

19th May 2012

Essential Services Commission
Level 2/ 35 Spring Street
Melbourne VICTORIA 3000

Attention: Dean Wickenton

RE: 2012/13 Price Review for Melbourne Water's Special Precept Areas

Dear Dean,

Further to our recent meeting I am writing to you to confirm in writing our objections to Melbourne Water's (MW's) '**2012/13 Price Review for Melbourne Water's Special Precept Areas**'.

As you are aware I am the President of the Patterson Lakes (Quiet Lakes) Owners and Residents Inc., No. A0050282B. The Patterson Lakes (Quiet Lakes) Owners and Residents Inc. , otherwise known as PLQLOR, is an incorporated association under the Association Incorporation Act 1981 on and from the 13 June 2007. PLQLOR has a committee of 9 members that meet on a monthly basis including an Annual General meeting to which all association members and other owners and residents are invited to attend. Currently PLQLOR has 150 full financial members.

To comprehend MW's inappropriate and at times fabricated use and budgeting of precept revenue it is important for the ESC to understand MW's disregard for the Quiet Lakes owners and residents consultative feedback.

MW CONSULTATION WITH THE RESIDENTS

In August 2011 MW engaged Evaluation Solution (ES) to conduct an independent survey of the owners and residents to gather the resident's view. (refer attached ES Full and Summary reports) In summary from the ES resident's survey, the activities rated as being of highest importance by the owners and residents were:

1. *Operation of the bore pump (73.9%)*
2. *Water quality testing (51.1%)*
3. *Beach maintenance (44.7%)*
4. *Fish management (44.7%)*

Whilst MW purports to consult with the owners and residents of the Quiet Lakes there is little evidence to suggest that MW actually adopts the feedback provided. Rather it seems MW's "consultation process" is for no other reason than to be able to portray to the governing authorities that they conduct such consultative activities. Whereas in PLQLOR's view, this is not necessarily for the purpose of actually using the feedback provided.

MW's NEGLECT BY NOT IMPLEMENTING ACTIVITIES AND RESOURCES IN AREAS IDENTIFIED BY THE RESIDENTS AS BEING OF THE HIGHEST IMPORTANCE

Operation of the bore pump (73.9%)

As detailed on page 12, Table 8. as water quality actions

MW has, in its own Water Quality Management Plan and at PLAC meetings, openly opposed and dismissed the use of the bore water for water renewal purpose. This is despite being the activity rated by the precept paying residents as being of the highest importance. Only since PLQLOR's meeting with the Water Minister on the 9th November 2011 has MW been directed by the Water Minister to evaluate the bore for its original purpose of providing a source of water renewal and not simply for topping up evaporation and water seepage as conducted by MW. To date, during 2011/12, MW has opposed any use of the bore beyond its own devised practice of topping up the Quiet Lakes or simply testing the aquifer.

Fish management (44.7%)

As detailed on page 12, Table 8.

MW's disregard for the residents priority activities is further demonstrated by MW's under budget expenditure for Fish Management.

As reported within MW's price review, Fish Management was **\$12,110 under budget in 2010/11** and is **forecast to be \$15,504 under budget for 2011/12.**

Based on this one activity alone, two years in a row under budget, MW has no right to ask for, and the ESC should not approve, the inclusion of a 2.9% "inadvertent shortfall" in the 2012/13 budget, which equates to \$3,960.

MW's IMPLEMENTATION OF BUDGETED ACTIVITY AND RESOURCES THAT ARE NEITHER REQUIRED OR ENDORSED BY THE RESIDENTS

Aquatic Planting

As detailed on page 13, Table 10

At MW's own discretion, against the repeated feedback of the residents against aquatic planting in MW consultations and PLAC meetings, MW continues to budget valuable precept revenue on the new activity of Aquatic Planting **at a cost of \$8,000/year increasing to \$18,309/year** from 2012/13. This a new activity that is not endorsed by the residents, that disrupts the beneficial use of the lakes for primary contact recreation, that impedes fish management and that raises genuine concern for swimmer safety (entanglement). Yet this unwanted expenditure will nevertheless be wasted according to MW plans, to subsequently destroy the plants during desilting of the Quiet Lakes, as budgeted for in 2013/14.

Notably Lake Legana, which is devoid of Aquatic Plant life, has been continually swimmable since the 17th January 2012 following MW's extended 4 days operation of the bore and subsequent assistance from regular Autumn rainfall since that time – despite being 'devoid of costly unwanted Aquatic Plants'. By contrast, Lake Illawong and Lake Carramar have extensive plant coverage and yet they consistently recorded higher BGA levels than Lake Legana over the same period..

These new costs should not be approved by the ESC for inclusion in the 2012/13 Budget. Furthermore the ESC should instruct MW to remove these costs from future years prior to gaining the endorsement of the residents to implement such actions.

MW's IMPLEMENTATION OF BUDGETED ACTIVITIES AND RESOURCES THAT ARE CLEARLY NOT THE RESPONSIBILITY OF THE RESIDENTS

Re-Establishment of the Ground Water Licence

As detailed on page 13, Table 10 and Page 19, Table 17.

MW's further inappropriate use of precept revenue during 2011/12 has been evidenced with MW's charge to the residents for re-establishing the ground water licence for water renewal and water quality management at a **forecast cost of \$70,000**.

In 1976 the Developer of the Quiet Lakes went to the expense and effort of installing a deep bore for the purpose of providing a water source to the lakes with a ground water licence of 730ML/Year or 2ML/Day (refer attached Developers newsletter).

In 1991, MW at its own discretion without consultation with the residents, decreased the ground water licence to 20ML under MW's own misunderstanding that the bore licence was for filling the lakes (filled earlier in 1974) and further MW wrongfully stated that the bore was simply for the purpose of topping up an ornamental lake against evaporation and seepage.

In fact the cost of the bore and the ground water licence was recouped by the developer in the original sale of every block of vacant land. Now MW has wrongfully allocated a **forecast \$70,000 expenditure for 2011/12** expecting residents to pay for this original infrastructure again to cover the cost of MW's own mistake. (refer to attached for copies of the original ground water licence 1976, licence renewal decrease 1991, Southern Rural Water file note 1991 and MW licence increase 2010)

Re-establishment of the ground water licence is clearly a result MW's own wrong doing and as such is clearly the financial responsibility of MW to re-establish this vital piece of water quality management infrastructure at no allocated cost to the residents.

This cost should not be accepted by the ESC for inclusion in the 2011/12 forecast expenditure as it is not the responsibility of the residents to cover the cost of MW mistakes. Furthermore the ESC should make clear instruction to MW that it is required to bear the costs of its own inefficiencies, errors in judgement and poor decision making.

Replacement of Infrastructure

As detailed on page 2, under Proposed 2012/13 Prices, Patterson Lakes, paragraph 1.

MW states the precept rates have historically not been sufficient to cover the cost of asset renewal.

In relation to this statement, on page 19, table 17, MW has inappropriately allocated **\$30,480** ongoing in civil works it describes as being for valve replacements for drainage system in the Quiet Lakes.

The precept as described in the 1973 Maintenance Agreement is for the purpose of maintenance,

as more clearly defined under the 'definition of maintenance'. As can be read and clearly understood in the 'definition of maintenance' there is no provision or requirement for residents to be financially responsible for the replacement of MW assets. (please refer attached 1973 Maintenance Agreement also available on the MW website).

Further, in 1994 MW and the Advisory Committee prepared a memorandum of understanding as a prime source of reference for present and future managers and ratepayers regarding their respective responsibilities in connection with the operation and management of the Quiet Lakes and Tidal Waterways at Patterson Lakes. In the 1994 Working Relationship document it states on page 4, point 13: (refer attached copy of the 1994 Working Relationship)

"Funds set aside by DVWPA in previous years for replacement of assets and other contingencies have been noted in Melbourne Water's records for the Quiet Lakes and the Tidal Waterways and continue to be available for those purposes."

Clearly the replacement of MW assets has been financially provided-for previously and is not the purpose of the precept as detailed in the 1973 Maintenance Agreement.

The costs of civil works i.e. replacement of assets and infrastructure, should not be accepted by the ESC for inclusion in the 2011/12 forecast expenditure as it is not the responsibility of the residents. Furthermore the ESC should instruct MW to remove such costs from future budgets, instructing MW to locate funds that were specifically set aside for the replacement of assets and other contingencies at the Quiet Lakes.

Recovery of Past Losses

As detailed on page 2, under Proposed 2012/13 Prices, Patterson Lakes, paragraph 2.

MW states that the Melbourne Water Board agreed to waive all revenue shortfalls until 2023. Yet in 'paragraph 4' MW applies for recovery of the 2.9% that it "inadvertently omitted to include the previous year's CPI" after having agreed to "waive all revenue shortfalls until 2023"

Further it is detailed on page 8, Table 8 that the Actual Operating Expenditure for 2010/11 was \$153,674. That's \$44,520 less than the 2010/11 forecast expenditure of \$198,194, as detailed in last year's submission to the ESC. On this basis, and as mentioned under "Fish management" above, why does MW feel the need to recover the 2.9% they inadvertently missed in last year's precept increase when they've under spent by \$45,520 against their 2010/11 budget (2.9% = \$3,960 of \$136,558 being the 11/12 forecast revenue)?

Furthermore it is detailed on page 8, Table 8 that MW forecast operating expenses for year end 2011/12 is \$261,178. That's \$23,374 less than the budgeted plan expenditure of \$284,552 for 2011/12 as detailed in last year's MW submission to the ESC. Again this poses the question as to why MW feels the need to recover the 2.9% they inadvertently missed in last year's precept increase, when they've forecasted to under spent by \$23,374 against their 2011/12 budget. (2.9% = \$3,960 of \$136,558 being the 11/12 forecast revenue)

Given the shortfall in budgeted expenditure for two consecutive years in conjunction with MW's offer to waive all revenue shortfalls, MW has no right to ask for, and the ESC should not approve, the inclusion of 2.9% "inadvertent shortfall" in the 2012/13 precept price increase.

More so, the consecutive expenditure shortfall should give rise to the ESC demanding MW to revise down its previously devised 11% price path.

MW's ALLOCATION OF BUDGETED EXPENDITURE FOR NEW INFRASTRUCTURE

Solar Bee

As detailed on page 19, table 17

MW has budgeted for the purchase of a Solar Bee during 2012/13 at a **cost of \$65,646** . The Solar Bee evaluation program currently underway provides no evidence in support for the purchase of additional solar bees during the next 12 months.

Prior to the ESC approving this cost to be included in the 2012/13 budget, the ESC should obtain from MW evidence that this cost is actually likely to occur during the 2012/13 budget year.

MW's ALLOCATION OF BUDGETED EXPENDITURE FOR UNJUSTIFIED ACTIVITIES

Newsletter

As detailed on page 18, table 15.

MW has once again forecast expenditure against 4 newsletters at a cost of \$6,474, yet has not produced 4 newsletters in a single year for the past 3 year reported years.

Furthermore, PLAC's dissatisfaction as to the content of this newsletter and the pending decision on whether to continue this newsletter, is an agenda item for the August 2012 PLAC meeting.

Prior to the ESC approving the full cost of 4 Newsletters in the 2012/13 budget, the ESC should obtain from MW evidence that it has both the resource and true intent to actually complete this function during the 2012/13 budget year.

Water Quality Testing

As detailed on page 18, table 15.

MW has budgeted for a 100% increase in the cost of water quality testing at an additional cost of \$10,000 without any communication to the residents or explanation to the ESC as to why this increase has been budgeted to occur in 2012/13.

As detailed on page 11, table 7.

No comment offered by MW as to any variance on Water Quality Testing

The significant 100% increase in the cost of water quality testing should not be approved by the ESC for inclusion in the 2012/13 Budget due to MW's non communication and justification of this activity to both the residents and the ESC.

Furthermore the ESC should instruct MW to remove the increased cost from future years prior to MW gaining the endorsement of the residents to implement whatever action it is that they intend to secretly implement.

MW's ALLOCATION FOR BUDGETED CAPITAL EXPENDITURE ACTIVITIES THAT HAVE SIMPLY NOT OCCURED

Capital Expenditure - Silt Removal

As detailed on page 13, table 10 and page 19, table 17

MW has budgeted for Silt Removal during 2011/12 at a cost of \$26,000, which has simply not occurred.

In February 2012 MW conducted sand retrieval in areas of the Quiet Lakes targeted for Aquatic planting. This retrieved sand was then spread over the beach in normal fashion. There was no silt removal from the Reserve. Note, sand retrieval is a general maintenance activity as classified on page 11, table 7 and captured in the forecast expenditure for General Maintenance page 12, table 8

The cost for silt removal should not be accepted by the ESC for inclusion in the 2011/12 forecast expenditure as it simply has not occurred during this past year.

Water Quality Actions - Bore pump electricity, fish stocking, maintenance of solar bee and external aquatic advice

As detailed on page 12, table 8.

MW has forecast expenditure for Water Quality Activities during 2011/12 at a cost of **\$84,990**.

To date:

- the bore has not been used beyond its historic annual usage governed by the pre-existing ground water licence of 20ML/year for MW's incorrect purpose of topping up the Quiet Lakes.
- no additional solar bees have been purchased thus reducing overall maintenance costs, which literally amounts to periodic wiping of the solar panels.
- no fish stocking of native species has occurred.
- no communication by MW of any reports or communications relating to external Aquatic advice during the 2011/12 year.

The full allocation of these costs should not be accepted by the ESC for inclusion in the 2011/12 forecast expenditure as the majority of these costs simply have not occurred during this past year.

MW has again **budgeted \$84,990** in expenditure for Water Quality Activities during 2012/13.

Given MW's improper inclusion of this forecast expenditure for 2011/12 for activities that simply have not and will not occur, the ESC would be prudent to monitor the occurrence of these activities in 2012/13 expenditure.

MW's NON RECOGNITION OF THE LAKES OTHER PURPOSE AS A DRAINAGE RESERVE

As detailed in the 2011/12 MW Price Review page 6, paragraph 5 for the Tidal Water Ways (TTW).

"MW accepts some recovery of costs through the general drainage rate due to the broad community benefit provided in terms of flood protection."

As detailed on the Quiet Lakes 'Plan of Subdivision' the Quiet Lakes Reserve also has the dual function of being a drainage and recreational reserve having protected the broader community on numerous occasions from potential flood inundation. It is worth noting that on the many occasions when the Quiet Lakes have taken on storm water to protect the broader community

that this action has resulted in a negative impact on the water quality and the build-up of nutrient rich sediment within the Quiet Lakes. Yet MW does not set aside any allocation of water quality management expenditure to the general drainage rate as occurs with the TWW. (please refer to attached Quiet Lakes, Plan of Subdivision)

In fairness to the Quiet Lakes in equal consideration of the flood protection provided by both Reserves to the broad community, the ESC should request a review of MW's allocation of Quiet Lakes Water Quality Management expenditure to the general rate charge as is the case with the TWW.

IN SUMMARY

MW has allocated a total expenditure for this past year of 2011/12 for the amount of **\$293,368** against activities that have either not occurred, new activities that have not been endorsed by residents or activities that are arguably not the responsibility of the precept paying residents.

Silt Removal	\$26,000 (has not occurred)
Purchase of additional Solar Bees	\$65,646 (has neither occurred nor justified)
Water Quality Actions	\$84,990 (much of which has not occurred)
Aquatic Planting	\$8,000 (not endorsed by the residents)
Re-establishing the ground water licence	\$70,000 (MW's own mistake)
Civil Works - replacement of Infrastructure	\$30,480 (not the responsibility of the precept)
Recovery of inadvertent past losses 2.9%	\$8,252 (MW has waived all previous shortfalls)

MW has allocated a total expenditure for this next year of 2012/13 for the amount of **\$180,161** against activities that are either unlikely to occur, new activities that have not been endorsed by residents or activities that are arguably not the responsibility of the precept paying residents.

Silt Removal	\$41,000 (unlikely to occur in this year)
Purchase of additional Solar Bees	\$65,646 (unlikely to occur in this year)
Historically unlikely 4 newsletters	\$6,474 (unlikely to occur in this year)
Aquatic Planting	\$18,309 (not endorsed by the residents)
Civil Works - replacement of infrastructure	\$30,480 (not covered under the precept)
Unexplained Increased Water Quality Testing	\$10,000 (unjustified - not endorsed)
Recovery of inadvertent past losses 2.9%	\$8,252 (MW has waived all previous shortfalls)
Appropriate allocation of cost for flood protection to the broad community	\$?

The MW budget expenditure and associated price review should be restricted by the ESC to expenditure that satisfies the Quiet Lakes original operating design, the maintenance schedule as detailed in the 1973 Maintenance Agreement along with new maintenance activities and newly introduced infrastructure endorsed by the residents through appropriate ongoing independent consultation.

These activities currently include:

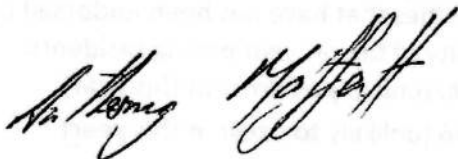
1. Operation of the bore for water renewal and water quality management
2. Maintenance of the sand and grassed, paved etc. areas of Reserves in an attractive condition.
3. Water quality testing
4. Fish management
5. Removal of rubbish from the water and Reserves

6. Replacement of beach sand and removal of silt and/or sand from Reserves as required
7. Operation and maintenance of inlet and outlet systems including wellpoint intake, pumps, pipeline and flow control structures to ensure water renewal
8. Maintenance of lighting bollards and lifebuoys
9. Maintenance of security and shared boundary fences
10. Erection of signs (private property, dogs on leash, poop & scoop, swimming status etc...)
11. Operation and maintenance of the second flush storm water system
12. Maintenance of Solar Bee unit currently located on Lake Illawong
13. The proposed future purchase of additional Solar Bee units as endorsed by the residents via conclusive independent consultation.
14. Maintenance of water quality to a standard compatible with the use of the lake system for primary contact recreation.

Given MW's reported under-expenditure against budget for the past two years in conjunction with wrongful allocation of expenditure against activities that have either not occurred, new activities not been endorsed by residents or activities that are arguably not the responsibility of the precept paying residents PLQLOR requests that the ESC:

1. Not approve MW's request for 14.4% plus CPI price increase
2. Instructs MW to review its future budgets and devise a revised price path against the cost of activities that fall within the established purpose of the precept and agreed management activities.

Yours sincerely,



Anthony Moffatt
PLQLOR President



Patterson Lakes Precept Ratepayer Survey

Report on the results of the
Community Consultation Survey
conducted in July – August 2011

Prepared for Melbourne Water

by

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1. Introduction

1.1. Background to Survey

Melbourne Water provides maintenance services in Patterson Lakes, including in the Quiet Lakes and Tidal Waterways areas, many of which are funded by the precept rate.

In 2011 Melbourne Water engaged Evaluation Solutions, an independent research company, to facilitate a community consultation survey with precept ratepayers from the Quiet Lakes and Tidal Waterways areas. The survey was designed to seek feedback from precept ratepayers about methods for calculating rates, priorities for services and the development of a customer service charter.

The purpose of this report is to describe and summarise the feedback provided by ratepayers in the survey. This report has been prepared independently by Evaluation Solutions, and is not intended to outline Melbourne Water's response to the feedback.

1.2. Survey Design

The survey was designed to obtain feedback from precept ratepayers in several areas, which would inform Melbourne Water's future activities. The survey covered four areas:

1. Basis for calculating precept rates – Melbourne Water is considering different methods for calculating the precept rate. This section asked ratepayers to indicate their most preferred method, from options provided by Melbourne Water. Options included the current method and two new methods. Respondents were also able to suggest another preferred method, and to comment on the options proposed by Melbourne Water as well as the method they selected.
2. Customer service charter - Melbourne Water has undertaken to develop a customer service charter relating to the services it provides to precept ratepayers in Patterson Lakes. The second section of the survey sought feedback from precept ratepayers about their understanding of the main purposes of the charter, and the topics they would like to see included.
3. Current services – Melbourne Water was seeking to understand the importance placed on the various services it provides in Patterson Lakes, in order to prioritise expenditure. Respondents were asked about the importance of current services, and which services are their highest priorities.
4. Additional services – From time to time members of the community have requested different services that are not covered by the precept rate. This section of the survey sought to understand the level of interest for these services, and whether ratepayers were prepared to pay more for these services.

Sections three and four of the survey differed slightly for ratepayers in the Quiet Lakes and Tidal Waterways areas, because there are differences in the services provided in each area due to their unique requirements (e.g. operation of the bore pump in the Quiet Lakes; jetty maintenance in Tidal Waterways).

1.3. Methodology

The survey for precept ratepayers was primarily conducted online, with the option for ratepayers to request a paper-based survey. Residents of the retirement village on Lake Illawong in the Quiet Lakes were sent a paper-based survey at the outset, and had the option to complete the survey online.

A letter was sent to each precept ratepayer on 26 July 2011, using mailing information originating from South East Water, the entity who collects the precept rate on behalf of Melbourne Water. The letter included details about the consultation survey, and provided a web address and unique login code to access the online survey. Ratepayers were able to phone Evaluation Solutions to request a paper-based survey, which was mailed out on the same or the following business day. Melbourne Water placed notices on the community noticeboards in Patterson Lakes to remind ratepayers about the survey; individual reminder letters were not sent to each household.

The survey was open online until 15 August 2011, and paper-based surveys were accepted up until 17 August 2011 to allow for reply-paid mail to be received (no further surveys were received after this date.)

Only one survey response was permitted for each property. In addition to providing access to the survey, the unique property code was utilised to validate survey responses ensuring only one response per household was received.

1.4. Participation and Response Rates

A total of 344 ratepayers from the Quiet Lakes and 900 ratepayers from the Tidal Waterways were invited to complete the survey. The response rates are shown below:

Table 1. Response Rates by Location

Location	Invited	Submitted	Percentage
Quiet Lakes	344	48	14.0%
Tidal Waterways	900	87	9.7%
TOTAL SURVEYS SUBMITTED	1244	135	10.9%

In responding to the survey, ratepayers were able to answer as many or as few questions as they wished, and not all respondents answered all questions. Throughout this report the results and percentages for each question have been calculated based on the actual number of respondents who completed that question.

The majority of surveys were completed online. The numbers of surveys received via each method is shown below:

Table 2. Response Rates by Response Method

Response Method	Quiet Lakes	Tidal Waterways	Total
Online	35	80	115
Paper/postal survey	13	7	20
TOTAL SURVEYS SUBMITTED	48	87	135

The response rates for this survey were substantially lower than those seen in the Quiet Lakes community survey in 2009, and the Quiet Lakes ballot in 2010. However these projects saw substantial resources dedicated to promotion, follow-ups and reminders, including door-knocking of individual households.

It is important to note that the results of the current survey cannot be generalised to the wider population of precept ratepayers in Patterson Lakes. The reason for this is that the survey was self-selecting, in that ratepayers could choose whether or not to participate. In this situation, it is generally accepted that people who have strong opinions or are particularly interested or concerned about the subject matter are more likely to respond, and those who are indifferent are not as likely to participate. High participation rates would assist to allay this concern, however the low response rates of the current survey mean that the results can only be taken to represent the opinions and perceptions of the 10% of ratepayers who responded, and should not be generalised more broadly.

2. Results

2.1. Basis for Calculating Precept Rates

The first section of the survey asked respondents to select, from a list of options, their preferred method for calculating the precept rate in the future. Respondents were then given the opportunity to comment on the methods proposed by Melbourne Water, and the method they selected. The results are discussed below.

2.1.1. Quiet Lakes

As shown in Table 3 below, around half of the respondents (49%) preferred that precept rates are a fixed percentage of 1990 land values for all precept ratepayers, which is how rates are currently calculated. This means that the other half (51%) of respondents were advocates for change, preferring a calculation method that is different to that currently employed. However, these respondents were divided between a single flat rate, and variable rates based on cost of service provision.

Respondents selecting "Other" all described variations on the "single flat rate" concept.

Table 3. Most preferred method of calculating precept rates – Quiet Lakes.

Methods for Calculating Precept Rates	Count	%
Rates are a fixed percentage of 1990 land values for all precept ratepayers (i.e. the higher your land value, the more rates you pay).	23	49%
A single flat rate is charged for all precept ratepayers. Small properties such as high rise units and retirement villages would pay a proportionate share of the flat rate.	13	28%
Different categories of property (e.g. water front, non-water front, mooring allocation, key access) pay different amounts based on the cost of service provision.	8	17%
Other (please describe)	3	6%
TOTAL	47	100%

Comments from Quiet Lakes ratepayers who selected "a fixed percentage of 1990 land values" generally suggested that those with better access should pay more than those who do not have waterfront properties. Many suggested this is the fairest method for calculating rates, and that it is "fine as is".

There were few comments from Quiet Lakes ratepayers who preferred a single flat rate, but those comments generally suggested that, as ratepayers do not have exclusive access to the area in front of their property, and as maintenance includes aspects such as water quality which benefit many, all residents who have the ability to use the lakes should pay the same amount.

Comments from Quiet Lakes ratepayers who preferred different types of properties pay different amounts based on the cost of service provision generally suggested that residents who do not have waterfront access should not have to pay as much as residents who do.

2.1.2. Tidal Waterways

As shown in Table 4 below, just under half of Tidal Waterways respondents (44%) preferred that precept rates are a fixed percentage of 1990 land values for all precept ratepayers, which is how rates are currently calculated. As with Quiet Lakes, this means that the majority (55%) of respondents were advocates for change, but again, these respondents were divided between a single flat rate, and variable rates based on cost of service provision.

The respondent selecting "Other" suggested a combined approach, based on the width of water frontage and a flat fee for general maintenance.

Table 4. Most preferred method of calculating precept rates – Tidal Waterways

Methods for Calculating Precept Rates	Count	%
Rates are a fixed percentage of 1990 land values for all precept ratepayers (i.e. the higher your land value, the more rates you pay).	37	44%
A single flat rate is charged for all precept ratepayers. Small properties such as high rise units and retirement villages would pay a proportionate share of the flat rate.	25	29%
Different categories of property (e.g. water front, non-water front, mooring allocation, key access) pay different amounts based on the cost of service provision.	22	26%
Other (please describe)	1	1%
TOTAL	85	100%

Comments from Tidal Waterways ratepayers who selected "a fixed percentage of 1990 land values" generally suggested this option is the fairest way to calculate rates and is consistent with the way other types of rates are calculated.

Comments from Tidal Waterways ratepayers who preferred a single flat rate suggested that all residents (and even non-residents) benefit in some way from the canals, and receive the same services regardless of whether they have a water view property or not, and therefore all residents should pay the same rate. Furthermore, some respondents felt this method was fairer and easier to understand for ratepayers.

Comments from Tidal Waterways ratepayers who preferred different types of properties pay different amounts based on the cost of service provision suggested that those who get better access or are regular users of the waterways should pay more than those who do not have direct access and do not tend to use the waterways.

2.2. Customer Service Charter

Melbourne Water has undertaken to develop a customer service charter relating to the services it provides to precept ratepayers in Patterson Lakes. The second section of the survey sought feedback from precept ratepayers to inform the drafting of the customer service charter.

Ratepayers were first asked to indicate the most important purpose(s) of the customer service charter by selecting up to three options from a list provided by Melbourne Water. Respondents were also able to suggest other purpose(s). A small number of respondents commented that they found more than three options to be important purposes; however the design of this question limited the selection to three options, to enable priorities to be ranked.

Ratepayers were then asked to comment on the sorts of topics they would like to see in the customer service charter, under some broad concept areas. The results are discussed below.

2.2.1. Quiet Lakes

As can be seen in Table 5 below, the highest priority for respondents in the Quiet Lakes was for the customer service charter to clearly define the services that Melbourne Water provides to ratepayers; almost three quarters of respondents (74%) selected this. More than a third prioritised achieving mutually agreeable outcomes for ratepayers and Melbourne Water (36%), and providing information to assist ratepayers to assess whether they receive value for money (34%).

Table 5. Most important purposes of the customer service charter – Quiet Lakes

Purposes of the customer service charter	Count	% *
To clearly define the services that Melbourne Water provides to ratepayers	35	74%
To provide ratepayers with information to assist them in assessing whether they receive value for money	16	34%
To set out the community's roles and responsibilities in helping to protect the waterways at Patterson Lakes	9	19%
To provide information around the way rates are calculated and reviewed	12	26%
To clarify the channels of communication between Melbourne Water and the Patterson Lakes community	5	11%
To achieve mutually agreeable outcomes for ratepayers and Melbourne Water	17	36%
To clarify service level expectations	12	26%
To clarify areas of enforcement e.g. boating access, illegal moorings, unauthorised access to the waterways and lakes	4	9%
To create a clear understanding of Melbourne Water's use of maintenance access easements across Patterson Lakes	3	6%
Other (please describe)	8	17%

* A total of 47 Quiet Lakes respondents answered this question. As respondents were able to select three options, percentages add up to more than 100%.

Respondents who selected "Other" suggested aspects including:

- that Melbourne Water take full responsibility to maintain the amenity
- allowing greater involvement for residents in deciding what is done and in solving problems

Some respondents also commented that they want Melbourne Water to adhere to the 1973 agreement.

Respondents were asked to comment about the sorts of topics they would like to see in the customer service charter, under the broad areas of maintenance services, other services, the way Melbourne Water engages and communicates, and other topics.

A summary of the feedback is shown below for each concept area.

Maintenance services

Overall, 26 respondents commented about the topics to be covered under "Maintenance Services" and four themes emerged. The most common theme was that the charter should provide details about the specific services that Melbourne Water provides. The majority of comments (85%) referred to some aspect of this.

Other themes that emerged included (in order of prominence):

- Service levels should be defined
- Performance of services provided should be monitored and evaluated and action should be taken if performance is not up to standard
- A schedule/timeline of services should be provided including the frequency at which they are to be delivered

Other services we provide

Overall, 22 respondents commented about the topics to be covered under "Other Services". Although no clear themes emerged, individual comments related to the following topics:

- More information about what "other services" are provided by Melbourne Water (some comments made by respondents indicate that they are not currently aware of any other services provided by Melbourne Water)
- Maintenance of water quality

The way we engage and communicate

Overall, 27 respondents commented about the topics to be covered in relation to the way Melbourne Water engages and communicates with ratepayers. The only theme that emerged suggested that communication from Melbourne Water should be more honest, transparent and consultative.

Other comments included a mixture of opinions on communication methods. Some respondents asked to continue receiving the newsletter. Some requested more regular updates, others suggested they are happy with the current communication methods/approach. Some respondents preferred communication via mail or letterbox drop, others requested communication via email. Some respondents wanted more updates and information on the website, others wanted the notice board kept up-to-date. Some respondents suggested Melbourne Water should be communicating more about their performance and whether performance targets are being met.

Other topics to be included

Sixteen respondents commented about others topics they would like to see in the customer service charter. Although no clear themes emerged, comments generally related to:

- Medium to long term goals and plans about how to get the lakes back to their original standard
- Restrictions/laws and how they are enforced
- Where the precept rate money is going, and what services it covers

2.2.2. Tidal Waterways

Priorities for Tidal Waterways respondents were generally similar to those indicated in the Quiet Lakes, and the top three priorities were the same.

As can be seen in Table 6 below, the highest priority for respondents in Tidal Waterways was for the customer service charter to clearly define the services that Melbourne Water provides to ratepayers; three quarters (75%) of respondents selected this. Close to half (44%) prioritised achieving mutually agreeable outcomes for ratepayers and Melbourne Water. Around one third prioritised providing information to assist ratepayers to assess whether they receive value for money (35%) and providing information around the way rates are calculated and reviewed (34%).

One difference between Tidal Waterways and Quiet Lakes was the level of interest in clarifying areas of enforcement, which was a priority for 28% of Tidal Waterways respondents compared to 9% in Quiet Lakes.

Table 6. Most important purposes of the customer service charter – Tidal Waterways

Purposes of the customer service charter	Count	% *
To clearly define the services that Melbourne Water provides to ratepayers	64	75%
To provide ratepayers with information to assist them in assessing whether they receive value for money	30	35%
To set out the community's roles and responsibilities in helping to protect the waterways at Patterson Lakes	20	24%
To provide information around the way rates are calculated and reviewed	29	34%
To clarify the channels of communication between Melbourne Water and the Patterson Lakes community	10	12%
To achieve mutually agreeable outcomes for ratepayers and Melbourne Water	37	44%
To clarify service level expectations	19	22%
To clarify areas of enforcement e.g. boating access, illegal moorings, unauthorised access to the waterways and lakes	24	28%
To create a clear understanding of Melbourne Water's use of maintenance access easements across Patterson Lakes	6	7%
Other (please describe)	8	9%

* A total of 85 Tidal Waterways respondents answered this question. As respondents were able to select three options, percentages add up to more than 100%.

Respondents who selected "Other" suggested other purposes, including clarifying the role/use of the original agreement, and increasing understanding of customer expectations. Some respondents also commented that they want Melbourne Water to adhere to the 1973 agreement.

Respondents were asked to comment about the sorts of topics they would like to see in the customer service charter, under the broad areas of maintenance services, other services, the way Melbourne Water engages and communicates, and other topics.

A summary of the feedback is shown below for each concept area.

Maintenance services

Overall, 60 respondents commented about the topics to be covered under “Maintenance Services” and five themes emerged. The most common theme was that the charter should provide details about the specific services that Melbourne Water provides. Nearly half of all comments referred to some aspect of this.

Other themes that emerged included (in order of prominence):

- Service levels should be defined
- A schedule/timeline of services should be provided
- Performance of services provided should be monitored and evaluated
- Transparency and disclosure around the precept rate (i.e., where is precept rate money going to, what proportions are spent on services)

Other services we provide

Overall, 38 respondents commented about the topics to be covered under “Other Services”. The only theme that emerged suggested that details should be included about any other services Melbourne Water provides. Other comments related to the following topics:

- Clearly defined roles for residents and Melbourne Water
- Provision of advice/assistance for residents and out of hours contact details
- Clarify rules (e.g. public/private access to waterways) and areas of enforcement
- A schedule/timeline of other services/projects should be provided
- Melbourne Water should be self-accountable for their performance and show how the services they provide are value for money
- Transparency around the precept rate (i.e., what does the precept rate cover)

The way we engage and communicate

Overall, 47 respondents commented about the topics to be covered in relation to the way Melbourne Water engages and communicates with ratepayers. The most common theme was that respondents were happy with the newsletters they are currently receiving and would like this to continue as a form of communication; around half of all comments referred to some aspect of this.

Other comments suggested that communication should be more honest, transparent and consultative. Some respondents indicated that they would prefer communication via mail or letterbox drop, others requested communication via email. Some respondents requested more relevant and up-to-date information on the website. The suggestion was also made that a 24 hour/7 day point of contact should be provided.

Other topics to be included

Twenty-four respondents commented about others topics they would like to see in the customer service charter. Although no clear themes emerged, comments related to:

- Jetty replacements
- Beach cleaning/replenishment
- Restrictions/laws and how they are enforced
- Transparency around rates and any increases in rates
- Penalties for poor performance by Melbourne Water
- Seaweed collection

2.3. Importance of Current Services

The third section of the survey sought to understand ratepayers’ perceptions of the importance of current services, in order to prioritise expenditure based on ratepayer needs.

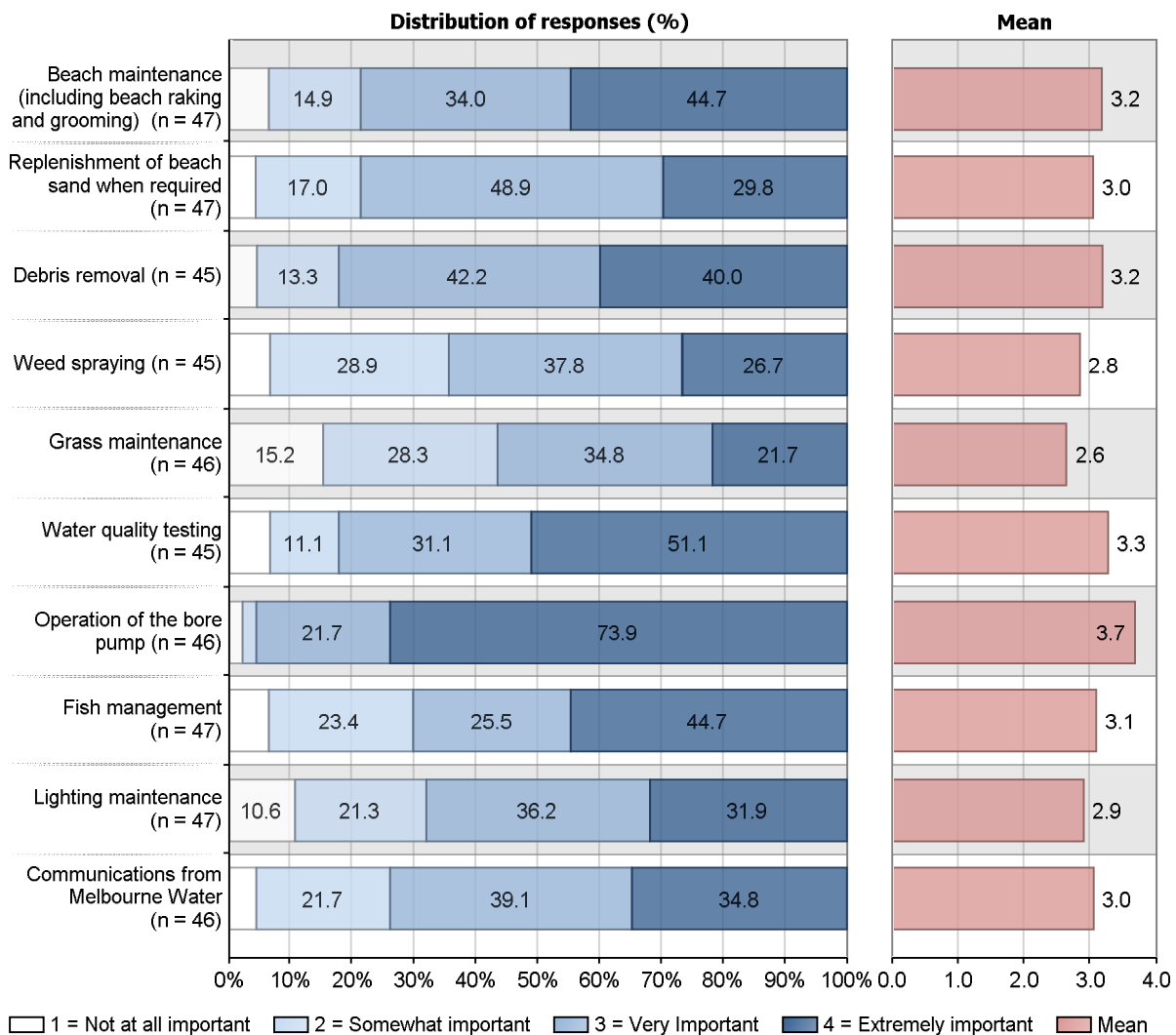
Respondents were first asked to rate the importance of a series of current services, and were then asked to indicate which three services are their first, second and third highest priorities. Only three services could be ranked in this second question. While it is acknowledged that many services may be important, the design of this question was intended to ensure that the highest priorities were identified.

2.3.1. Quiet Lakes

As can be seen in Chart 1 below, the service rated most highly in terms of importance by Quiet Lakes respondents was operation of the bore pump. Almost three quarters (74%) of respondents gave this the highest possible rating. Water quality testing was the next most highly rated service.

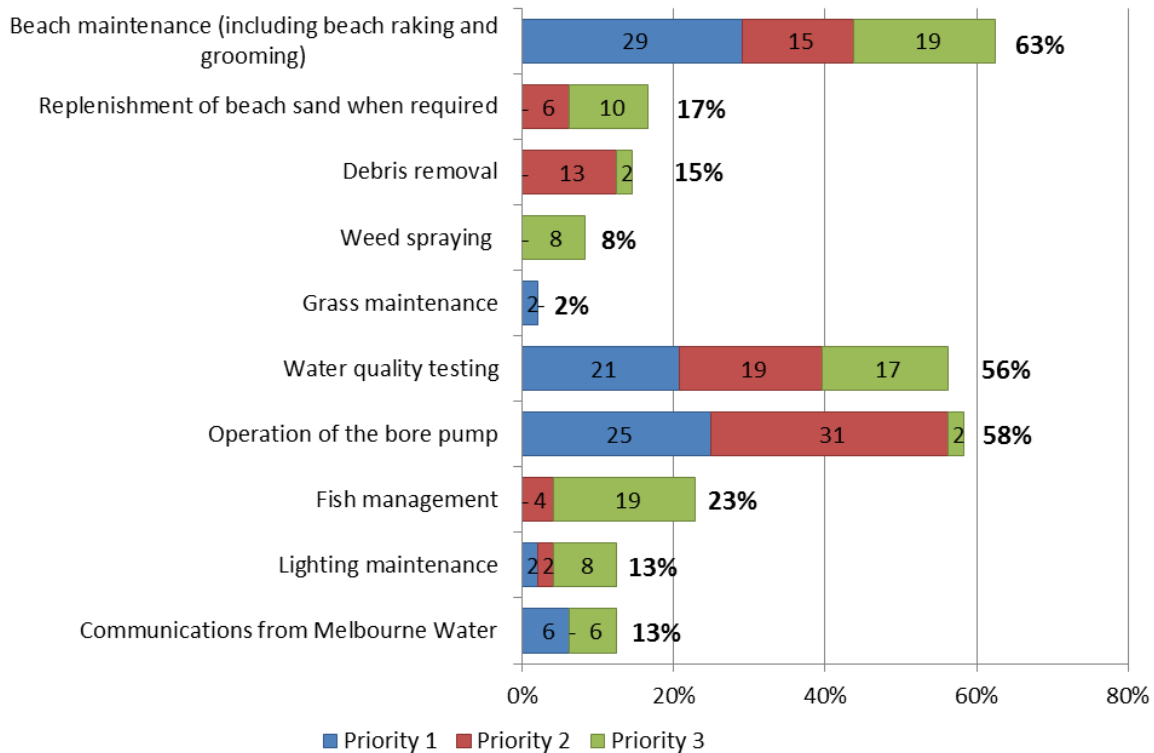
The lowest rated service in terms of importance was grass maintenance, although more than half (56%) of the respondents rated this as very important or extremely important.

Chart 1. Importance of current services –Quiet Lakes



In terms of respondents' highest priorities for current services, the service which appeared in the top 3 priorities of the highest number of respondents was beach maintenance (refer Chart 2, below). Nearly two thirds (63%) of respondents included this in their top 3 most important services, and nearly one third (29%) rated this as their number one priority. Operation of the bore pump and water quality testing were the services of next highest priority. These services were the same two that received the highest importance ratings in the previous question.

Chart 2. Top three priorities for current services – Quiet Lakes



Note: the numbers on each bar indicate the % of respondents who ranked a service as priority 1, 2, or 3. The number at the end of each bar indicates the total % of respondents who included a service in their top 3 rankings.

Respondents were asked to comment on their top 3 priorities, and what was important about these services. Comments about each service are summarised below.

- **Beach maintenance:** the majority of respondents who prioritised beach maintenance indicated that the aesthetic aspect was most important; some mentioned the positive appearance of a clean beach. The ability to walk safely around the lake was also important. Some respondents mentioned that maintaining the beach keeps rubbish out of the lakes.
- **Operation of the bore pump:** this is seen as an important contributor to water quality maintenance, through increasing water flow and circulation, as well as increasing water levels. Some respondents indicated that additional operation of the bore pump was needed at times.
- **Water quality testing:** many respondents who prioritised water quality testing did so because they want to be able to swim in the lakes. Some mentioned the importance of monitoring the health of the lakes, and others saw this as a way to monitor the effectiveness of Melbourne Water's maintenance activities.
- **Fish management:** this was seen primarily as a contributor to water quality management, through the reduction of nutrients that support blue-green algae.

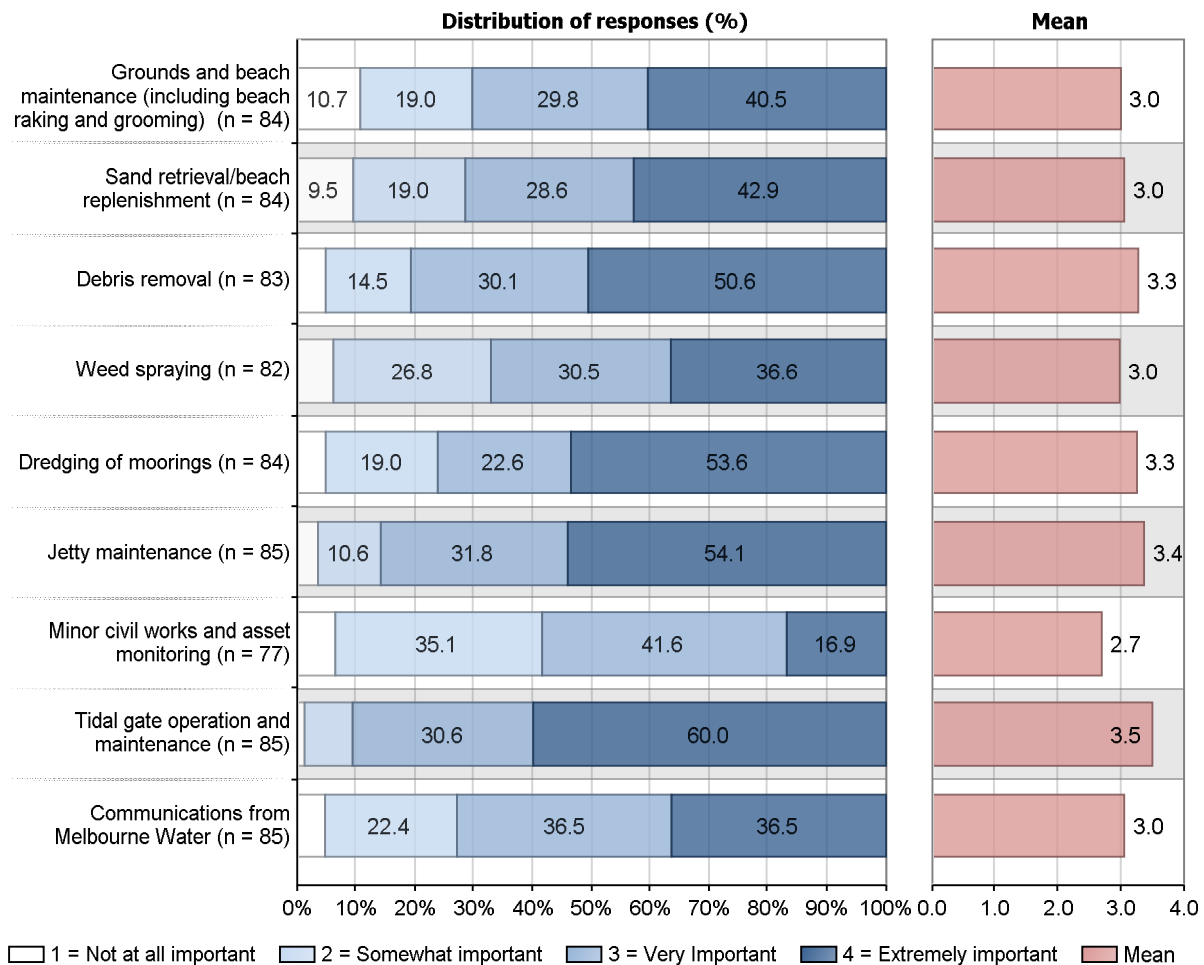
- Replenishment of beach sand: comments about replenishment of beach sand included requests that it be done more frequently, and that sand be excavated from the lake and used to replenish the beach, thereby also contributing to deepening the lakes.
- Debris removal: respondents who prioritised debris removal mentioned the visual aspect, safety, preventing drains from becoming blocked, and preventing vermin.
- Lightening maintenance: this was seen to be a safety and security issue.
- Communication from Melbourne Water: comments mentioned the importance of knowing what is going on and receiving information about water quality. Honesty in communications was mentioned, as well as communications that are not “bossy”.
- Weed spraying / Grass maintenance: comments mentioned the importance of maintaining the beaches, and keeping the water clear.

2.3.2. Tidal Waterways

As can be seen in Chart 3 below, the service rated most highly in terms of importance by Tidal Waterways respondents was tidal gate operation and maintenance, with 60% of respondents giving this the highest possible rating. Jetty maintenance, dredging of moorings and debris removal were also rated as extremely important by more than half of Tidal Waterways respondents.

The lowest rated service in terms of importance was minor civil works and asset monitoring.

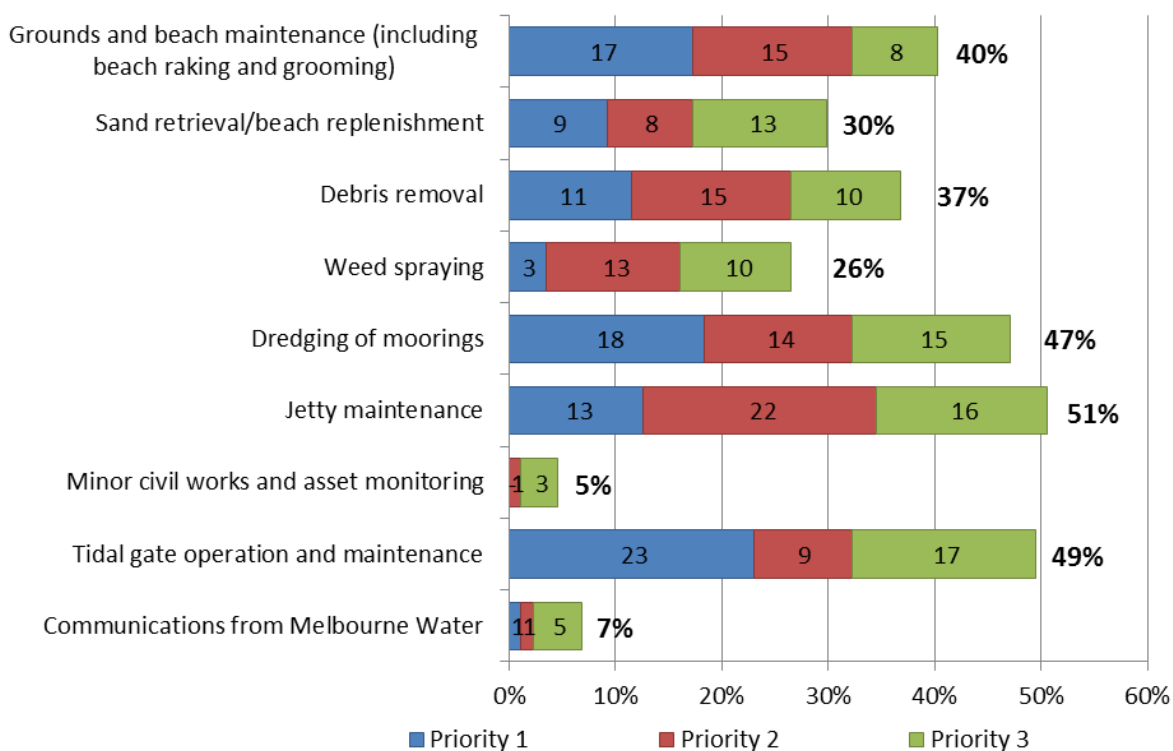
Chart 3. Importance of current services – Tidal Waterways



In terms of respondents' highest priorities for current services, the service receiving the most mentions overall was jetty maintenance (51% of respondents included this in their top 3 rankings), followed closely by tidal gate operation (49%) and dredging of moorings (47%) (refer Chart 4, below); tidal gate operation was the service receiving the highest proportion of "first priority" mentions (23%). These services were the same three that received the highest importance ratings in the previous question.

The fourth most mentioned service was grounds and beach maintenance (40% of respondents included this in their top 3 rankings), although this service was not one of the most highly rated in the previous question. This indicates that, while respondents don't consider beach maintenance to be of high importance per se, when asked to prioritise, a relatively high proportion do not want to forego this service.

Chart 4. Top three priorities for current services – Tidal Waterways



Note: the numbers on each bar indicate the % of respondents who ranked a service as priority 1, 2, or 3. The number at the end of each bar indicates the total % of respondents who included a service in their top 3 rankings.

Respondents were asked to comment on their top 3 priorities, and what was important about these services. Comments about each service are summarised below.

- Jetty maintenance: many respondents who prioritised jetty maintenance suggested this was a safety concern for users, with some concerned about access to and from boats, or the potential for damage to boats. Some respondents indicated that jetty access was their main reason for purchasing in Patterson Lakes, and some mentioned the unattractiveness of poorly maintained jetties.
- Tidal gate operation and maintenance: the majority of respondents discussed the importance of protection against flooding from extreme high tides. Some mentioned the importance of access to the bay, and that gates are maintained in working order at all times.

- Dredging of moorings: respondents mostly mentioned the issue of moorings being too shallow at low tide, and the subsequent issues of boat access and potential for damage. Some respondents were concerned that boats under the maximum permitted size were not able to be accommodated; value for money was also questioned.
- Grounds and beach maintenance: the majority of respondents who prioritised grounds and beach maintenance did so because of the aesthetic aspects; some mentioned safety and hygiene, including the issue of broken glass or needles on the beach. Some respondents felt the approach to beach maintenance was inconsistent, with some areas receiving regular maintenance and others not.
- Debris removal: respondents who saw this as a priority were mostly concerned about the unsightly appearance if debris and rubbish accumulate in the canals and around beaches and rocky areas. Public safety was also mentioned, and the potential for damage to boats. Some respondents mentioned the need for debris removal to maintain the health of waterways and reduce the impact of pollution.
- Sand retrieval/ beach replenishment: this was seen as important from an aesthetic perspective, and to enable residents to enjoy the beach area. Some respondents mentioned the impact on property values if replenishment is not carried out. Others suggested that this was done too infrequently, or that they had never seen this done, or it was done inconsistently, with some areas receiving more maintenance than others.
- Weed spraying: this was seen as important from an aesthetic perspective, as well as to avoid the build-up of rubbish and odours. Some respondents mentioned the need to ensure that the correct sprays were being used so as to avoid any impact on the waterways from inappropriate chemicals.
- Communication from Melbourne Water: the few respondents who saw this as one of their top 3 priorities mentioned the need to know what is going on, and understand Melbourne Water's plans and commitments.
- Minor civil works: the few respondents who prioritised minor civil works and asset monitoring suggested timely maintenance would increase safety and reduce the cost of maintenance in the long term.

2.4. Additional Services

The fourth section of the survey sought to understand the level of ratepayer interest in various additional services that have been raised from time to time by members of the community; these services are not currently covered by the precept rate.

Respondents were asked to indicate their level of interest in each service and whether they would pay for the services, and were also able to suggest other services of interest. Respondents were then asked to expand on what they wanted to see from such services.

The list of services for Quiet Lakes and Tidal Waterway differed slightly, as appropriate to the different areas. The results are discussed below.

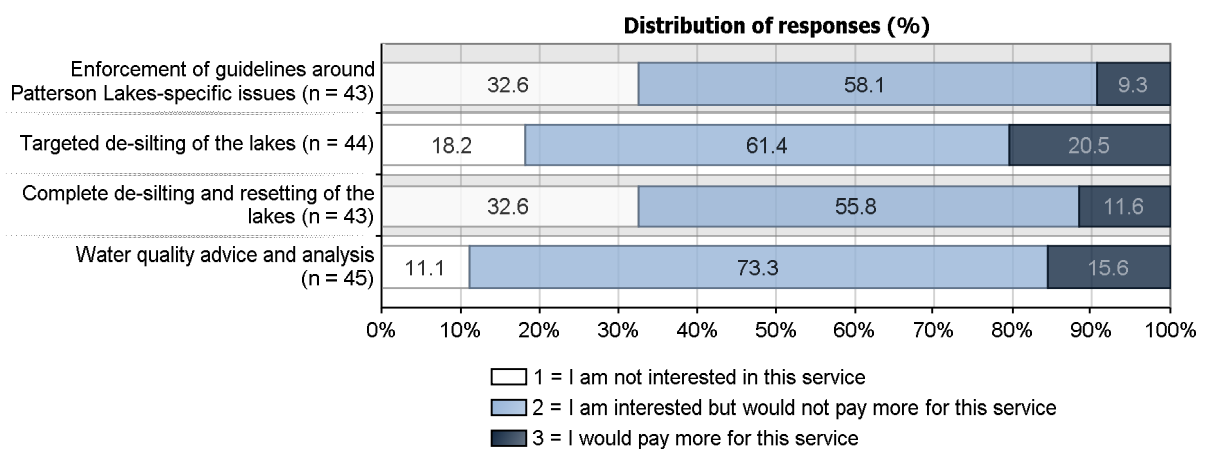
2.4.1. Quiet Lakes

As can be seen in Chart 5 below, at least two thirds of Quiet Lakes respondents were interested in each of the additional services that Melbourne Water could provide (selecting either “I am interested but would not pay more for this service” or “I would pay more for this service”), but the majority would not pay more for these services.

The service of most interest was water quality advice and analysis, with almost 90% interested in this service; however 73% of respondents indicated they would not pay more.

Of note, one in five respondents indicated that they are willing to pay specifically for targeted de-silting of the lakes.

Chart 5. Interest in additional services – Quiet Lakes

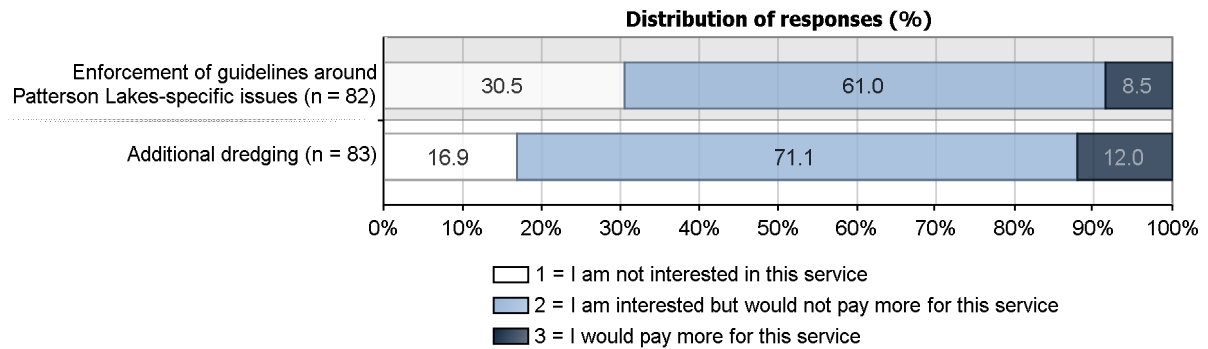


Other additional services listed by Quiet Lakes respondents included more attraction for birds and the removal of fish/carp from the lakes.

2.4.2. Tidal Waterways

As can be seen in Chart 6 below, more than four out of five Tidal Waterways respondents (83%) indicated they are interested in additional dredging, and more than two thirds (70%) are interested in enforcement of guidelines by Melbourne Water. However only a small proportion of those interested would pay more for these services.

Chart 6. Interest in additional services – Tidal Waterways



Other additional services mentioned by Tidal Waterways respondents included (in no particular order):

- Lighting of waterways at night
- A local representative
- Beach maintenance
- More policing of waterways
- Dredging
- Weed control

2.5. General Comments

The final section of the survey invited ratepayers to comment on any areas covered in the survey, or provide any other feedback. A summary of the themes that emerged in comments are shown below. Given the overall number of comments received, it is important to note that a single theme may represent the views of only a small number of individuals.

2.5.1. Quiet Lakes

General comments were received from 24 Quiet Lakes respondents and four themes emerged, which are described below in order of prominence.

- Standard of the lakes: some respondents requested that the lakes be returned to the standard of 20 years ago, that Melbourne Water adhere to the original agreement, restore original infrastructure, and implement the “back to basics” action plan proposed by Quiet Lakes residents.
- Call for action: some respondents suggested Melbourne Water needs to start acting and showing residents that they are doing something about the water quality.
- Comments on the current consultation survey: included suggestions that the survey is biased towards Melbourne Water’s interests, is a public relations exercise, and a waste of money. Some respondents questioned whether any outcomes/actions would result from the survey.
- Precept rate: respondents requested that precept rates are not increased any further, and that the precept rate be removed for residents who do not have direct access to the lakes. Respondents also want to see value for money.

Other general comments were received from respondents but no other clear themes emerged.

2.5.2. Tidal Waterways

General comments were received from 34 Tidal Waterways respondents and six themes emerged, which are described below in order of prominence.

- Restrictions and enforcements: respondents raised issues about activities they would like to see restricted, including cleaning fish, disposing of waste in the waterways, and dogs off leash in the waterways area. Some comments mentioned the need for clear signage of private property and areas where public access is restricted, and suggested some level of privacy for residents should be enforced. Enforcement of restrictions on fencing to the water’s edge was also mentioned.
- Maintenance requests: suggestions included trimming or removing trees at risk of falling or losing branches during bad weather; attending to sand levels and fixing rocks so that sand can’t run into the waterway; more beach maintenance including raking and seaweed removal; and more regular emptying of rubbish diverters. Other comments suggested all ratepayers should receive equal levels of maintenance services, and that the efficiency of maintenance services could be improved.
- Positive feedback for Melbourne Water: some respondents indicated they thought Melbourne Water was genuinely trying to communicate with the Paterson Lakes community, and felt that the survey was a good avenue for allowing the community to participate, and improves communication. The use of an online survey was seen to be cost effective. Others suggested that Melbourne Water generally provides a good service.

- Precept rate: respondents requested clarification about what services are provided for the rates that are paid. Others suggested the precept rate should be a one-off charge so that rates can't continue to increase, or that increases to precept rates should be within reason. It was also mentioned that the precept rate for Paterson Lakes is inconsistent with the way other Melbourne ratepayers are charged.
- Improved management of projects and finances: respondents indicated the need for improved financial management (i.e. reduce the financial waste and provide services that are necessary and fully costed), better management of the impact of works/projects on residents and the value of their properties, and better time management in maintenance and project work.
- Jetty Replacement Program: some respondents were critical of the jetty replacement program. Complaints included the suggestion that some decisions about jetty placement would adversely affect the value of some properties; that decisions (about mooring poles) were inconsistent and therefore unfair; and that where jetties are not capable of being upgraded from seven to nine metres, they should be left as is rather than relocated. It was also suggested that major projects such as this should require a community vote.

Other general comments were received from respondents but no other clear themes emerged.

Patterson Lakes Precept Ratepayer Survey - Quiet Lakes

In this survey, you are invited to have your say about:

- Future precept rates
- Your priorities for services Melbourne Water provides at Patterson Lakes
- The development of a customer service charter for Patterson Lakes.

To maintain your anonymity and ensure independence, the survey is being conducted and analysed by Evaluation Solutions Pty Ltd, an independent research company based in Melbourne. The survey is entirely confidential, and at no time will Melbourne Water have access to your individual survey responses.

The survey is optional, but we welcome your feedback and encourage your participation.

Instructions for completing the survey:

This survey has two pages. The questions are optional, and you can complete as much or as little as you wish.

You may save a draft and return to the survey at a later stage if necessary, by clicking Save Draft at the bottom of this page. To retrieve your draft, you will need to enter your unique code again at the address: www.e-valuate-it.com/survey/pattersonlakes/2011

**** Important Note**** If you are called away from the survey at any stage, please be sure to save a draft response. If you close your internet session before saving, your answers may be lost.

Please complete this survey by midnight on Monday evening, 15 August 2011.

Basis for Calculating Rates

Melbourne Water provides maintenance services in Patterson Lakes, many of which are covered by the precept rate. Currently, your precept rates are a fixed percentage of 1990 land values (that is, the higher your land value, the more rates you pay). Melbourne Water is seeking feedback about the most fair and equitable manner for calculating rates, and we welcome your input to this discussion.

1. Please indicate below, the method you would most prefer in terms of calculating the precept rate in the future:

(Select only one)

- Rates are a fixed percentage of 1990 land values for all Quiet Lakes precept ratepayers (ie. the higher your land value, the more rates you pay). This is how your rates are currently calculated.
- A single flat rate is charged for all Quiet Lakes precept ratepayers. Small properties such as high rise units and retirement villages would pay a proportionate share of the flat rate.
- Different categories of property within Quiet Lakes (e.g. water front, non-water front, key access) pay different amounts based on the cost of service provision.
- Other (please describe)

2. Please feel free to provide comments about the methods suggested above. If you have suggested an alternative, please indicate why you think this method is preferable. Are there other considerations that you think should influence Melbourne Water's decision?

Melbourne Water will soon be preparing a customer service charter that sets out the mutual obligations of Melbourne Water and the community, and the principles for the way Melbourne Water provides services to precept ratepayers in Patterson Lakes.

3. What do you think are the most important purposes of this customer service charter?

(Select up to three)

- To clearly define the services that Melbourne Water provides to ratepayers
- To provide ratepayers with information to assist them in assessing whether they receive value for money
- To set out the community's roles and responsibilities in helping to protect the waterways at Patterson Lakes
- To provide information around the way rates are calculated and reviewed
- To clarify the channels of communication between Melbourne Water and the Patterson Lakes community
- To achieve mutually agreeable outcomes for ratepayers and Melbourne Water
- To clarify service level expectations
- To clarify areas of enforcement e.g. boating access, illegal moorings, unauthorised access to the waterways and lakes
- To create a clear understanding of Melbourne Water's use of maintenance access easements across Patterson Lakes
- Other (please describe)

To help Melbourne Water to develop the customer service charter, we are seeking your feedback under each of the headings below. This will assist in deciding what concepts and principles should be covered by the charter.

Reading the headings below, please indicate the topics you would like to see included in a customer service charter:

4. Maintenance services

(e.g. should the customer charter detail specific services? Should it detail service levels?)

5. Other services we provide

6. The way we engage and communicate with you

7. Other topics to be included

Importance of Current Services

Below is a list of the services that Melbourne Water provides in Quiet Lakes, many of which are covered by the precept rate. In order to prioritise expenditure based on ratepayer needs, we would like to understand how important these services are to you.

Some of these services must be done in order to comply with our maintenance responsibilities and to preserve our assets. However, your feedback can help determine the level of priority or frequency of these services.

For each service, please indicate how important it is to you:

(Please select one response on each row)

	Not at all important	Somewhat important	Very Important	Extremely important	Don't Know
8. Beach maintenance (including beach raking and grooming)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Replenishment of beach sand when required	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Debris removal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Weed spraying	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Grass maintenance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Water quality testing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Operation of the bore pump	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Fish management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Lighting maintenance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17. Communications from Melbourne Water	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

18. Which services would you say are your top three priorities?

Please write the numbers from 1 to 3 against your three highest priorities in the list below, where 1 is the most important, 2 is the second most important, and 3 is the third most important.

- Beach maintenance (including beach raking and grooming)
- Replenishment of beach sand when required
- Debris removal
- Weed spraying
- Grass maintenance
- Water quality testing
- Operation of the bore pump
- Fish management
- Lighting maintenance
- Communications from Melbourne Water
- Other (please specify)

19. You indicated that Beach maintenance (including beach raking and grooming) is your highest priority. What is important to you about this?

20. You indicated that Replenishment of beach sand when required is your second highest priority. What is important to you about this?

21. You indicated that Debris removal is your third highest priority. What is important to you about this?

Potential for Additional Services

From time to time members of the Patterson Lakes community have suggested additional services that they would like to see provided by Melbourne Water, that are not currently covered by the precept rate. If provided, these services would attract additional costs, which would be reflected in a rise to the precept rate.

At this stage, Melbourne Water is seeking your feedback to gauge the level of interest for these services within the community. Before any service would be implemented at an additional cost to precept ratepayers, further consultation would take place around the level of service and costing.

For each of the suggested additional services, please indicate your level of interest below:

(Please select one response on each row)

	I am not interested in this service	I am interested but would not pay more for this service	I would pay more for this service
22. Enforcement of guidelines relating to Patterson Lakes-specific issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23. Targeted de-silting of the lakes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24. Complete de-silting and resetting of the lakes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
25. Water quality advice and analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
26. Other (please specify) <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

27. If you have indicated you are interested in, or would pay more for, any of the above services, please briefly describe what you would like to see from this service:

As some of these service areas are quite broad, we're interested to understand what is specifically of interest to you.

General Comments

28. If you have comments about any of the areas covered in the survey, or wish to provide further feedback, please do so below:

[Patterson Lakes Precept Ratepayer Survey - Tidal Waterways](#)

In this survey, you are invited to have your say about:

- Future precept rates
- Your priorities for services Melbourne Water provides at Patterson Lakes
- The development of a customer service charter for Patterson Lakes.

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[Basis for Calculating Rates](#)

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1. Please indicate below, the method you would most prefer in terms of calculating the precept rate in the future:

(Select only one)

- Rates are a fixed percentage of 1990 land values for all Tidal Waterways precept ratepayers (ie. the higher your land value, the more rates you pay). This is how your rates are currently calculated.
- A single flat rate is charged for all Tidal Waterways precept ratepayers. Small properties such as high rise units and retirement villages would pay a proportionate share of the flat rate.
- Different categories of property within Tidal Waterways (e.g. water front, non-water front, mooring allocation, key access) pay different amounts based on the cost of service provision.
- Other (please describe)

2. Please feel free to provide comments about the methods suggested above. If you have suggested an alternative, please indicate why you think this method is preferable. Are there other considerations that you think should influence Melbourne Water's decision?

Customer Service Charter

Melbourne Water will soon be preparing a customer service charter that sets out the mutual obligations of Melbourne Water and the community, and the principles for the way Melbourne Water provides services to precept ratepayers in Patterson Lakes.

3. What do you think are the most important purposes of this customer service charter?

(Select up to three)

- To clearly define the services that Melbourne Water provides to ratepayers
- To provide ratepayers with information to assist them in assessing whether they receive value for money
- To set out the community's roles and responsibilities in helping to protect the waterways at Patterson Lakes
- To provide information around the way rates are calculated and reviewed
- To clarify the channels of communication between Melbourne Water and the Patterson Lakes community
- To achieve mutually agreeable outcomes for ratepayers and Melbourne Water
- To clarify service level expectations
- To clarify areas of enforcement e.g. boating access, illegal moorings, unauthorised access to the waterways and lakes
- To create a clear understanding of Melbourne Water's use of maintenance access easements across Patterson Lakes
- Other (please describe)

To help Melbourne Water to develop the customer service charter, we are seeking your feedback under each of the headings below. This will assist in deciding what concepts and principles should be covered by the charter.

Reading the headings below, please indicate the topics you would like to see included in a customer service charter:

4. Maintenance services

(e.g. should the customer charter detail specific services? Should it detail service levels?)

5. Other services we provide

6. The way we engage and communicate with you

7. Other topics to be included

Importance of Current Services

Below is a list of the services that Melbourne Water provides in Tidal Waterways, many of which are covered by the precept rate. In order to prioritise expenditure based on ratepayer needs, we would like to understand how important these services are to you.

Some of these services must be done in order to comply with our maintenance responsibilities and to preserve our assets. However, your feedback can help determine the level of priority or frequency of these services.

For each service, please indicate how important it is to you:

(Please select one response on each row)

	Not at all important	Somewhat important	Very Important	Extremely important	Don't Know
8. Grounds and beach maintenance (including beach raking and grooming)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Sand retrieval/beach replenishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Debris removal	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Weed spraying	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Dredging of moorings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Jetty maintenance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Minor civil works and asset monitoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Tidal gate operation and maintenance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Communications from Melbourne Water	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

17. Which services would you say are your top three priorities?

Please write the numbers from 1 to 3 against your three highest priorities in the list below, where 1 is the most important, 2 is the second most important, and 3 is the third most important.

- Grounds and beach maintenance (including beach raking and grooming)
- Sand retrieval/beach replenishment
- Debris removal
- Weed spraying
- Dredging of moorings
- Jetty maintenance
- Minor civil works and asset monitoring
- Tidal gate operation and maintenance
- Communications from Melbourne Water
- Other (please specify)

18. You indicated that Grounds and beach maintenance (including beach raking and grooming) is your highest priority. What is important to you about this?

19. You indicated that Sand retrieval/beach replenishment is your second highest priority. What is important to you about this?

20. You indicated that Debris removal is your third highest priority. What is important to you about this?

Potential for Additional Services

From time to time members of the Patterson Lakes community have suggested additional services that they would like to see provided by Melbourne Water, that are not currently covered by the precept rate. If provided, these services would attract additional costs, which would be reflected in a rise to the precept rate.

At this stage, Melbourne Water is seeking your feedback to gauge the level of interest for these services within the community. Before any service would be implemented at an additional cost to precept ratepayers, further consultation would take place around the level of service and costing.

For each of the suggested additional services, please indicate your level of interest below:

(Please select one response on each row)

	I am not interested in this service	I am interested but would not pay more for this service	I would pay more for this service
21. Enforcement of guidelines relating to Patterson Lakes-specific issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22. Additional dredging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify) <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

24. If you have indicated you are interested in, or would pay more for, any of the above services, please briefly describe what you would like to see from this service:

As some of these service areas are quite broad, we're interested to understand what is specifically of interest to you.

General Comments

25. If you have comments about any of the areas covered in the survey, or wish to provide further feedback, please do so below:

Patterson Lakes Precept Ratepayer Survey – Brief Summary of Results for Quiet Lakes

In July/August 2011 Melbourne Water (MW) engaged Evaluation Solutions to facilitate a consultation survey with precept ratepayers in Patterson Lakes. The survey was designed to seek feedback about the preferred basis for calculating precept rates, the customer service charter, the importance of and priorities for current services, and interest in additional services.

A total of 344 ratepayers from the Quiet Lakes were invited to complete the survey. Forty-eight responses were received, giving a response rate of 14%.

This one page document provides only a brief summary of results. Refer to the complete report for full details of the survey results.

Basis for Calculating Precept Rates

Around half of the respondents (49%) preferred that precept rates are a fixed percentage of 1990 land values for all precept ratepayers, which is how rates are currently calculated. The other half (51%) of respondents were advocates for change, preferring a calculation method that is different to that currently employed. However, these respondents were divided between a single flat rate, and variable rates based on cost of service provision.

Customer Service Charter

Respondents were asked to indicate their three most important purposes for the customer service charter, from a list provided. The highest priority was for the customer service charter to clearly define the services that Melbourne Water provides to ratepayers; almost three quarters of respondents (74%) selected this. More than a third prioritised achieving mutually agreeable outcomes for ratepayers and Melbourne Water (36%), and providing information to assist ratepayers to assess whether they receive value for money (34%).

Importance of Current Services

The service rated most highly in terms of importance was operation of the bore pump. Almost three quarters (74%) of respondents gave this the highest possible rating. Water quality testing was the next most highly rated service. The lowest rated service in terms of importance was grass maintenance, although more than half (56%) of the respondents rated this as very important or extremely important.

In terms of respondents' highest priorities across all of the current services, the service which appeared in the top 3 priorities for the highest number of respondents was beach maintenance. Nearly two thirds (63%) of respondents included this in their top 3 service priorities and nearly one third (29%) rated this as their number one priority. Operation of the bore pump and water quality testing were the services of next highest priority.

Additional Services

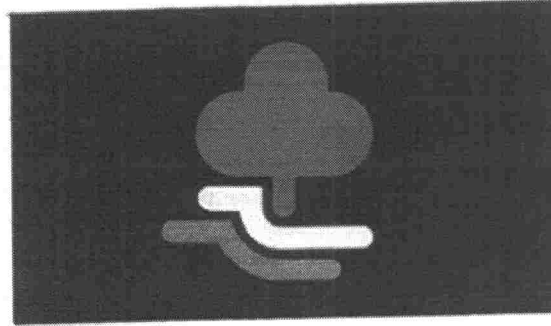
At least two thirds of respondents were interested in each of the additional services that Melbourne Water could provide, but the majority would not pay more for these services. The service of most interest was water quality advice and analysis, with almost 90% interested in this service; however 73% of respondents indicated they would not pay more. Of note, one in five respondents indicated that they are willing to pay specifically for targeted de-silting of the lakes.

General Comments

General comments were received from 24 respondents and the following themes emerged:

- The standard of the lakes, and requests for this to be improved
- The need for action around water quality
- The current consultation survey, including whether any action would be taken
- The precept rate, including comments on rate increases, and requests that residents without access not pay the precept rate

PATTERSON LAKES COMMUNITY NEWS



SUMMER/AUTUMN
EDITION 1975

PROJECT'S OPENING DAY

Nearly 200 people were present to see the Premier, The Hon. R. J. Hamer, E.D., M.P., perform the opening ceremony at Patterson Lakes on December 20th, 1974.

Heavy rain the day before had caused much apprehension as to the conditions for the garden party, but despite a cool breeze, the sun was shining and umbrellas were not needed.



Welcoming the official guests, one of the Gladesville Directors Mr. Barry Arnold, referred to the idealism and environmental planning which had been the motivation for the lakes concept. He paid tribute to the support of the Project Shareholders and of Australian Equity Corporation Ltd., whose financial backing and vision had made the project a reality.

In his address, Mr. Hamer said that his interest in Patterson Lakes went back to its beginning several years ago. He said that he had always admired the lakeside concept and the determination being shown to create agreeable surroundings for the people who would live there. At this point he referred to the "quiet member" of the Gladesville team, Mr. Donald Cameron, and complimented him on his concept of "lakeside environment for family life".

The Premier referred to the pleasures available to the couples who had already purchased lots on the estate. "They will be able to come here," said Mr. Hamer, "and under suitable conditions, swim, and the children will be able to take their boats and their kayaks and their sailing craft on to these lakes and altogether it is a most wonderful development".

Mr. Hamer also mentioned the high quality water which conformed to the A-grade standard of the Environment Protection Authority. "In other words", said the Premier, "for those who care, today or on some future occasion, to plunge in, you have every encouragement and the knowledge that it is beautiful swimming water."

Shortly afterwards, as the Premier and the Managing Director of the Gladesville Group of Companies, Mr. Donald Cameron, moved forward to cut the ceremonial ribbon attached to a catamaran, Meredith Arnold (in brief bikini) darted across the beach to be the first to swim in response to the Premier's invitation.

The Mayor of the City of Springvale, Cr. Bruce Ingram, also spoke in glowing terms of the Project and of his Council's support for Patterson Lakes.



A number of youngsters from the Carrum Canoe Club demonstrated their skill in kayaks, whilst the guests toasted the Project in champagne.

It was interesting to note that during the Premier's remarks, he commented on the conservation concern of the Gladesville Group. He referred to the gift of land to enlarge the Edithvale sanctuary and the offer to assist with a sanctuary near Chelsea Heights. Mr. Hamer said that the Company "have given solid evidence of their intentions to create pleasant surroundings/not just for human beings but for birds and animals too."

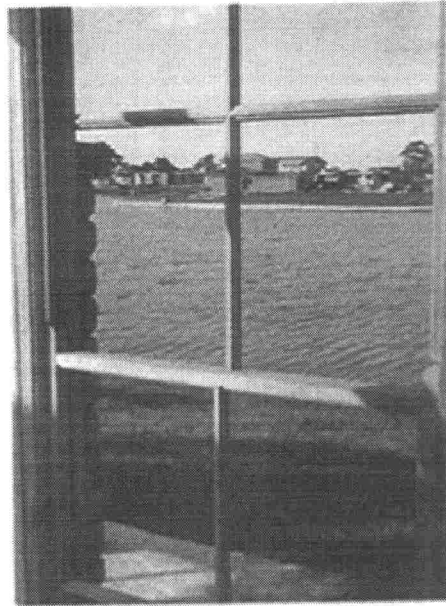
Among the guests present for the Opening were M.L.A.'s Bill Templeton and Alan Lind, the Mayor of Chelsea Cr. Les Payne, Councillors from both Springvale and Chelsea, the Director of Conservation, Dr. Downes, the Chairman of the Port Phillip Authority, Brigadier Molloy and officers of the D.V.A., the M.M.B.W. and other Government Departments. Families of the purchasers were also present to enjoy the formal opening of the first stage.





The photographs on this page show the attractive lake views to be enjoyed by future home owners. They are assured of something more! Excellent water for swimming and sailing; regular scientific checks on quality; a unique system with maintenance options; and a Government Authority owning and controlling the lake in the future!

WATER QUALITY



By far the most impressive achievement of the Patterson Lakes Project has been the excellent water quality of the first lake. It is no accident that the lake contains A-grade swimming standard water. It is the result of extensive research and design by some of the world's leading engineers.

Years ago, when the Project was being planned, some were sceptical about the likely quality of the water. Their doubts have been completely answered by the evidence of the first lake. Many who doubted, have come to praise, having seen not only the clarity of the water but the unique systems available for maintaining its high quality.

These thoroughly designed engineering systems have been approved by the Dandenong Valley Authority. They ensure that a number of water renewal options are available, should they ever be required.

It may be of interest to set out some of the basic principles of water quality control.

Source:

To provide flexibility and variation, the first lakes have two sources of supply. The first is from a deep bore on the property, supplying slightly brackish water from an underground stream or aquifer. The other is from a foreshore pumping station at Carrum which can supply sea-water at about 400 gallons per minute via a long pipeline to the Project. The sea-water supply may be needed on only very infrequent occasions, as the present lake, with only bore water is performing excellently.

Circulation:

The ability to circulate water within a lake is a most desirable feature. Patterson Lakes will have this ability and in Stage One, for example, water could be circulated by renewing at one end and pumping out from the other. There is now some firm evidence that the shape of the first lake is producing more than adequate mixing and circulation due to currents induced by wind and wave action.

Salinity:

Theoretically, there is more certainty of achieving top quality lake water if a high salinity (e.g. sea water) is maintained. However, there are many benefits to property owners, and also environmentally, if near-fresh water can be satisfactorily used. The lake is therefore being studied carefully under low salinity conditions with good results so far.

Maintenance:

A Government Authority will ensure the ongoing maintenance of the lakes. Under an agreement between the Developer, the Council and the Dandenong Valley Authority, the D.V.A. has accepted responsibility subject to a number of conditions.

The Developer is responsible for the first 18 months and has lodged a bank guarantee to ensure performance. The D.V.A. will recover the cost of any future maintenance from the Council, who will have the choice of meeting it from General Rate revenue, or by a Separate Rate on those properties abutting the lakes.

Regular Testing:

For the technically minded, regular tests are carried out on the first lake by an Industrial Chemist, George Jennings carries out this work under the guidance of one of the leading Consulting Companies in Environmental Science, Caldwell Connell Engineers. George tests from a special laboratory on site, and can often be seen rowing out to various spots on the lake to take samples.

He checks for:—

- (a) faecal coliform (e-coli);
- (b) turbidity (clarity);
- (c) colour;
- (d) temperature;
- (e) salinity (dissolved solids);
- (f) pH (acidity, etc.);
- (g) dissolved oxygen level;
- (h) nutrients (nitrogen and phosphorus);

The most important facts so far established are:—

- (i) The faecal coliform level is so low as to easily qualify for the Clean Water standard of the Environment Protection Authority; in other words — excellent swimming water!
- (ii) the dissolved oxygen level has maintained a very good average; 105%.
- (iii) Algae levels have been minimal, and a natural and pleasing ecology is becoming established.

GROUNDWATER ACT 1969

GROUNDWATER LICENCE No. 3704

State Rivers and Water Supply Commission (hereinafter called "the Commission") pursuant to the powers conferred by the *Groundwater Act* 1969 hereby authorizes STATE ENGINEERING WORKS PTY. LTD. of ROBINSON (hereinafter called "the licensee") subject to the conditions contained in the Second Schedule during Fifteen (15) years from the first day of September One thousand nine hundred and seventy-five to extract groundwater from the bore specified in the First Schedule.

Dated the Twenty-fourth day of February, One thousand nine hundred and seventy-six.

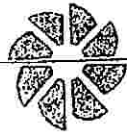
By direction of the Commission.

K. H. ...
Secretary,
State Rivers and Water Supply Commission.

FOR ENDORSEMENT
SEE BACK OF DOCUMENT

FIRST SCHEDULE

1. Annual fee : 12.00
2. Bore No. : 1015/66 located in the position marked "A" on the plan annexed hereto.
3. Type of use : Recreational.
4. Land on which water is to be used (hereinafter called "the said land")—Lot --- plan of subdivision No. 99475 part of allotment S 100 section --- town or township of --- parish of Wyndhurst.
5. Quantities to be extracted :
 - Maximum rate of extraction : 2.0 megalitres/day --- gallons-per-hour
 - Maximum amount to be extracted per day 2.0 megalitres --- gallons
 - Maximum amount to be extracted per annum 730 megalitres --- acre-feet/gallons



Rural Water Commission of Victoria
MEMORANDUM

To: John Couche (R.M.S. Southern).
From: Frank Grameri.

Corr. No: GWL/7003704.

Date: 29-7-91

Subject:

Dandenong Valley Westport Authority,
Re-usage from bore 3025/10043.

Office/Branch: Koo-Wee-Rup.

I have been advised by Mr Ken Connor
Ex. Engineer of D.V.W.P.A, that bore 3025/10043
is only used during the summer months to top
up ornamental lake, due to evaporation
and seepage loss that occur

Records kept, indicate that bore usage
on average over past five years is that pump
has been in operation for 350 hours per year
with extraction rate of 409 litres per minute.
Therefore 350 hours (15 days) x 409 litres (0.58 mld) =
annual volume of 8.82 ML or 9 ML.

I questioned Mr Connor on why the
Authority held annual licence authorising 730 ML, but
usage only averaged about 9 ML. His response was
that in his opinion the developer of the lake may
initially applied for volume of 730 ML to fill lake;
but once filled from bore its level is maintained
by run off, and then only topped up during summer.
I therefore recommend that consideration
be given to reduce annual volume entitlement
from 730 ML to say 10 to 20 ML.

Frank Grameri
Diversion Inspector



Rural Water Commission of Victoria

WATER ACT 1989

Sections 51 and 67

GROUNDWATER LICENCE No 7003704

(Licence to take and use groundwater from a bore and to operate works)

The Rural Water Commission of Victoria authorises:

MELBOURNE WATER CORPORATION
208 PRINCES HIGHWAY
DANDENONG 3177

To take and use groundwater from the bore or bores specified in the First Schedule and to operate works for that purpose and subject to the conditions in the Second Schedule

This licence is valid for a period of 15 years from 1 September 1990

John W. Daniels
Authorising Officer
Date 19/11/91

FIRST SCHEDULE

- 1. Type of use MISCELLANEOUS
- 2. Total Annual Volume 20.0 megalitres
- 3. Area to be irrigated - hectares
- 4. Land on which the water is to be used as bordered red on the attached plan

Lot(s)	-	Plan of subdivision no.	99475
Allotment(s)	PT OF ALLOTS 100 AND 104	Section	-
Parish/Township	LYNDHURST		

5. Annual fee at date of issue \$ 35.00

6. Quantities to be extracted from each bore		Maximum rate of extraction megalitres/day	Maximum volume to be extracted per day megalitres	Maximum volume to be extracted per annum megalitres
Bore no	Type of use			
3025/10043	MISCELLANEOUS	2.0	2.0	20.0

Southern Region, Rural Water Commission of Victoria
590 Orrong Road Armadale 3143

All communications should be addressed to:

This agreement is made the 10th day of July 1973 BETWEEN THE MAYOR COUNCELLORS AND CITIZENS OF THE CITY OF SPRINGVALE (hereinafter called "the council") of the first part, THE DANDENONG VALLEY AUTHORITY (hereinafter called "the authority") of the second part and GLADESVILLE NOMINEES PTY. LTD. of 157 Martin Street, Gardenvale (hereinafter called "the developer") of the third part

WHEREAS

(a) the Developer intends to subdivide land within the municipal districts of the cities of Springvale and Chelsea in such a way as to form a residential community adjacent to lakes and waterways pursuant to Melbourne and the Metropolitan Board of Works Planning Application No.68610 and generally as shown on Plan B1003 attached hereto and to be known as the Patterson Lakes Project (hereinafter called "the Project").

(b) The Authority has agreed to accept title to the land reserved for such lakes and waterways and to accept general responsibility for the maintenance of such areas.

(c) The Developer has submitted to the Council a Plan of Subdivision of the first stage of the Project, a copy of which plan of subdivision is marked "A" and attached hereto.

NOW THIS AGREEMENT WITNESSES that –

1. FOR the purposes of this Agreement the term "maintenance" shall, without limiting the same include the matters referred to in Schedule 1 hereto.
2. THE parties hereto recognise the benefits to be gained by all properties within the Project by virtue of the lakes and waterways to be constructed thereon and accept the principle that the design of these lakes and waterways is based on the desire that they shall be used solely for the benefit of properties within the Project and that the lakes and waterways which shall be constructed on the Drainage and Recreation Reserves shown on the plan marked "A" are associated with and for the private use of the properties.
3. THE Developer undertakes to transfer to the Authority free of all cost to it the title to all such lakes and waterways and associated therewith ownership and control of all pumping stations and pipelines so that the Authority may ultimately provide for the maintenance, and by appropriate by-laws and regulations, the use of the same.
4. THE Developer hereby undertakes to carry out in relation to the said lakes and waterways all of the construction shown on the design plans lodged with the Council and to the satisfaction of the Council and the Authority.

5. THE Authority has sought an amendment to the Dandenong Valley Authority Act which if granted, will enable it to impose a special precept on the Council for the raising of moneys from the owners of the land in the aid Project to provide for the maintenance of the said lakes and waterways and ancillary matters. The Developer shall lodge with the Authority in a form acceptable to it a Guarantee from a trading bank operating in Australia the sum of \$100,000.00 the conditions of such guarantee being –
- (a) that if the said amendment is not made to the said Act within twelve (12) months of the date hereof then if demanded by the Authority the said sum of \$100,000.00 shall be paid to the Authority but that if the said amendment is made within that period then the said Guarantee shall subject to the succeeding provisions hereof be released to the Developer.
 - (b) that it shall be available to be realised upon in part in accordance with the provisions of the next clause of this Agreement.
6. (a) Notwithstanding the fact that title to the said lakes and waterways may then have been transferred to the Authority, the Developer undertakes that it will, for a period of eighteen (18) months from the date all construction requirements of the Council and the Authority in respect to the said plan of subdivision have been satisfied, carry out all maintenance to the said lakes and waterways but, subject to sub-clause (b) hereof, thereafter maintenance shall be the responsibility of the Authority which shall carry out such maintenance to a standard compatible with the overall development.
- (b) Notwithstanding the provisions of the sub-clause (a) hereof, provided that there are not then any items of maintenance outstanding which the Authority shall have required the Developer to carry out pursuant to sub-clause (c) hereof, the Developer may at its option carry out maintenance on the said lakes and waterways for a further period of twelve (12) months from the expiration of the above period of eighteen (18) months.
- (c) If the Developer, during the period for which it is responsible for maintenance in accordance with this Agreement fails to carry out any item of maintenance which the Authority has by notice directed it to carry out and within the time specified in the notice, the Authority shall be entitled to carry out the same itself and claim the cost thereof against the said Guarantee.
- (d) If in accordance with the provisions of this Agreement the Authority shall be bound to release the said Guarantee to the Developer, but if there shall be at that this time any items of maintenance outstanding in accordance with sub-clause (c) hereof, then the Guarantee shall continue to operate for such

sum as shall be determined by the Authority but not in any case more than \$10,000.00.

7. THE Developer agrees with the Authority that it will, if required by the Authority, enter into any subsequent Agreement or Agreements which may be necessary to transfer to the Authority title to not more than two residences in the development which are of a standard compatible with the overall development and suitable for the use and occupation of maintenance employees.

8. THIS Agreement is subject to the approval of the Minister of Water Supply pursuant to the Dandenong Valley Authority Act.

SCHEDULE 1

Definition of Maintenance.

1. Removal of rubbish from the water and Reserves.
2. Maintenance of sand and grassed, paved, etc. areas of Reserves in an attractive condition.
3. Replacement of beach sand and removal of silt and/or sand from Reserves, as required.
4. Operation and maintenance of inlet and outlet systems including wellpoint intake, pumps, pipeline, lockgates and flow control structures to ensure water renewal.
5. Maintenance of water quality to a standard compatible with the use of the same as envisaged by this Agreement.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of THE MAYOR COUNCELLORS AND CITIZENS OF THE CITY OF SPRINGVALE was hereto affixed in the presence of:

(Councillors signatures)

THE COMMON SEAL OF THE DANDENONG VALLEY AUTHORITY was hereto affixed in the presence of:

(Chairman, Commissioner, Secretary signatures)

THE COMMON SEAL OF GLADESVILLE NOMINEES PTY. LTD. was hereun to
affixed in accordance with its Articles of Association in the presence of:

(Signatures)

BACKGROUND INFORMATION
ON
WORKING RELATIONSHIP
BETWEEN
MELBOURNE WATER
AND
RATEPAYERS BENEFITING FROM
THE QUIET LAKES
AND
TIDAL WATERWAYS SYSTEMS
AT
PATTERSON LAKES

26th September 1994

"A"

Part A

Introduction

- 1) The Recreational Lakes and Tidal Waterway Systems at Patterson Lakes were constructed by Patterson Lakes Partnership and others on land which was partly floodprone for the exclusive use and enjoyment of the purchasers of the abutting properties and certain neighbouring allotments.
- 2) The Councils of the Cities of Chelsea and Springvale sealed the various plans of subdivision on condition that the Lakes and Waterways would always be under the control and management of a competent waterway management agency such as the Dandenong Valley Authority.
- 3) The Authority agreed to take-over control and management of the proposed Lakes and Waterways Systems provided that the Dandenong Valley Authority Act was amended such that the costs incurred could be shared equitably by the benefiting landowners.
- 4) The developers placed restrictive covenants on the titles to the properties associated with the Quiet Lakes and Tidal Waterways to ensure that a high standard of design and construction would be maintained.
- 5) Prior to the sale of any of the benefiting properties, the Developers, as owners of the whole area, requested the Authority to make Special Precepts on the Chelsea and Springvale Councils in respect of the costs incurred in connection with operation and maintenance of the Quiet Lakes and Tidal Waterways.
- 6) Chelsea and Springvale agreed to collect the necessary precepts via their Municipal rating systems which apportioned the "Patterson Lakes Special Rate" on the basis of "site value".
- 7) Having entered into agreements which provided for special precepts to be made on the commercial marina properties, the Authority elected to collect the contributions required in respect of these properties by direct negotiation. It was recognised that the Marina operators were equipped to carry out their own maintenance and deal with any spillage or debris emanating from the marina areas.

- 8) All of the works associated with the Quiet Lakes and Tidal Waterways were constructed in accordance with plans and specifications prepared by the developer and approved by the Authority and the relevant councils.

At the time it accepted responsibility for operation and management, the Authority was satisfied that the works were operating satisfactorily in accordance with the approved designs.

- 9) Following satisfactory completion of the works, titles to the Reserves for Recreation and Drainage purposes containing the Lakes and Waterways were transferred to the Authority.
- 10) The Patterson Lakes Advisory Committee was constituted by the Authority to advise it regarding the residents views on all matters relating to the commissioning, operation and maintenance of the system. The Advisory Committee comprised representatives elected by the owners of properties in the Quiet Lakes and Tidal Waterways and officers representing Chelsea and Springvale Councils and the Authority. It was always understood that while matters relating to arterial drainage, flood plain management and pollution control were the Authority's absolute responsibility and consequently not negotiable, the Committee's views on the level of service required and costs to be met by the landowners were to be considered to be of prime importance.
- 11) ~~Clauses 124 and 137 of the Chelsea and Springvale Planning Schemes respectively contain provisions designed to ensure that any future construction in the Quiet Lakes and Tidal Waterways Area will be compatible with existing development and not detract from the amenity of the area.~~
- 12) During the course of development and the subsequent operation of the systems many of the original concepts and arrangements were refined and changed. Following consultation with the Advisory Committee, the scope of work performed at the Residents expense was expanded to include maintenance of assets which were originally regarded as the landowners responsibility and construction of some major improvements which proved to be necessary in the light of better knowledge and changed circumstances. The Authority took over maintenance of the jetty structures and retaining walls on residential properties, as it was agreed that:-
- a) The jetties, particularly the large multiple mooring structures, required a high standard of maintenance to meet safety standards and that it was difficult to allocate areas of responsibility to specific owners.
 - b) A breach of the retaining walls on residential properties could affect the entire system.

A second floor protection gate was constructed at Whalers Cove when this was shown to be the only practical way of lowering entrance velocities.

- 13) In November 1991 the Dandenong Valley and Western Port Authority was merged with the Melbourne Water Corporation. Since that date, Melbourne Water has been responsible for all the Authority's assets and liabilities. Funds formerly collected from the Quiet Lakes and Tidal Waterway landowners by way of a Special Precept made on Chelsea and Springvale Councils, are now collected by Melbourne Water as a Special Service Charge made directly through its rating system. Melbourne Water continues to collect contributions in respect of the costs it incurs in respect of the commercial marinas at Whalers Cove and in the Town Centre Marina by direct negotiation with the respective owners and operators. Funds set aside by DVWPA in previous years for replacement of assets and other contingencies have been noted in Melbourne Water's records for the Quiet Lakes and the Tidal Waterways and continue to be available for those purposes.
- 14) In view of the many changes that have taken place in Melbourne Water's management structures and philosophies and the various arrangements that have evolved since the Lakes and Waterways were first accepted by the Authority, Melbourne Water and the Advisory Committee have prepared this memorandum of understanding as a prime source of reference for present and future managers and ratepayers regarding their respective responsibilities in connection with the operation and management of the Quiet Lakes and Tidal Waterways at Patterson Lakes.

Part B

Quiet Lakes

Background

- 1) The Quiet Lakes - Legana, Illawong and Carramar are located within Reserves for Drainage and Recreation purposes that are vested in Melbourne Water.
- 2) The Quiet Lakes were constructed by the Developer as a primary contact recreation area for the exclusive use and enjoyment of certain abutting and neighbouring properties as shown on Plan 1 viz.

Lake Legana abutting properties only.

Lake Illawong abutting properties and certain properties in Illawong Court and McLeod Road whose owners were given a right of access to Lake Illawong from McLeod Road.

Lake Carramar abutting properties and certain properties whose owners were given a right of access to Lake Carramar via the Municipal Reserve which links it with Binda Court and Kalang Court.

- 3) The Patterson Lakes Quiet Lakes have many unique features and offer a special lifestyle to the residents. residents and their guests have unrestricted access to all parts of the Reserves for Drainage and Recreation purposes which comprise the lake associated with their particular property. No part of the Quiet Lakes is set aside for the sole use of a particular landowner or sub-group of landowners. The continuing co-operation of all landowners and residents with each other and with Melbourne Water is essential if the Lakes are to be efficiently managed and enjoyed at reasonable costs.
- 4) The Quiet Lakes are interlinked and are operated as a single system which is supplied with stormwater runoff from the surrounding streets and with ground water from a bore pump. The system has pumped outlets from Lake Legana to Patterson River, from Lake Illawong to Wadsley's Drain and a controlled pipe outlet to the local drainage system which discharges to Barellan Harbours.

- 5) The Quiet Lakes form an integral part of the drainage system serving the area and will at times of high flow in Patterson River be required to store local runoff until such time as it can be discharged to the River. The Lakes have been designed to contain all of the runoff resulting from a 1 in 100 year flood event, with the three metre wide easement in favour of Melbourne Water on the surrounding properties providing the necessary freeboard zone.
- 6) Primary Contact Recreation as defined by the Environment Protection Authority (EPA) requires a bacteriological standard of *Escherichia coli* levels of less than 200 organisms per 100 millilitres.

Users of the Lakes, particularly swimmers, should note that while Melbourne Water will take all due care, it can give no guarantee regarding the quality of the water in the system as it is exposed to pollution from surrounding streets during periods of high runoff, uncontrolled animals, birds and accidental spills. Users should exercise appropriate caution and heed all warnings.

- 7) Melbourne Water has accepted responsibility for operation and maintenance of the Quiet Lake System on the understanding that benefiting landowners will meet the cost of operating the area as an exclusive recreational facility through Special Service Charge.
- 8) The Special Service Charge for the Quiet Lakes will be determined each year on the basis of works program prepared by Melbourne Water. In consultation with the Patterson Lakes Advisory Committee.

Landowners

- 9) Melbourne Water's management programs will be based on the assumption that the landowners are responsible for:-
 - a) maintaining their properties in a manner appropriate to a lakeside location. In particular, the three metre wide strip of land which abuts the reserve and is subject to easements of pipeline, channel and carriageway will be maintained and kept clear of obstructions so that it is available for freeboard and access purposes.
 - b) assisting Melbourne Water in maintaining the Lake Reserve adjacent to their properties by removing litter and recreational items, other than boats, from the area and generally keeping beaches tidy.

- c) ensuring that dogs and other animals, including cats, do not enter the water, cause pollution or nuisance to others.
 - d) ensuring that dogs are always kept on a leash whilst in the Lake Reserve.
 - e) ensuring that their visitors comply with the required standards of behaviour.
- 10) Melbourne Water will operate and maintain the area so that, as far as is reasonably practical within the funding provided by the Residents, the Lakes will be an aesthetically pleasing adjunct to the abutting properties, suitable for boating, dinghy sailing and Primary Contact Recreation. It being clearly understood that Power Boating is not an appropriate activity for the Quiet Lakes.
- 11) In preparing the annual works program Melbourne Water will consult with and take into account the requirements of the residents as expressed by the Patterson Lakes Advisory Committee, particularly in regard to the level of service required and the resulting cost to the residents. This process must be completed by 31st March each year.
- 12) Melbourne Water's Annual Works Program in respect of the Quiet Lakes Special Service Charge will involve the activities itemised with the following summary:-

a) **Water Quality**

Melbourne Water will sample a number of sites at least four times a year, at the residents' cost, to determine water quality trends. These samples will be analysed for a broad range of water quality parameters including:-

- ~ dissolved oxygen
- ~ temperature
- ~ conductivity
- ~ pH
- ~ biochemical oxygen demand
- ~ suspended solids
- ~ turbidity
- ~ ammonia
- ~ nitrate/nitrite

- ~ total phosphorous
- ~ chlorophyll - a; and
- ~ Escherichia coli

b) Reserves for Drainage and Recreational Purposes

- ~ Remove rubbish
- ~ Rake and replenish sand
- ~ Maintain grassed areas
- ~ Remove silt
- ~ Remove and/or control fish
- ~ Remove and/or control weed growth in both the waters and beaches of the Lakes
- ~ Monitor water quality
- ~ Control pollution
- ~ Erect signs
- ~ Operate and maintain security lights
- ~ Maintain lifebuoys
- ~ Maintain security and shared boundary fences

c) Triple Pipe Culvert and Iluka Island

- ~ Regular inspection
- ~ Removal of marine growth to ensure free circulation of water in Lake Legana

d) Bore Pump

- ~ Regular inspection and maintenance
- ~ Operation as required to maintain required water levels and quality

e) Bay Pipeline

The Bay Salt Water Intake Pipeline was constructed by the Developer to provide clean salt water from the Bay to top up the Quiet Lakes System. It is located on the Patterson River Crown Land. Subsequent operating experience showed that salt water is not required from this source. The pipeline has been abandoned and is in fact completely severed at the lock gates. It nevertheless remains an asset of the Quiet Lakes system and any necessary works apart from repair of the damage that resulted from construction of the Lock Gates would still be chargeable to the Quiet Lakes ratepayers.

f) **Provision for Asset Replacement**

Funds will be set aside annually to provide for the replacement of the bore pump, security lighting and other assets.

g) **Community Information and Education**

The Quiet Lakes are a complex system which is not easily understood by residents old and new. The publication and dissemination of information is regarded as vital to the successful operation and enjoyment of the system.

h) **Administration**

Significant administration costs are incurred in connected with the Quiet Lakes particularly in relation to:-

- ~ Preparation of annual works programs and routine office management.
- ~ On site response and liaison.
- ~ Investigation of proposals affecting the system.
- ~ Servicing the Advisory Committee.

i) **Investigations and Research**

The Quiet Lakes are relatively new. The ecology is continuously changing. Techniques for anticipating and controlling excessive algal blooms, weed growth and fish population are still being developed. The cost of investigating and researching specific problems relating to the operation and management of the Quiet Lakes must be met from the Quiet Lakes Special Service Charge.

j) **Provision for Irregular Works**

From time to time, it will be necessary to carry out urgent work required as a result of unforeseen circumstances. Accordingly it will be necessary, each year, to set aside and accumulate funds to deal with such emergencies.

14. The Quiet Lakes are an integral part of a local drainage system whose catchment goes beyond the properties which enjoy exclusive recreational rights. However all properties in the catchment are subject to the Melbourne Water Drainage Rate. Accordingly it is noted that the following operations are considered to be part of Melbourne Water's drainage responsibilities.

- a) **Pump and Discharge Pipeline to Patterson River**
 - ~ Regular inspection and maintenance.
 - ~ Operated as required to discharge stormwater to Patterson River.

- b) **Pump at McLeod and Rising Main to Wadsleys Drain**
 - ~ Regular inspection.
 - ~ Operated as required to discharge underground drainage from local catchment, surplus overflows from Lakes Illawong and Carramar and in addition any lake water that enters the station when levels in either lake are being lowered for maintenance.

City of Springvale

- 15) Melbourne Water has confirmed the following matters with Springvale Council regarding operation and maintenance of the Quiet Lakes System.

- a) **Stormwater Overflows to the Quiet Lakes**
 - ~ To Lake Legana from Tumut Court, Myuna Court, Nanda Court and Iluka Island.
 - ~ To Lake Illawong from Moina Court, Kulanda Court and Gladesville Boulevard.
 - ~ To Lake Carramar.

These pipelines and associated overflow pits were designed to divert stormwater resulting from storms with a return period greater than once in six months, to top up the Lake System.

Springvale Council accepts that these works are part of the municipal drainage system and will ensure that the local streets are kept clean, all pits operate correctly and that pipelines are maintained up to their points of discharge at the boundaries of the Lake Reserves.

- b) **Culvert Iluka Island**

The pipe culvert at Iluka Island is located in the Council Road Reserve. Its function is both practical and aesthetic, in that it enables water to circulate in Lake Legana and maintain the required levels of quality and separates Iluka Island from the surrounding land.

At the time the Authority agreed to meet Councils requirements and to takeover management of the reserve for Drainage and Recreational Purposes it was understood that the culverts constructed in the Road Reserve would always be available to provide the necessary circulation.

Melbourne Water will carry out routine inspections and ensure that the pipelines are kept clear of marine growth.

However it has been agreed that as lead agency for all works in the Road Reserve Council will maintain the pavement and associated road works and will ensure the structural integrity of the culverts and headwalls, Council will be responsible if ultimately these assets need to be replaced.

Part C

Tidal Waterways and Town Centre Marina

Background

- 1) The Tidal Waterways and Town Centre Marina are located within Reserves for Drainage and Recreational Purposes that are vested in Melbourne Water.
- 2) The Tidal Waterways and Town Centre Marina were constructed by the Developer as a secondary contact recreation area for the exclusive use and enjoyment of the abutting residential properties as shown on Plan No:2 and commercial marina operators granted specific mooring and access rights under their respective lease agreements.
- 3) The Patterson Lakes Tidal Waterways have many unique features and offer a special boating oriented lifestyle to the residents and other users. The Residents and their guests have unrestricted access to all parts of the waterway which abuts their property apart from areas subject to mooring leases. No other parts of the Tidal Waterways are set aside for the sole use of a particular landowner or sub-group of landowners. In places where it is impractical for residents to access their jetties via the Reserve Land, access can be achieved via the easement of pipeline and carriageway. The continuing co-operation of all landowners and residents with each other and with Melbourne Water is essential if the Waterways are to be efficiently managed and enjoyed at reasonable costs.
- 4) The Tidal Waterways and Town Centre Marina are connected to Patterson River by lock gates that have been constructed in the levee bank. The purpose of the Lock Gates is to allow boat access to the River at normal times and to protect the area from flooding during periods of high flow in Patterson River. It is understood that Melbourne Water, as the responsible drainage authority, has the right to close the Lock Gates at any time at its sole discretion..
- 5) The Tidal Waterway Systems form an integral part of the drainage system serving the area and will at times of high flow in Patterson River, when the lock gates are closed, be required to store local runoff until such time as the gates can be opened to the River again. The Tidal Waterway System also provides flushing water which Melbourne Water pumps into Kananook Creek via Eel Race Drain.

- 6) Secondary Contact Recreation as defined by the Environment Protection Authority (EPA) require a bacteriological standard of *Escherichia coli* levels of less than 1000 organisms per 100 millilitres. Users of the Tidal Waterways particularly swimmers should however note whilst Melbourne Water will take all due care it can give no guarantee regarding the quality of the water in the system as it is exposed to Tidal inflow from Patterson River, pollution from surrounding streets during periods of high run-off, uncontrolled animals and birds and accidental spills. Users should exercise appropriate caution and heed all warnings.
- 7) Melbourne Water has accepted responsibility for operation and maintenance of the Tidal Waterways on the understanding that the benefiting landowners will meet the cost of operating and maintaining the area as an exclusive recreational facility through a Special Service Charge made on all benefiting residential properties and from contributions received from the owner/operators of the Whalers' Cove Marina and the Inner Harbour Marina.
- 8) The Special Service Charge for the Tidal Waterways and contribution required from the Commercial Marinas will be determined each year on the basis of a works program prepared by Melbourne Water in consultation with the Patterson Lakes Advisory Committee.

Landowners

- 9) Melbourne Water's management programs will be based on the assumption that the landowners are responsible for:-
 - a) maintaining their properties in a manner appropriate to a waterway location. In particular the 3 metre wide strip of land which abuts the reserve and is subject to easements of pipeline, channel and carriageway will be kept clear of obstructions so that it is available for freeboard and access purposes. The original design profile must not be changed.
 - b) assisting Melbourne Water in maintaining the reserve land adjacent to their properties by removing litter and generally keeping sanded areas tidy.
 - c) ensuring that dogs and other animals do not cause pollution or nuisance to others.
 - d) ensuring that dogs are always kept on a leash whilst in the Waterway area.

- e) caring for their respective moorings and/or jetties in accordance with the terms of their mooring leases. In the interests of uniformity and quality Melbourne Water will be responsible for all repairs to jetty structures, and whilst it has insured the jetties it is understood that residents will remain responsible for their own actions and may extend their domestic policies to include the jetties.
- f) maintaining easements of way clear to enable residents of certain properties in Curlew Point Drive, Plover Court, Grevillea Court, Gull Court, Clematic Court, Ibis Court and Lot 168 Cocos Court to access their moorings.
- g) ensuring that visitors comply with the required standards of behaviour.

Melbourne Water

- 10) Melbourne Water will operate and maintain the area so that, as far as is reasonable practical within the funding provided by the residents and commercial marina operators, the Tidal Waterways will be an aesthetically pleasing adjunct to the abutting properties, that is suitable for boating and other Secondary Contact Recreational Activities.
- 11) In preparing the annual works program Melbourne Water will consult with and take into account the requirements of the residents as expressed by the Patterson Lakes Advisory Committee, particularly regarding the level of service required and the resulting cost to the residents. This process must be completed by 31st March each year.
- 12) Melbourne Water's Annual Works Program in respect of the Tidal Waterways special service charge will involve the activities itemised with the following summary:-
 - a) **Water Quality**
 - ~ dissolved oxygen
 - ~ temperature
 - ~ conductivity
 - ~ pH
 - ~ biochemical oxygen demand
 - ~ suspended solids

- ~ turbidity
- ~ ammonia
- ~ nitrate/nitrate
- ~ total kjeldahl nitrogen
- ~ orthophosphate
- ~ total phosphorous
- ~ chlorophyll - a: and *Escherichia coli*

b) Reserves for Drainage and Recreational Purposes

- ~ Remove rubbish
- ~ Rake and replenish sand
- ~ Maintain grassed areas
- ~ Remove silt and maintain navigable profiles in Waterways
- ~ Control and/or remove weed growth on beaches
- ~ Maintain rock beaching
- ~ Monitor water quality
- ~ Control pollution
- ~ Erect signs
- ~ Operate and maintain security lighting and navigational aids
- ~ Repair jetties and control marine growth
- ~ Insurance of jetty structures
- ~ Maintain security and shared boundary fences

c) Pipe culvers at Clipper Island, Staten Island, Rhode Island and Mariner's Island

- ~ Regular inspection
- ~ Removal of marine growth to ensure free circulation of water

d) Bridges at McLeod Road and Palm Beach Drive

- ~ Regular inspection
- ~ Maintain clear waterway for boat access

e) Pipelines linking Palm Beach with Palm Cove and Barrellan Harbours with Patterson Reach

- ~ Regular inspection
- ~ Removal of marine growth to allow circulation when required

f) **Lock Gates at Whalers Cove Marina and Town Centre Marina share of the cost of:-**

- ~ Regular inspection
- ~ Maintenance necessary to ensure that gates operate effectively and may be closed at any time to protect the area from flooding from Patterson River.
- ~ The DVA accepted manually operated gates on the understanding that a qualified operator would always be available at short notice. The Developer was required to provide a house and land for the Gate Keeper. It was subsequently agreed that the house would be built on an allotment of Crown Land, under the Authority's control, in Dahmen Street. The cost of maintaining this house is met from the rental paid by the Gate Keeper who resides there.

In the event of new systems being installed which obviate the need for a Gate Keeper to be on call and the property being sold, it is agreed that the nett proceeds from such a sale would be used to defray the cost of the works.

- ~ Provision for replacement

g) **Patterson River and Associated Crown Land**

Contribution towards the cost of dredging waterway to provide boat access to Port Phillip Bay.

h) **Provision for Asset Replacement**

Funds will be set aside annually and invested to provide funds for the replacement of the concrete retaining walls, lock gates, jetties and other assets.

i) **Community Information and Education**

The Tidal Waterways are a complex system which is not easily understood by residents, old and new. The publication and dissemination of information is regarded as vital to the successful operation and enjoyment of the system.

j) **Administration**

Significant administrative costs are incurred in connection with management of the Tidal Waterways particularly in relation to:-

- ~ Preparation of annual works programs and routine office management
- ~ On site response and liaison
- ~ Investigation of proposals affecting the system
- ~ Requests for changes to jetties and mooring arrangements
- ~ Management of jetties and associated mooring leases including maintaining records of lessees and transfers to new owners
- ~ Insurance cover for jetties
- ~ Servicing the Advisory Committee

k) **Investigation and Research**

The Tidal Waterways Systems are relatively new. The ecology is continuously changing. Techniques for anticipating and controlling excessive algal blooms, weed growths and fish populations are still being developed.

The cost of investigating and researching specific problems relating to the operation and management of the Tidal Waterways must be met from the Tidal Waterways Special Service Charge.

l) **Provision for Irregular Works**

From time to time it will be necessary to carry out urgent works required as a result of unforeseen circumstances. Accordingly it will be necessary, each year, to set aside and accumulate funds to deal with such emergencies.

m) **Dredging**

Melbourne Parks and Waterways is the lead agency for operation and management of the Patterson River Waterway.

The annual expenditure allocated for dredging Patterson River to provide boat access to Port Phillip Bay and to enhance the associated land is shared between the owners of residential properties in the Tidal Waterways and:-

- ~ Owners of Whalers Cove Marina
- ~ Owners of Town Centre Marina Inner Harbour Marina
- ~ Runaway Bay Marina
- ~ Melbourne Park and Waterways as operator of the Launching Way ramps
- ~ Port of Melbourne Authority

Melbourne Water collects the agreed dredging contributions from the landowners through the Special Service Charge and from the marina operators by direct payments.

- 13) The Tidal Waterways are an integral part of a local drainage system whose catchment goes beyond the properties which enjoy exclusive recreational rights.

However all properties in the catchment are subject to the Melbourne Water Drainage Rate. Accordingly it is noted that the following operations are considered to be part of Melbourne Water's drainage responsibilities:-

- ~ Operation of the Pumping Station which takes water from the Waterways to flush Kananook Creek
- ~ Clean up Pollution Spills

- 14) The parcel of land owned by Melbourne Water which abuts the Town Centre Marina, was transferred to the Authority in connection with its requirement in respect of development of the Town Centre Marina, that the Patterson Lakes Partnership.

- ~ Provide land and construct a residence for caretaker/lock-keeper.
- ~ Provide land which could be developed as a social sporting club, fostering water activities, in exchange for a former drainage reserve located along the Springvale/Chelsea boundary, which the Partnership needed for road and parking purposes.

Subsequently the Authority agreed that the required caretaker/lock-keeper residence be built on land controlled by the Authority in Dahmen Street.

In the event that it is determined that either:-

- ~ There is no need for a sporting social club in the area, or that
- ~ A satisfactory alternative site is available in the neighbourhood and that as a result the land is sold by Melbourne Water, it is agreed that the proceeds, less an appropriate allowance for the land made available by the Authority in Dahmen Street, will be used to assist with projects in the Patterson Lakes area.

City of Chelsea

15) Melbourne Water has confirmed the following matters with the City of Chelsea regarding operation and maintenance of the Tidal Waterway System.

a) **Bridges at McLeod Road and Palm Beach Drive**

Bridge structures are Council's responsibility however Melbourne Water will maintain the waterway for boat access.

b) **Council Pipe Drains**

Council will maintain the local drainage system up to the point of discharge at the boundary of the waterway reserve.

City of Springvale

16) Melbourne Water has confirmed the following matters with the City of Springvale regarding operation and maintenance of the Tidal Waterway System.

a) **Pipe Culverts - Clipper, Staten, Rhode and Mariners Islands**

The pipe culverts at Clipper, Staten, Rhode and Mariners Islands are located in Council Road Reserves. Their function is both practical and aesthetic, in that they enable water to circulate and maintain the required levels of quality and while maintaining a traffic link between the various Islands and the surrounding land.

At the time the Authority agreed to meet Councils requirements and to take over management of the Reserves for Drainage and Recreational Purposes that comprise the Tidal Waterways, it was understood that the culverts constructed in the Road Reserves would always be available to provide the necessary circulation.

Melbourne Water will carry out routine inspections and ensure that the pipelines are kept clear of marine growth.

However it has been agreed that as lead agency for all works in the Road Reserve, Council will maintain the pavement and associated road works and ensure the structural integrity of the culverts and head walls.

b) **Council Pipe Drains**

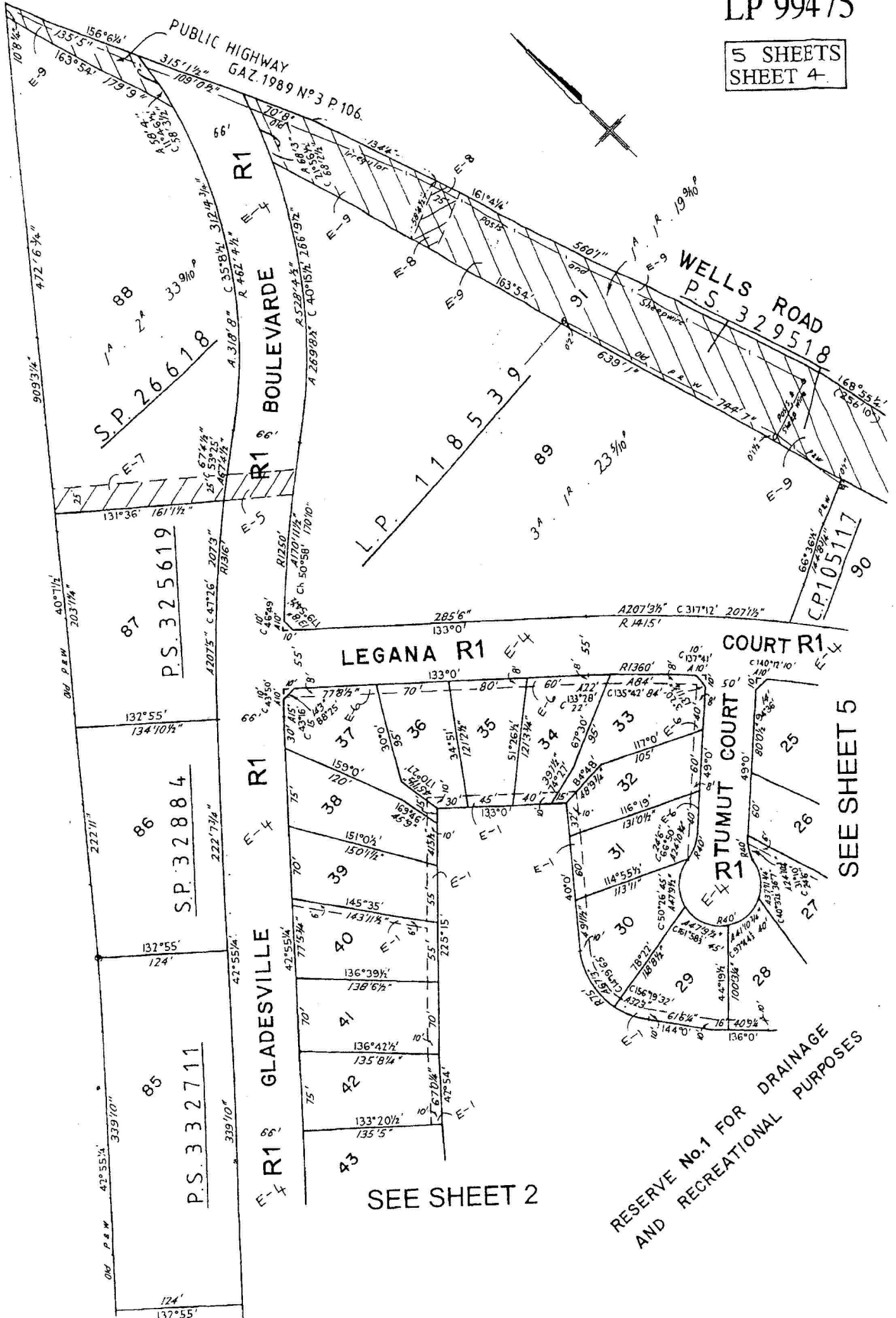
Council will maintain the local drainage system up to the point of discharge at the boundary of the waterway reserve.

c) **Drainage works located within the 3 metre wide easement including spoon drains and drainage pits**

The works are regarded as Council drainage works as they carry runoff from private properties to appropriate points of discharge.

LP 99475

5 SHEETS
SHEET 4.



No. A0050282B

CERTIFICATE OF INCORPORATION

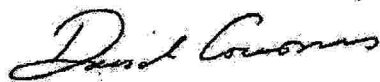
This is to certify that

PATTERSON LAKES (QUIET LAKES) OWNERS AND RESIDENTS INC.

is on and from the 13 June 2007

incorporated under the Associations Incorporation Act 1981

Given under my hand at MELBOURNE, this 13th day of June 2007



Registrar of Incorporated Associations

CONSUMER
AFFAIRS
VICTORIA

V
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C
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O
R
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A