We would have liked to respond to you earlier except for the Christmas/New Year holidays.

We note your concerns regarding the Maintenance Agreement dated 1973 as it relates to water quality of a suitable standard primary contact recreation.

Please refer to our decision of June 2011, specifically page 13, that deals with this matter. For your convenience, I have provided the link below.

'Melbourne Water Special Drainage Areas, 2011-12 Prices Decision Paper, June 2011'

<http://www.esc.vic.gov.au/NR/rdonlyres/46882579-53EC-4DE3-BB5D-6C43F291C9B2/0/DecisionPaperMelbourneWaterSpecialDrainageAreas201112Prices.pdf>

Regards,

Andrew Chow

COVER NOTE/MESSAGE

From: E Pierre Steck; Sent: Tue, Dec 06, 2011 7:01 PM; To: water@esc.vic.gov.au; Cc: dean.wickenton@esc.vic.gov.au Importance: High
Subject: ESC VIC- TRIM (C/11/31640) - PATTERSON LAKES- QUIET LAKES PRECEPT & WATER QUALITY ISSUES
- your eM Sent: Friday, December 02, 2011 10:31 AM

Your Ref: TRIM (C/11/31640), Friday, December 02, 2011 10:31 AM

To: **Essential Services Commission Victoria** <water@esc.vic.gov.au >
35 Spring Street, 2nd Floor, Melbourne Vic, AUS 3000

Attn: **Mr. Andrew Chow, Director** <watere@esc.vic.gov.au >

Cc: **Dean Wickenton**, Project Manager, Water <dean.wickenton@esc.vic.gov.au >

Re: **PATTERSON LAKES - QUIET LAKES PRECEPT ISSUES.**

Melbourne Water Seeking Ratepayers (Lake Residents) feedback on:-

- Precept Rate Structure }
- Draft Customer Service Charter outline } deadline Tuesday, 25th October 2011

Issue of Concerns / Important Notice

QUIET LAKE WATER QUALITY & LACK THERE OF.

- your eM : Sent: Friday, December 02, 2011 10:31 AM / TRIM (C/11/31640).

Cc: Undisclosed Patterson Lakes Residents/KCC Ratepayers & Interested Parties

Date: Tuesday, 6th December, 2011/PES/NR/TE/AN/YR/NT/tbh(G2)

Dear Mr. Andrew Chow,

In reference to subject matter, please find attached our Issue of Concerns i.e. in response to your above referred letter consisting of the two(2) attached files in 'pdf' format as follows which we trust are self-explanatory.

- 1x ESSENTIAL SERVICES COMMISSION VIC-ANDREW CHOW DIR-MW RQST FOR FEEDBACK-11OCT2011-OUR ISSUE OF CONCERNS-06DEC2011PES.NR.RY.SN(G2b) - 2 PAGES + 3 ATTACHMENTS - TOTAL 5 Pages
- 1x AGREEMENT 10JULY 1973- SPRINGVALE-DVA-DEVELOPER-PGS 1-5.pdf - 5 Pages

Kindly please confirm receipt of the mentioned attachments. Thank you.

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

To: **Essential Services Commission Victoria** < water@esc.vic.gov.au >
35 Spring Street, 2nd Floor, Melbourne Vic, AUS 3000

Attn: **Mr. Andrew Chow, Director** < watere@esc.vic.gov.au >

Cc: **Dean Wickenton, Project Manager, Water** < dean.wickenton@esc.vic.gov.au >

Re: **PATTERSON LAKES - QUIET LAKES PRECEPT ISSUES.**

Melbourne Water Seeking Ratepayers (Lake Residents) feedback on:-

- Precept Rate Structure }
- Draft Customer Service Charter outline } deadline Tuesday, 25th October 2011
- Issue of Concerns / Important Notice
- your eM : Sent: Friday, December 02, 2011 10:31 AM / TRIM (C/11/31640).

Cc: Undisclosed Patterson Lakes Residents/KCC Ratepayers

Date: Tuesday, 6th December, 2011/PES/NR/TE/AN/YR/NT/tbh(G2)

Page 1 of 2
plus 3 attachments, total 5

Dear Mr. Andrew Chow,

Thank you very much for your response this is greatly appreciated. However, kindly note in reference to your letter, in particular to the following Statement:- Qt.

"In response to your query regarding Melbourne Water's responsibilities (including to maintain water quality), section 189 of the Water Act 1989 does not require that Melbourne Water provide water quality of a standard suitable for primary contact recreation". eoQ.

Whilst S. 189 is quoted as an existing piece of legislation there exists quite separately a current and legal Maintenance Agreement executed under the Seals of three(3) Authorities, dated 10 July 1973, that required pursuant to Schedule 1 –

Cause 5. of Schedule 1 of the Agreement requires:-

- 5. Maintenance of water quality to a standard compatible
with the use of the same as envisaged by this agreement. EoQ*

Sir, that Agreement has not been repealed, nor has compensation been paid in order to have the water of a lesser standard by arrangement with the property owners!

AND Melbourne Water has published 2 Booklets, (both not dated and no ref) called 'Resident's Directory' Vis:-

Residents Directory **Melbourne 2**
Quiet Lakes **Water**

The Quiet Lakes

The Quiet Lakes were constructed to provide residents with water of a quality suitable for swimming and small boating activities. The result is three interlinked lakes that allow residents to have a private waterfront to their properties.

Residents Directory **Melbourne**
Tidal Waterways **Water**

The Tidal Water Ways

Melbourne Water is required to maintain water quality in the tidal canal system to the EPA Victoria's 'Secondary Contact Recreation' level. This level is suitable for boating but is not recommended for swimming.

The Quiet Lakes (as in '2' above) were constructed to provide residents with water of a quality suitable for swimming. Melbourne Water is required to maintain water quality in the Quiet Lake System to the EPA Victoria's 'A-Grade Swimmable' Water Quality level.

AND FURTHER

The Patterson Lakes Project is authorized by Planning permits, which have conditions –
Example:-

TP 68618A –

Condition 2. e) is:-

e) evidence shall be submitted to the satisfaction of the Responsible Authority to demonstrate that permanent arrangements have been made for the maintenance of the quantity and the quality of water in any waterway crated on the land and for the control of any activities upon such waterways.

TP 6861813 -

Condition 2. is :-

- 2) *An agreement shall be executed with the Dandenong Valley Authority and works Shall be carried out to the satisfaction of that Authority relating to the*
- a) provision of outfall drainage*
 - b) exclusion of polluted water from the storm water system*
 - c) filling of allotment to levels free from flooding*
 - d) the continued operation and maintenance of the lake system within terms similar to those agreed on in respect of Stage 1 of the project.*

AND

Surely Planning Permits conditions must be complied with, particularly when they require execution of an Agreement under Seals.

We therefore urge you to independently address these most important matters. After all, again, we, Quiet Lake Residents, deserve much better... i.e. what we are rightfully entitled to, as the former Labor Government & Melbourne Water had let us all down and have failed its fiduciary duty.

We trust this assists you and we look forward to hearing from you shortly. Thank you. Should you have any queries, please do not hesitate to contact the undersigned.

PS.

Kindly, please confirm receipt of the attachments.

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

peter e

Peter E Steck [reply to: pesteck@iprimus.com.au]

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

Enclosures; Mentioned:-

1 x COPY OF 1973 AGREEMENT in PDF format.

From: Dean.Wickenton@esc.vic.gov.au [mailto:Dean.Wickenton@esc.vic.gov.au] On Behalf Of water@esc.vic.gov.au
Sent: Friday, December 02, 2011 10:31 AM;
To: E Pierre Steck
Subject: Re: TRIM (C/11/31640) ESC VIC- PATTERSON LAKES- QUIET LAKES PRECEPT ISSUES- Melbourne Water Seeking Ratepayers (Lake Residents) feedback-Precept Rate Structure – Draft Customer Service Charter outline.

Dear Mr Steck,

Thank you for your email below.

In response to your query regarding the response timeframe for Melbourne Water's *Precept Rate Structure* and *Draft Customer Service Charter* consultations, we have queried the issue with Melbourne Water. Melbourne Water confirmed with us that their public consultation process on these two issues contained two components:

- A survey that was mailed out to residents for comment on a selection of rate reform options dated 25 July, with a closing date of 15 August.
- Based on findings of the survey, a second mail out was undertaken in October with a shorter response period (14 days from the date listed on the mail out).

I note that the Commission's powers relating to the development of customer service codes does not extend to the activities of Melbourne Water. We suggest that, if you have not done so already, raise your issues concerning the charter with the Department of Sustainability and Environment (and of course, with Melbourne Water). Melbourne Water has informed us that the Charter is at a draft stage, and further public consultation will be undertaken prior to its finalisation.

Melbourne Water has also advised us that consultation on the proposed Precept Rate Structure was undertaken with the relevant customer advisory committees prior to the public consultation process summarised above. Melbourne Water has confirmed with us however, that residents may provide feedback on their proposals relating to changes to precept rates at any time. We encourage you to provide any additional feedback you have to Melbourne Water.

The Commission expects that any feedback will be acknowledged and taken into account by Melbourne Water prior to them making a submission to us. We do not expect any submission from Melbourne Water until February next year. Following a submission from Melbourne Water, the Commission will also conduct its own public consultation process prior to making any decision on Melbourne Water's proposals relating to reform of the precept rate structure.

In response to your query regarding Melbourne Water's responsibilities (including to maintain water quality), section 189 of the Water Act 1989 does not require that Melbourne Water provide water quality of a standard suitable for primary contact recreation. Melbourne Water's Statement of Obligations under the Water Industry Act 1994 requires Melbourne Water to report on the impact of Blue-Green Algal Blooms on water quality to the Department of Human Services (DHS) and the Department of Sustainability and Environment (DSE). The administration of these instruments is beyond the scope of the Commission's responsibilities. We suggest that you direct your concerns regarding such matters to the Department of Sustainability and Environment.

Thank you for bringing these matters to the Commission's attention.

Yours sincerely,

Andrew Chow
Director

From: "E Pierre Steck" <pesteck@iprimus.com.au >
To: water@esc.vic.gov.au
Cc: <dean.wickenton@esc.vic.gov.au>
Date: 08/11/2011 11:01 PM
Subject: TRIM (C/11/31640) ESC VIC- PATTERSON LAKES- QUIET LAKES PRECEPT ISSUES- Melbourne Water Seeking Ratepayers (Lake Residents) feedback-

Precept Rate Structure - Draft Customer Service Charter outline.

To: **Essential Services Commission Victoria** <water@esc.vic.gov.au>

35 Spring Street, 2nd Floor, Melbourne Vic. AUS 3000

Attn: **The Director**

Cc: **Dean Wickenton**, Project Manager, Water <dean.wickenton@esc.vic.gov.au>

Re: **PATTERSON LAKES - QUIET LAKES PRECEPT ISSUES.**

Melbourne Water Seeking Ratepayers (Lake Residents) feedback on:-

- Precept Rate Structure }
• Draft Customer Service Charter outline } deadline Tuesday, 25th October 2011

Issue of Concerns / Important Notice

Cc: Undisclosed Patterson Lakes Residents/KCC Ratepayers.

Date: Tuesday, 8th November, 2011 / PES/Ry/TE/AN/YR/NT/tbh

Dear Director,

In reference to subject matter, please find attached our Issue of Concerns/Important Notice & Feed back to Melbourne Water; consisting of the two(2) attached files in 'pdf' format as follows which we trust are self-explanatory.

- 1x ESSENTIAL SERVICES COMMISSION VIC-MELBOURNEWATERS'S RQST FOR FEEDBACK-11OCT2011-OUR ISSUE OF CONCERNS-08NOV2011PES.RY.TE.AN.YR..NT(F4) - 2 Pages
- 1x MELBOURNE WATER-TIM SEIPOLT-SEEKING FEEDBACK PRECEPT STRUCTURE & SERVICE-CHARTER-25 OCT2011PES.TR(D).pdf - 7 Pages

Kindly please confirm receipt of the mentioned attachments. Thank you.

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

Note;

[attachment "MELBOURNE WATER-TIM SEIPOLT- SEEKING FEEDBACK PRECEPT STRUCTURESERVICE CHARTER-25OCT2011PES(D).pdf.pdf" deleted by Dean Wickenton/ESC]

[attachment "ESSENTIAL SERVICES COMMISSION VIC- MELBOURNE WATER'S RQST FOR FEEDBACK-11OCT2011-OUR ISSUE OF CONCERNS-08NOV2011PES RY.TE.AN.YR.NT(F4).pdf" deleted by Dean Wickenton/ESC]

From: E Pierre Steck [mailto:pesteck@iprimus.com.au] Sent: Tuesday, November 08, 2011 11:01 PM; Importance: High
To: water@esc.vic.gov.au ; Cc: dean.wickenton@esc.vic.gov.au
Subject: ESC VIC- PATTERSON LAKES- QUIET LAKES PRECEPT ISSUES - Melbourne Water Seeking Ratepayers (Lake Residents) feedback-Precept Rate Structure - Draft Customer Service Charter outline.

To: **Essential Services Commission Victoria** <water@esc.vic.gov.au >
35 Spring Street, 2nd Floor, Melbourne Vic, AUS 3000

Attn: **The Director**

Cc: **Dean Wickenton**, Project Manager, Water <dean.wickenton@esc.vic.gov.au >

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- 1x MELBOURNE WATER-TIM SEIPOLT-SEEKING FEEDBACK PRECEPT STRUCTURE & SERVICE-CHARTER-25 OCT2011PES.TR(D).pdf - 7 Pages

Kindly please confirm receipt of the mentioned attachments. Thank you.

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

peter e

Please consider the environment before electing to print this e-mail.
SAVE PAPER - SAVE TREES - SAVE FORESTS - USE TREE FREE PAPER* & PROTECT OUR ENVIRONMENT
*we do not yet have in Australia'

pestek Sept 2005

BARRY P. ARNOLD

1

Mr. Rob. Skinner,
Managing Director,
Melbourne Water,
G.P.O. Box 4342,
MELBOURNE 3001

27th September, 2005

Dear Mr. Skinner.

Before this letter is passed on to a Department Head, let me say that a situation exists in a Melbourne suburb which reflects very badly on Melbourne Water! You should be aware that people are criticising and condemning your organisation and that your staff are allowing a very bad public relations exercise to continue!

I write out of a deep sense of disappointment at what I have observed in Lake Legana at Patterson Lakes. To make my point before going into detail, water which was attractive and healthy when under the control of the Dandenong Valley Authority, has deteriorated seriously since being controlled by Melbourne Water. Not to put too fine a point on it, you appear to be failing to protect the environment in this locality.

What is the problem that I ask you to address - and what gives me the right to judge your performance or lack of it? To adequately answer these questions, this will require considerable details. I ask for your patience and attention to the following:-

1. As the Executive Director of the Company which initiated the Patterson Lakes Project, I was responsible, with the help of Consultants, for the detailed engineering work for the lakes and waterways.
2. With more than 30 years of experience as an Engineer with four different municipal Councils, I was well placed to negotiate with the officers of the D.V.A. and the M.M.B.W. as we planned the details of lakes and waterways. Retirement has not diminished my ability to be objective and to assess the condition of something I once helped to create.
3. Two recent visits to Lake Legana Patterson Lakes caused me great disappointment. The water quality was poor and not just because of the widespread algae in the water. Turbidity was bad and I suspect that the dissolved oxygen level is low. I wondered why this situation was not being addressed since these problems can be treated.
4. I enquired from three of the local residents and learned of a level of frustration with a Melbourne Water Committee and that the lake quality had been deteriorating for some years. I heard expressions of anger that Melbourne Water's inaction was adversely affecting the once attractive lakeside environment.

5. When considering this community development some years ago, the Engineers of the D.V.A. insisted on a system which would have features to ensure healthy water in the non-tidal lakes. I acknowledge the thoroughness with which they examined our Consultant's designs. They approved a concept which would be both engineeringly effective and environmentally attractive. The non-tidal lakes are an important part of the community that was designed for Patterson Lakes. They were not a real estate after thought. They provide a lakeside living style for those who do not want a power-boat environment. ~~The inter-connection of Legana, Illawong and Carrama lakes and their outfall to the tidal canals is an essential part of the design for the lakes. Any suggestion that this part of the system be abandoned would be bad engineering and would contribute to poor lake conditions.~~
6. ~~You will be well aware of the pump station and deep bore which were built, and which still exist, to allow renewal water to be added to Lake Legana. One has to enquire whether this is being used to flush the lake regularly and to lift the water level, and if not, why not?~~ The Patterson River could well be another source of "top-up" water for Lake Legana if, after testing it proves to be as satisfactory as it looks. It is worth noting that it was the Development Company which carried out the extensive earthworks within the river banks and created the attractive tidal waterway which now extends almost to Wells Road.
7. The firm of Caldwell Connell Engineers Pty. Ltd., with extensive experience in Environmental Science and Engineering, were used to advise on lake and canal water quality. As evidence of the thoroughness of their supervision and of the high quality of water achieved in 1974, '75 and '76, I attach a copy of the results for Lake Legana. Note the sustained results for Dissolved Oxygen, Turbidity, Colour, PH, etc.
8. Caldwell Connell Engineers were frequently consulted as the waterways developed at Patterson Lakes. I attach a copy of their advice to me in 1981 when concern was expressed at algal growth in a tidal canal. I can think of no-one better qualified to advise on water quality in this location and urge you to use their expertise to overcome the Lake Legana problems. With great respect, I suggest that attempts to address the lake water issue without engaging the original Consultants, ~~would be ill-advised and short-sighted.~~ I might add that to my knowledge, the few occasions when faecal coliform levels caused some concern in the lakes, occurred when one of the Board's/Melbourne Water's sewer manhole covers lifted and allowed sewerage to enter the lake. I have to enquire whether this may still be occurring on occasions and whether you have taken, or will take, action to secure this cover at the south end of the lake to prevent such an overflow?
9. With changes to Local Government boundaries, I am concerned that Council Engineers may be failing to carry out maintenance of the storm water drainage system at Lake Legana. The Engineers of the City of Springvale understood the importance of the special design features which would help to

maintain good water quality. For example, property stormwater should not flow directly to the lake. The design provides for the initial flush from roofs and gutters to flow via the pump station to the river etc. and only the subsequent and cleaner stormwater should overflow to the lake. One wonders whether maintenance of pits and pumps is being carried out - if not, it is possible that minor pollutants from the gutters, etc. may be flowing to the lake unnecessarily!

10. The non-tidal lakes were designed to be a living eco-system with fish, and limited plant growth, and with their condition being maintained by circulation and renewal water. The use of chemicals, such as Copper Sulphate, would overcome some difficulties but could leave an undesirably sterile environment. For nearly 30 years these non-tidal lakes have proved to be a success in terms of recreational and environmental planning. The principle of combining storm water drainage with aesthetic features has since been copied by numerous real estate developments featuring lakes adjacent to housing. The Patterson Lakes development was the first in Victoria to do so, as part of a large new suburb. It would be a terrible shame if a top-quality concept was allowed to deteriorate due to a lack of understanding of its design features, or due to a reluctance to commit funds to some remedial steps.

May I urge you to give a positive direction to any Committee which may have the lakes as part of their responsibility. Your organisation has shown commendable initiative in protecting our environment in respect of river and creeks in other areas however, it appears to me that the praise you deserve for this work, is being negated by the absence of corrective measures in the non-tidal lake system at Patterson Lakes.

I have written "from the heart" and apologise for the obvious personal feelings. I no longer have any connection with Patterson Lakes but the fact that for 15 years I lived by, swam in and sailed on, Lake Legana, probably means that I'm either biased, or reasonably well qualified to comment on this attractive area. I'm not an activist who wants to stir up matters with members of Parliament or local Councillors. I have respect for Government Authorities like yours and believe you will honour the responsibility of maintaining the standards established by the Dandenong Valley Authority many years ago.

I look forward to hearing what action you will be taking to restore the water quality in Lake Legana.

Yours faithfully



BARRY ARNOLD

GOPY



Melbourne Water Corporation
 ABN 81 945 386 953
 100 Wellington Parade
 East Melbourne 3002 Victoria
 PO Box 4342
 Melbourne 3001 Victoria
 Telephone 131 722
 Facsimile 03 9235 7200
www.melbournewater.com.au

18 October 2005

Barry P Arnold
 1/190 Weatherall Road
 CHELTENHAM VIC 3192

Dear Mr Arnold

Thank you for your letter of 27 September expressing your concern regarding the water quality of the Quiet Lakes at Patterson Lakes. Firstly I would like to acknowledge that Melbourne Water shares and understands your concerns regarding the water quality. Persistent blue/green algal blooms have been a source of frustration for our people managing the lakes for several years.

Regarding the specific issues you have raised I advise as follows:

- Turbidity in the lakes is a concern and is influenced by a number of factors in the lakes ecosystem. These include a significant build up of sediment in the bottom of the lakes that has accumulated over 30 years and the impact of Carp that have found their way into the lakes. Melbourne Water is currently trialling a product to determine if it can stabilise these sediments and prevent nutrient release, which is providing a food source for the algal blooms. We regularly engage specialists to remove carp from the lakes.
- We acknowledge that aeration systems could help improve oxygen levels and reduce temperature stratification layers which can form in the water. As you would be aware, warmer surface waters are a contributing factor to algal blooms forming. We are currently recording temperature levels in the lakes and considering the introduction of systems to improve water circulation, however these are expensive and we need to proceed carefully to demonstrate the benefits to residents.
- The bore water pump is still used to top the water up to the recommended level when required. There have been no changes to the inter connection of the lakes and the lakes are operated in the same manner since the days when the DVA operated the system.
- Melbourne Water has been working with South East Water regarding concerns about whether local sewers could be contributing to the problems and works with the local Council to ensure the drainage system is regularly cleaned to ensure it achieves its original design intent.

While the original design intent was ahead of its time, a similar development would be unlikely to be constructed today. Modern developments usually incorporate some form of natural wetland system to naturally filter and treat the incoming water to remove nutrients, which cannot occur to the same extent with the system at Patterson Lakes.

Postbox
 1402 Nov
 2005

Melbourne Water recognises that it has a significant challenge in managing the Quiet Lakes and, as part of the Patterson Lakes Advisory Committee, we have convened a water quality subcommittee to assist us with this challenge. This group is currently assessing options to be explored in more detail as we try to restore the water quality to a standard acceptable to residents.

I hope this clarifies the matters you have raised. If you have any further queries, please contact Rod Clifford of our Infrastructure Group on 9235 2561. Rod will be able to provide you with a more detailed account of our approach and the technical input we have received from expert water quality consultants in recent years.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Rob Skinner', written over the typed name below.

ROB SKINNER
MANAGING DIRECTOR

posted
NW 2005

BARRY P. ARNOLD

6

9th November, 2005

Mr. Rob. Skinner,
Managing Director,
Melbourne Water,
G.P.O. Box 4342,
MELBOURNE 3001

Dear Mr. Skinner,

Re: Patterson Lakes

Thank you for your letter of the 18th October, 2005 - it was most informative. You have suggested that Mr. Rod Clifford of your Infrastructure Group would be the appropriate person to receive any further queries and I would be glad if you forward this letter to him.

It was good to learn that you have a Water Quality Sub-committee, and a Lakes Advisory Committee, considering the Quiet Lakes. Whilst it is re-assuring to know that problems are receiving careful consideration, I hope you will be able to advise, soon, that management strategies are to be implemented and not just proposed.

I realise that retired Engineers need to remember that they may be getting "past their use by date" and should recognise the expertise of the younger professionals. However, before "stepping back" from the Lakes matter, may I make some suggestions and comments which may be helpful?

1. When a Committee considers a complex issue with a number of inter-related aspects, there is a tendency to spend excessive periods of time worrying about the "what ifs". Technical investigations are always necessary but they need to be limited. They should not delay the start of some corrective measures. Perhaps your Committee needs to be re-assured that they will not "lose brownie points" if they take some action which proves later to be unsuccessful! They should be praised for initiating positive steps.
2. Algal blooms are a very visible problem in fresh-water lakes with a number of contributing factors. I fully appreciate that there are issues of sediment, oxygen levels, stratification layers, etc., all needing consideration. However, there is one initial step which should be taken. The lakes should be brought to, and kept at, the maximum possible level by constant renewal. I am convinced that this would in no way worsen other problems. Deferring such action cannot really be justified. No matter whether nitrogen levels in the ground water are slightly elevated or that the rate of in-flow from the pump is less than optimum, I would strongly urge your Committee to maintain the highest possible water level in Lake Legana.

Mr. Rob Skinner

9th November, 2005

3. Consideration of sediment removal by dredging would seem to be an extreme measure, best deferred for as long as possible. It may well be that the nitrogen and phosphate in the sediment layer will not be released into upper water layers to any appreciable extent. What is much more likely to achieve an improvement in water quality would be aeration, either by using a compressor delivering air through submerged perforated pipes or by means of a boat-mounted motor driving a large propeller to force water through, and to mix, the water stratum.
4. Of course, we all agree that regular carp removal is needed.

Thank you for allowing me to make an input into this matter. It would be much appreciated if you could, in due course, let me have your specific action proposals. I really would like to move on from the history and theory aspects of the Lakes, and receive some positive advice on when water levels have been maximised and when other steps will be taken.

I remain,

Yours faithfully,

BARRY ARNOLD

20th June 2010

PATTERSON LAKES LAKE DESIGN/OPERATION

Lake Purpose:

The lakes served 2 purposes – to provide the residents a water amenity and be the source of fill to raise the land above the level required for a development.

Amenity: The quiet lakes were designed for sailing, rowing (canoeing) and swimming. The bottom profile starts with a gentle slope so that toddlers will not be inclined to fall forward as they walk down the slope for playing in the water. From the depth where the water level is high up in their body and they cannot comfortably walk the bottom slope is increased to become below 3 metres depth as quickly as possible. The purpose of this is to provide a suitable depth for sailing boat centre boards and with this depth of water the sunlight is reduced to the degree that aquatic plants will not grow up from the bottom.

Depth maintenance: At the designed depth the lake water will circulate in the lake for the top 1-1.5 metres with the wind and the thus displaced water was found to return from under this level in the opposite direction. This maintains very good oxygenation throughout the whole water body as measured by oxygen meters during water testing. The very high oxygen levels occurred due to the activity of algae in the sunlight during the day and was found to slightly reduce during testing through the night. Sand was placed to the water mark on all the beaches so that the beach was comfortable for its designed use.

Lake water salinity: The system was designed to be maintained above 4,500 ppm salinity and up to 8,000 ppm salinity. Above 4,500 ppm as mosquitoes do not grow and the depth as well discourages them as well. Above 8,000 ppm the water becomes quite salty enough to be objectionable should a swimmer get a mouthful. From the testing through the early years of the lake formation it was found that these conditions limited the blue green algae so it does not bloom and become a hazard. The system was designed to be slowly moving from lake Legana to cascade through the other lakes to drain into the canal ways for powered boats and then out to the sea.

Storm water drainage: The system was designed to take small and all initial run off from the streets so that all pollutants would not drain into the lake system and only overflow into the lakes during high intensity storms after the initial flows had drained to the wells to be pumped into the Patterson River – into the Dandenong Valley storm water system. In the early days of the development after some years of operation the sand coming into the storm drainage wells eroded the small submersible pump and which had to be replaced. The sand build up reduced the volume for surge and the large pump would have exceeded its number of starts per hour. If proper maintenance has not been carried out in these wells and on these pumps then the higher than design volume of fresh water would be entering the lakes (with the included rubbish) causing a reduction in the salinity which would allow an above optimum concentration of a poisonous algae making the lake water not suitable for human primary contact.

From the above design conditions and the testing of water quality it was proven that these lakes developed their own balanced ecology which provided an excellent quality of water for all the recreational uses. The bore which took water from the fourth aquifer as it had a salinity of approximately 1,400 ppm so that filling with this water to replace evaporation would reduce the

concentration caused by this evaporation of the lake water. To have a slow replacement of the lake water in the three still/quiet lakes a slight excess in water supply from the bore was required to promote the slow drainage through the three lakes into the canal ways. With the mix of bore water supply, sea water and the excess of storm water entering the lakes during a heavy storm event the salinity of the lakes and a good water quality was assured.

Lowered water level: Lowering the water level below that designed will result in the risk of aquatic plant growth from the bottom. Plus without sufficient depth of water the wind driven flow would cease and the build up of organics on the bottom, there is a risk of the lake becoming anaerobic on or near the bottom. Should this occur it becomes expensive to treat. The more importantly the safety of young children is compromised as they would have the risk of falling face down and drowning while they walk into the water - signs will not keep children out of the water thus all responsible bodies overseeing the quality of the lake water must maintain good conditions in the lakes.

Some additional thoughts, the sort of thing we had to do here to get over some private aims of public servants.

1. To be appointed to a public service position they must be qualified for that position.
2. Due to having that qualification they are supposed to be able to make a decision - BUT as they are normally looking to retire on the highest pension they avoid any decision so they cannot be accused of a mistake which may impede their advancement.
3. Their greatest fear is being shown up in public, especially in the press as being found incompetent.

As they have not followed the recognised procedures for the Patterson lakes water quality they are either negligent, incompetent or lazy. By making a case for a massive expenditure (paid for by others) to bring money into MW coffers they will get a pat on the back and a better chance for advancement, who cares if the reason is false or they are able to hide that it is their fault. They have become vulnerable as the lakes have deteriorated in the time of their care when up to that time the water quality was good. Please collect all the data to prove this. If they do not wish to repair/recover their negligence, then please find a suitable person in the media who has MW in the gun and wishes to splash it wide into the public domain. One result of doing this will be that in the future they will jump before risking another public censure when they do not do their proper job.

When I came to Canberra I did not understand bureaucrats and thought that they were able to listen to reason - they in the main did not, but were pushing their own barrows regardless of how much it was costing us. In fact one department secretary became so incensed with what 4 of his underlings were doing to us that he called us into a meeting, absented himself from his room with the comments that there was a document concerning us on his desk that we could ever have found using the "freedom of information" and we were not to copy. It was a strategy of asking questions which would cost us money to get the definitive answers and delay making their any decisions with the hope that delaying us enough time we would give up and go away. They managed to delay us on a major decision for 12 years. When we mentioned that 60 minute were interested in doing a segment on the delays to our project, they went into panic mode and asked us to hold off as they would now be able to make a quick decision.

If you think I can be of any further assistance please let me know.

Regards,

George