

The Secretary,
Essential Services Commission
Level 2, 35 Spring Street,
MELBOURNE. VIC. 3000.



Ref: S1101



ENTERI

29 th April 2011

Attn: Mr. Marcus Crudden
Acting Director (Local Government and Water)

Dear Mr. Crudden

**Re: Melbourne Water (MW) Proposal
To Increase Patterson Lakes Precept Rate for 2011/12**

The Essential Services Commission (ESC) is seeking public comment on the above proposal, as detailed in the advertisement (copy enclosed - marked E1) in our local newspaper.

I wish to comment, but first may I relate a brief history :

1. Application for a Town Planning Permit

The Suburb of Patterson Lakes was commenced to be established under the Melbourne and Metropolitan Board of Works (MMBW) Planning Application No. 68618 - as shown on Plan B1003 and Plan of Subdivision marked "A" (copy enclosed E2) for the first stage of the Project (being the Quiet Lakes) as lodged with Council - the City of Springvale.

Owen Cosgriff, Assistant Secretary of MMBW, by 17 January 1973 letter (copy enclosed E3) asked the Dandenong Valley Authority (DVA) to comment on that Application for a Permit, under the MMBW Interim Development Order 1961, by Gladesville Nominees Pty Ltd to develop land situated at Wells and McLeod Roads, Cities of Springvale and Chelsea.

NOTE As two thirds of Patterson Lakes was within Springvale and one third in Chelsea, other planning permits would have been issued for subsequent stages of the Project. Request - That ESC investigate this aspect and advise please.

2. Maintenance Agreement

On 17 July 1973 the Minister for Water Supply approved the 10 July 1973 maintenance agreement (copy enclosed E4) made under the Seals of three parties :

- * First Party - Mayor, Councillors and Citizens of the City of Springvale - The Council
- * Second Party - Dandenong Valley Authority (DVA) - the Authority
- * Third Party - Gladesville Nominees Pty Ltd - the Developer

Under this Agreement at (b) the Authority has agreed to accept title of the land reserved for such lakes and waterways and to accept responsibility for the maintenance of such areas.

Schedule 1 of the Maintenance Agreement contains the definition of maintenance :

APPROVED
Mayor of Water Supply
MAY 1975
JUL 1973

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.

Maintenance means "keep in order" and would not include replacement, renewal or improvement of infrastructure or asset.

3. Payment for Maintenance

Clause 5 of the Maintenance Agreement via an amendment to the DVA Act, enables the DVA to impose a special precept on the Council for the raising of moneys from the owners of the land in the Project to provide for the maintenance of the lakes and waterways.

On 16 May 1975 the DVA (Amendment) Act No. 8708 was proclaimed to require the Council, from its General Fund, to pay to the DVA a special precept.

Copy of Act No. 8708 is enclosed (E5). IMPORTANT No evidence has been given to property owners that this Act No. 8708 has been repealed.

MW recently advised the ESC -

"that MW was unable to confirm if the requirement of Clause 5 was ever set up or applied"

Kingston City Council has advised -

"that Clause 5 was not subsequently exercised"

Respectfully, the Springvale Council did include in the municipal valuation and rate notices, the DVA tidal waterways \$247.65 for 1989/90 and \$267.22 for 1991/92 being the precept for No: 4 Lot 353 Clipper Island, Patterson Lakes. Copy of these rate notices enclosed (E6, E7).

For year 2010/11 the precept for Lot 353 was \$1025.64 and will, for 2011/12, increase by 13% plus CPI.

4. Continual Increase in the Precept

MW has advised that the precept will continue to rise for years and the amounts of increases and the number of years are not known.

In Section 4 of the 2011/12 Price Review to the ESC, MW states the Tidal Waterways precept charge increased by 5% in 2008/09, 20% plus CPI in 2009/10 and 18% plus CPI in 2010/11.

5. Comments on MW 2011/12 Price Review

The Price Review Proposal consists of 11 Sections - 21 Pages. Copy of its Face page (E8) enclosed.

Section 1. The proposed 2011/12 Patterson Lakes price increase is 13% plus CPI for the Tidal Waterways. Table 16 in Section 9 sets the Rate in \$NAV at 0.6830 and says for 2010/11 the Rate was 0.6045

Currently my property has a NAV of \$165,000.00 with a Patterson Lakes Drainage rate of 0.001554 in \$NAV being \$256.41 per quarter - \$1025.64 p.a.

Patterson Lakes	\$165,000**	.001554	\$256.41
Drainage			

Q. Are the rates in \$NAV in Table 16 correct ? as they would, it seems, for my property equate to \$99,742.50 for 2010/11 and to \$112,695.00 for 2011/12, both plus CPI p.a.

Q. If I am wrong, what will be my actual payment p.a. ?

Section 2.

Q. Which Section of the Water Act 1989 requires the Board of MW to levy prices for its drainage services in Patterson Lakes ?

Request May I have a copy of MW 2008 Waterways Water Plan, please ?

Section 3. MW states it assumed responsibility for the special rating areas when it merged with DVWPA in 1991.

Q. What is the legal authority that allows MW to assume such responsibility ?

MW lists its 12 services for maintenance and includes therein renewal of assets (jetties and retaining walls) therein. NOTE There is no mention of renewal of the tidal gates, which according to an article in the Chelsea Independent. will cost Patterson Lakes Precept payers \$18 Million. Q. Is this charge legal ? particularly when maintenance of an asset does not include renewal of it.

Q. Shouldn't the wider community, including residents of Carrum and visitors using the tidal waterways who all benefit from the flood protection system, share this \$18 million cost ?

Request May I have a copy of the provisions of the MMBW Act 1958 and of the general provisions in the amended Water Act 1989 that provides for Customer Committees, please.

(Reference - Section 3, under Customer Committees)

Section 4.

MW says - Property owners paid the initial capital costs of waterways assets (eg tidal gates, jetties) directly to the developer.

Respectfully, as MW can not find the planning permits and other relevant documents for the Patterson Lakes Project, I would question this statement.

Perhaps MW may mean to say that all costs in establishing the Project would be included, by the developer or the proprietor of the land - Patterson Lakes South Pty Ltd, in the selling prices of the allotments of land.

Further, for MW to state that -

"In the Tidal Waterways property owners paid the initial capital cost of Waterways assets (eg tidal gates, jetties)"

may have effectively set the scene for or be construed by some, that such owners should or are required to pay for their replacement.

MW also says - For over 20 years, special precept area charges were set to pay to maintain assets only, not replace them. This is correct as per the 17 July 1973 Maintenance Agreement, BUT respectfully, as regards replacement of the jetties for example, I question this MW statement, as MW in its 24 May 2011 FAQ Sheet to Patterson Lakes residents advised that -

"the annual Tidal Waterways precept charge allows for the timber jetty option at no additional charge"

Re-Cost of Replacement Timber Jetty \$18,000 or \$30,000

Also in the FAQ Sheet, MW gives the example cost for a timber replacement 2 berth jetty at \$18,000, whereas in the Kingston Council files for a planning permit the cost is stated at \$30,000.

Decision to increase tidal waterways precept not unanimous

MW in its 4 April 2011 letter to the Precept Payers about the annual special precept rate review for 2011/12 says -

"It is important to note that support for the proposal was not unanimous"

and in the Price Review under Figure 1 says -

"....the PLAC Tidal Waterways Sub Committee agreed by a majority of 3 to 2 to the 13% plus CPI price increase for 2011/12"

This means then that, one person on behalf of around 1000 precept payers in effect, approved such increase.

PLAC members are selected and appointed for a term of 2 years, by MW.

Community consultation required

In view of the situation that one person has effectively decided that the Precept will increase, surely it would be more appropriate for MW to conduct a survey seeking a consensus of the Patterson Lakes Tidal Waterways Precept Payers.

Recently, MW conducted a community consultation with the residents of the Quiet Lakes in planning and delivering services related to managing the Lakes water quality, in particular that any reinstatement of the original infrastructure etc, would need to be funded through the precept charge.

Residents were asked to respond to several questions regarding various costings thus obtaining a consensus (general opinion and agreed decision).

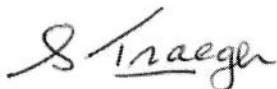
Q. Would the ESC be prepared to offer its opinion on a necessity for a community consultation by MW with the Tidal Waterways precept payers, regarding replacement, renewal or improvement of infrastructure / assets and any improvement of MW services.

The Legal Aspect

Request May I have a copy of the law that particularly allows MW to include in the precept the cost of replacement, renewal or improvement of assets, being contrary to the current and legal 10 July 1973 Maintenance Agreement approved by the Minister for Water Supply, and also that allows MW to include therein any increase in its Services to Patterson Lakes Precept Payers, at their expense without their prior approval.

In conclusion, I thank the ESC for considering and hopefully responding to the issues raised in this my letter.

Yours Sincerely



S.W. Traeger

Attached - enclosed copy of documents marked E1 to E8



NOTICE OF PROPOSED CHARGE

Proposed drainage and waterways service charges 2011-12 Patterson Lakes and Quiet Lakes

Melbourne Water is the manager of waterways and drainage services in the Port Phillip and Westernport catchments.

In addition to its general metropolitan drainage services, it provides additional drainage and waterways services in Patterson Lakes and Quiet Lakes.

In order to recover the costs for these services, proposed prices are submitted annually to the Essential Services Commission (ESC) for approval, in accordance with the Commission's final decision of the 2008 Water Price Review.

Under the *Water Act 1989*, Melbourne Water is required to levy prices for its drainage services in the metropolitan general rate area and special drainage areas on an annual basis.

Patterson Lakes and Quiet Lakes property-owners pay both the general metropolitan waterways and drainage rate and an additional special area rate.

For 2011-12, Melbourne Water has proposed an increase of **13 percent** (plus CPI) in the special area rate for residents of Patterson Lakes' Tidal Waterways precinct, and an increase of **11 percent** (plus CPI) for the Quiet Lakes precinct.

The Essential Services Commission is now seeking public comment on the Melbourne Water proposal. The Commission will make a final decision on the proposal in June 2011.

Copies of the Melbourne Water proposal are at www.esc.vic.gov.au.

Submissions to the Commission on the Melbourne Water proposal are welcome and can be directed to water@esc.vic.gov.au before **Wednesday 4 May 2011**.

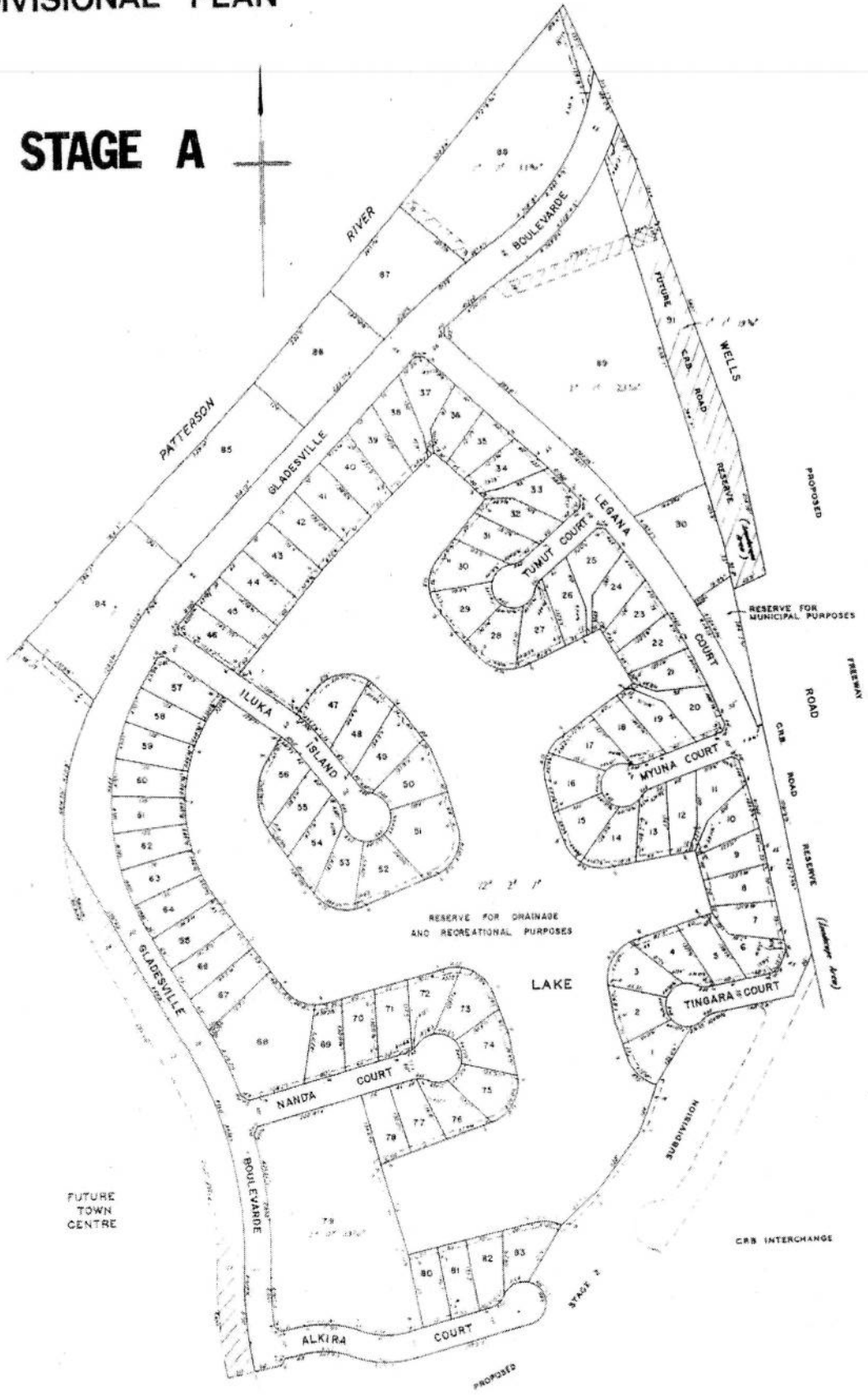
Further details on the Essential Services Commission's approval process are available from Florence Lynch at the Commission on (03) 9651 0219.

mitch38740



SUBDIVISIONAL PLAN

STAGE A



E. & O.E.

JLN:AS
In reply please quote

METROPOLITAN
COUNCIL OF VICTORIA

425 Collins Street,
Melbourne, 2001.

Appln. No. TP. 68618 **Case No. 79024**

File W68

17th January, 1973.

Rec'd 11 9 JAN 1973

Dear Sir,

Re: LEM

I enclose herewith a copy of an application received by the Board from Gladesville Yowinees Pty. Ltd. for a permit to develop land situated at Wells and McLeod Roads, Cities of Springvale and Chelsea.

Your Authority's comments on the proposal in due course would be appreciated.

Yours faithfully,

O.T.W. Cosgriff
(O.T.W. COSGRIFF)
Assistant Secretary

The Secretary,
Dandenong Valley Authority,
208 Princes Highway,
DANDEMONG, VIC. 3175.

SEE UNDER

Date Received

TOWN AND COUNTRY PLANNING ACT 1961
MELBOURNE METROPOLITAN PLANNING SCHEME
MELBOURNE METROPOLITAN INTERIM DEVELOPMENT ORDER
(Whichever is applicable to the land described in the Application)
APPLICATION FOR PERMIT

To the Secretary,
Melbourne and Metropolitan Board of Works,
425 Collins Street, Melbourne, 3001.
or the Town Clerk/Shire Secretary of the Municipality in which the land is situated

I/We Gladesville Nominees Pty. Ltd. and Others (See Attachment)
(Full Name in Block Letters, being an applicant as described in the notes on the back hereof) of

address) See Attachment Post Code

- hereby apply for a permit to
- (i) sub-divide the land described hereunder in accordance with accompanying plan (three copies)
 - (ii) erect construct or carry out on land described hereunder the building or works in accordance with accompanying plan (three copies)
 - (iii) use the land described hereunder for the purpose of
- See Attachment

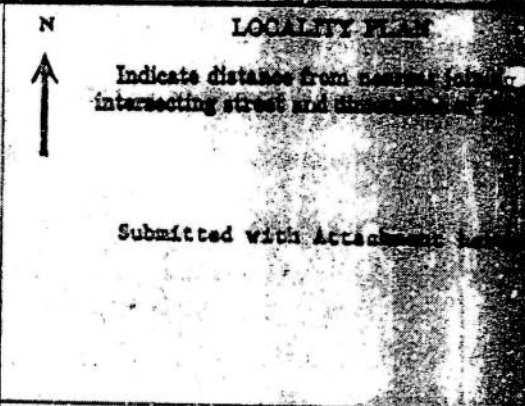
Existing use of land Contained in Attachment
(State actual use, if any, not zoning)
Interest of Applicant in land: owner/occupier/prospective purchaser/other interest

DESCRIPTION OF LAND

Municipal District Springvale & Chelsea
Township or Local Government Area Carrum
Street Wells Rd/McLeod Rd No.
Lot No. Lodged Plan No.
*Parish/Township
C.A. or C.P. No. Sec.
Dimensions: (Contained in Attachment)
frontage depth
situated on side of street
commencing linka feet of

Street
(being nearest joining or intersecting street).

Title Particulars:
Volume Folio



NOTE:
See Attachment for additional particulars in support of Application.

DATED the 9th day of January
Signature of Applicant or Agent David Thomas T. Freshel
Address 303 Latrobe Street Melbourne Telephone No. 675507

OWNER'S CERTIFICATION

Where the applicant is not the owner the concurrence of the owner must be evidenced by the following:

I/We
of
the owner(s) of the above described land hereby concur in the above Application.

DATED the day of
Signature of Owner(s)

Where applicable, direction: north, south, east or west.

NOTE.—See back.

LAKE MAINTENANCE AGREEMENT

THIS AGREEMENT is made the 10th day of July 1973

BETWEEN THE MAYOR COUNCILLORS 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 PIY. 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 Metropolitan Board of Works Planning Application No. 68618 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 recognize 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 abutting thereon.

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 land in the said 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 the 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 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 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.

APPROVED

Minister of Water Supply

[Handwritten signature]
JUL 1973

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)
COUNCILLORS AND CITIZENS OF THE)
CITY OF SPRINGVALE was hereto)
affixed in the presence of :)

[Handwritten signature]
[Handwritten signature]

Councillor
Councillor
Town Clerk

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

George F Knowles
J. H. Deane
W. Robertson

Chairman
Commissioner
Secretary

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

J. H. Deane Director
W. Walker Secretary



1975

283

VICTORIA.



ANNO VICESIMO QUARTO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8708.

An Act to amend the *Dandenong Valley Authority Act* 1963 to provide for Special Precepts, to Increase the Limit of Authorized Tenders and Contracts, to Increase the Chairman's Allowance and for other purposes.

[16th May, 1975.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Dandenong Valley Authority (Amendment) Act* 1975.

Short title.

(2) In this Act the *Dandenong Valley Authority Act* 1963 is called the Principal Act.

Principal Act
No. 7060.Reprinted to
No. 7523.Subsequently
amended by
Nos. 7763,
8168, 8353,
8432, 8531,
S.R. 49/74.Commence-
ment.

(3) This Act shall come into operation on the day on which it receives the Royal Assent.

2. In section 12 of the Principal Act for the expression "of not more than \$1,000 in any one year" there shall be substituted the expression "not exceeding in any one year \$2,000 or such other amount as is for the time being fixed by the Governor in Council for the purposes of this section".

Amendment of
No. 7060 s. 12.

3. In

Amendment of
No. 7060 s. 20.
Tenders and
contracts not
requiring
ministerial
approval.
Amendment of
No. 7060.
New s. 33A.
Special precepts.

3. In sub-section (1) of section 20 of the Principal Act for the expression "\$4,000" there shall be substituted the expression "\$10,000".

4. After section 33 of the Principal Act there shall be inserted the following section:—

' 33A. (1) (a) Where any works or undertakings authorized by this Act have been requested by a majority of the persons liable to be rated in respect of rateable property in a portion of the district of any municipality or municipalities which would be served by such works or undertakings (hereinafter called "the special precept area") and it appears to the Authority that such works or undertakings are for the particular benefit of the special precept area it may with the approval of the Minister issue a special precept in the form of the Second Schedule to each municipality concerned requiring it to contribute an amount calculated as hereinafter provided and thereupon notwithstanding the provisions of paragraph (b) of sub-section (1) of section 33 the municipality shall be liable to contribute further moneys to the Authority as hereinafter provided.

(b) The moneys to be contributed by a municipality pursuant to a special precept issued in accordance with this sub-section shall be an amount which bears the same proportion to the amount set out in the estimates of the Authority prepared in accordance with section 32 to be expended in such special precept area as the net annual value of all rateable property within the municipality as is within such special precept area bears to the total net annual value of all rateable property within such special precept area.

(c) In this section "rateable property" has the same meaning as in Division 1 of Part X. of the *Local Government Act 1958*.

(2) A municipality to which a special precept is issued pursuant to this section may without in any way limiting or derogating from the provisions of any other Act make and levy a rate as if for its own purposes upon all rateable property within the special precept area as is within its municipal district by or under the provisions of this Act and shall pay the moneys so levied to the Authority less a deduction of not more than five per centum for collecting the moneys.

(3) The provisions of sub-sections (3) and (5) of section 33 shall with such modifications as are necessary extend and apply to a special precept under this section.

(4) The provisions of the *Local Government Act 1958* with respect to the making levying and recovery of rates shall with such modifications as are necessary extend and apply with respect to any rate made by a municipality under this section and the municipality is hereby authorized to pay from its General Fund or any special fund established for the purpose the amount of any special precept payable by it hereunder.

(5) Any

(5) Any moneys received by the Authority in respect of any special precept under this section shall be applied only to the execution of the works or undertakings specified in the precept.'

5. Section 32 of the Principal Act shall be amended as follows :—

Amendment of No. 7060 s. 32.

(a) After paragraph (d) of sub-section (1) there shall be inserted the following :—

“and

(e) the total net annual value pursuant to the provisions of the *Local Government Act* 1958 of all rateable property within the meaning of Part X. of that Act in any portion of a municipal district or districts in respect of which the Authority proposes to issue a special precept in accordance with section 33A.”; and

(b) In sub-section (3) after the word “precept” there shall be inserted the words “or special precept”.

6. In sub-section (2) of section 33 of the Principal Act for the word “Schedule” there shall be substituted the words “First Schedule”.

Amendment of No. 7060 s. 33.

7. For the word “Schedule” where appearing at the head of the Schedule to the Principal Act there shall be substituted the words “First Schedule”.

Amendment of No. 7060. First Schedule.

8. After the First Schedule to the Principal Act there shall be inserted the following Schedule :—

Amendment of No. 7060. Second Schedule.

“SECOND SCHEDULE.

DANDENONG VALLEY AUTHORITY ACT 1963.
SPECIAL PRECEPT.

To the Council of the Shire (or City, &c.) of.....
These are to require you, the Council of the Shire (or City, &c.) of.....
to pay on or before the.....day of.....19....., into
the credit of the Dandenong Valley Authority Account in the.....
(Name of Bank.)
at.....the sum of.....dollars, being the amount
(Address of Bank.)
of the estimated revenue of the Authority for the year 19..... payable by your
municipality in respect of the following works and undertakings :
Dated this.....day of.....19.....

Chairman of the Dandenong
Valley Authority.”

City of Springvale

397 SPRINGVALE RD. (P.O. BOX 109)
SPRINGVALE, 3171
PHONE 549 1111

DATE: 27-10-89

VALUATION & RATE NOTICE

1989/90
RATEPAYER'S COPY

OFFICE HOURS:
9.00 a.m. to 7.30 p.m. Monday
9.00 a.m. to 4.30 p.m. Tuesday to Friday

On 18 OCT 89 the Council of the City of Springvale made and levied the following rates and charges for the property described on this notice. These rates and charges are due and payable on 19-10-89. Payment of this demand is now requested. *M 17-11-89*

A. L. SULLIVAN
Revenue Collector

INTEREST WILL BE CHARGED AT 20% P.A.
ON ALL AMOUNTS NOT PAID BY THE FINAL
DATE FOR PAYMENT. (See below)

000162



SOUTH
21833-00000-000-9

353 LP 140301

SV - \$70000 NAV - \$3500 CIV - \$70000 VLN DATE 1988

GENERAL	1.00050 CENTS/\$ ON \$70000.00	\$700.35	
GENERAL DVA	0.09124 CENTS/\$ ON \$70000.00	\$63.87	} 311.52
TIDAL WATERWAYS DVA	0.35378 CENTS/\$ ON \$70000.00	\$247.65	
TOTAL AMOUNT DUE		\$1011.87	

1ST INSTALMENT DUE	2-01-90	\$252.99
2ND INSTALMENT DUE	28-02-90	\$252.96
3RD INSTALMENT DUE	31-05-90	\$252.96
4TH INSTALMENT DUE	31-08-90	\$252.96

Tick box if receipt required.

PAYMENT OF THESE RATES MAY BE MADE EITHER:

- 1 IN FULL ON OR BEFORE APRIL 10, 1990
 - 2 BY INSTALMENTS AS DESCRIBED ABOVE.
- SEE REVERSE FOR FURTHER DETAILS.

OR

BANK TELLER STAMP	PLEASE INDICATE AMOUNT BEING PAID
DATE OF PAYMENT	\$

"The amounts shown here do not necessarily include all amounts outstanding for legal and other costs"



397 SPRINGVALE RD.
(P.O. BOX 109)
SPRINGVALE, 31771
PHONE: 549 1111

DATE 01-11-90

PROPERTY TAX NOTICE

EXCERPT FROM THE ORIGINAL COPY

On 17 OCT 90 the Council of the City of Springvale made and levied the following rates and charges for the property described on this notice. These rates and charges are due and payable on Payment of this demand is now requested.

M 13-11-90

OFFICE HOURS:
9:00 a.m. to 7:30 p.m. Monday
9:00 a.m. to 4:30 p.m. Tuesday to Friday

See payment options below
A.L. SULLIVAN Revenue Collector
INTEREST WILL BE CHARGED AT 20% P.A.
ON ALL AMOUNTS NOT PAID BY THE FINAL
DATE FOR PAYMENT (See payment options below)

174

SOUTH
21833-00000-000-9

353 LP 140301

SV	-	\$70000 NAV	-	\$9000 CIV	-	\$180000 VLN	DATE 1990
GENERAL		1.10760 CENTS/\$	ON \$70000			\$775.32	
GENERAL DVA		0.10062 CENTS/\$	ON \$70000			\$70.43	
TIDAL WATERWAYS DVA		0.49616 CENTS/\$	ON \$70000			\$347.31	
TOTAL AMOUNT DUE						\$1193.06	

1ST INSTALMENT DUE	2-01-91	\$298.26
2ND INSTALMENT DUE	28-02-91	\$298.26
3RD INSTALMENT DUE	31-05-91	\$298.26
4TH INSTALMENT DUE	02-09-91	\$298.26



PAYMENT OPTIONS

- 1 IN FULL ON OR BEFORE APRIL 10, 1991
 - 2 BY INSTALMENTS AS DESCRIBED ABOVE.
- SEE REVERSE FOR FURTHER DETAILS

	PLEASE INDICATE AMOUNT BEING PAID
	\$1193.06

"The amounts shown here do not necessarily include all amounts outstanding for legal and other costs"

FAXED to 9651 3688. The ESC. S.W. Traeger,
on Tuesday 3 May 2010,
due to urgency.

Sunday, 1st April 2011
Ref: S 1102

The Secretary
Essential Services Commission Vic.
Level 2, 35 Spring Street,
MELBOURNE Vic 3000

Attn: Mr. Marcus Crudden, Acting Director (Local Government and Water)

Dear Mr. Crudden,



ADDENDUM

**Re: Melbourne Water (MW) Proposal
To Increase Patterson Lakes Precept Rate for 2011/12**

I wish to apologize for inadvertently omitting from the bottom of page 4 of my 29th April 2011 letter ref: 1101 the full advice by MW in Section 4 of the Price Review under figure 1.

This is what I quoted:-

"...the PLAC Tidal Water Ways Sub Committee agreed by a majority of 3 to 2 to the 13% plus CPI price increase for 2011/12"

This is the MW full advice:-

"At the meeting on 9 February 2011, the PLAC Tidal Waterways Sub-Committee agreed by a majority of 3 to 2 to the 13% plus CPI price increase for 2011/12. The minority which were opposed believe that the City of Kingston should take over provision of core precept services (jetty and beach maintenance) to be paid for out of general council rates and that the remaining services provided by Melbourne Water are of a general rather than special nature and should therefore be paid for by the general waterways and drainage rate.

An average bill under a 13% plus CPI (2.5% estimate) increase will rise from \$ 642 to \$742 in 2011/12"

My comment:

No doubt the majority, if not all, of the precept payers would agree with the belief of the 2 members of PLAC Tidal Waterways Sub-Committee.

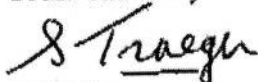
Q. Did the Melbourne Water Board consider the 2 members belief and given it weight in its recommendation to the ESC.?

The example of an average bill will rise from \$ 642 to \$742.

If my calculations are correct, this would be based on an NAV of \$413,100 (mine is \$165,000) at the current 0.001554 in \$ NAV be \$ 642 and at a rate of 0.001796 be \$742. **BUT** MW proposes in Table 16 a rate of 0.6830, which makes an average bill not \$ 742 but \$ 2,821.

Request:- To ascertain the average Net Annual Value, I ask for a list of all the NAV's, please, which the DVA supplied me with the then current ones, some years ago.

Yours Sincerely


S.W. Traeger

cc Andrew Chow
Dill 19/5



ENTERED
11/123
19.05.2011
S.Traeger

FAXED TO 9651 3688 - THE E.S.C.



The Secretary
Essential Services Commission Vic.
Level 2, 35 Spring Street,
MELBOURNE. VIC. 3000.

Ref. S1104
12th. May 2011

Page 1 of 2
URGENT

Attn: Mr. Marcus Crudden, Acting Director (Local Government and Water)

Dear Mr. Crudden,

Re: Melbourne Water (MW) 2011/12 Price Review Proposal
Inaccurate Statements.

Since my letters to you, regarding MW Proposal submitted to the ESC for approval, I have discovered inaccurate statements by both MW and myself!

BY MW

1. MW in its Price Review Section 9., under "Price Schedule", states:-

- "The proposed prices reflect:*
 - *Previous funding arrangements agreed with customers"*

THIS IS INCORRECT

I and other precept payers were not asked to agree and did not agree.

Q1. If funding arrangements were agreed with customers, may I have a copy of such agreed arrangements, please?

2. MW says, it has consulted with Tidal Waterways residents, about the 2011/12 and future precepts.

THIS IS INCORRECT

I have not been consulted and other residents say they have not been consulted.

Q2. If consultation did take place, what were the results **AND** may I have a copy of those results, please?

A CONCERN

If inaccurate statements are taken as correct not knowing that they are wrong, then they may influence the ESC to approve MW Proposal to increase the Precept Prices.

BY MYSELF

In my letters to you, I have made fundamental errors by:

1. Referring to NAV, when I meant SV.
2. Quoting \$ amounts that my precepts may be, which are wrong, because of incorrect location of the decimal point.
 - For 2010/11 my SV of \$165,000 at MW in its Table 16 rate of 0.6045c. = \$99,742.5, should be \$997.43. However, as I was billed for and paid \$1025.64, there is a small difference of \$28.21 **Q.** Why so?
 - For 2011/12, I said for MW Table 16. At a rate of 0.6830c. my precept would be \$112,695.00 plus estimate 2.5% CPI, when it would be \$1126.95 plus CPI.

I would be grateful for you to accept my apology, please.

An up-date:

Protection of Patterson Lakes Community from flooding.

At the borrom of page 3 of my 29April 2011 letter to you, I ask this question:-

Q. Shouldn't the wider community, including residents of Carrum and visitors using the tidal waterways who all benefit from the flood protection system, share this \$18 million cost ?

Since then:-

Mrs Inga Peulich MLC, Secretary of the Parliamentary Liberal Nationals Coalition, Parliamentary Secretary for Education and State Member for South Eastern Metropolitan Region has received a Response, from the Minister for Water Tim Holding MP, following her representation she made in the Victorian Government on the Patterson Lakes issues, which resulted in an Adjournment Debate by the Legislative Council.

On page 2 of the Minister's Response, he says:-

"MW is now replacing the tidal gates that are critical to protecting the Patterson Lakes community from flooding"

"The \$18million replacement program will provide the best possible level of flood protection, accommodating a one-in-one hundred years flood event".

Q3. What are the boundaries defined for 'the Patterson Lakes community' as part of Carrum is in the Patterson Lakes Project, AND as some of Carrum has been subject to flooding?

Q4. If properties within the flood prone areas, but do not front the waterways/lakes, shouldn't they also contribute, even if only a nominal \$ amount, to the precept for their flood protection ?

REQUEST:

That the ESC require MW to re-work its 2011/12 Price Review to provide for all properties i.e. dwellings that benefit from the Patterson Lakes Flood Protection System, to contribute an appropriate amount to the cost thereof, including maintenance, thus, reducing the great burden on the current Precept Payers.

Q5. In all fairness, wouldn't it be a reasonable and equitable process?

Kingston Council Rates to include costs of jetty and beach maintenance.

In my ADDENDUM letter ref. S1102, faxed to you 3rd May 2011 (wrongly dated 1st April instead of 1st May, for which I apologize) I mentioned some members of the PLAC Tidal Waterways Sub-Committee believe that :-

The City of Kingston should take over provision of core precept services (jetty and beach maintenance) to be paid out of general council rates and that the remaining services provided by Melbourne Water are of a general rather than special nature and should therefore be paid for by the general waterways and drainage rate.

Q6. Will you and the ESC consider this aspect and give weight to it please?

In conclusion, I thank you and the ESC for considering and hopefully responding to the issues raised in my correspondence.

MR. CRUDDEN

May I please have acknowledgement that you and the ESC have received AND will take into consideration my correspondence, before deciding the MW Proposal, to increase the Precept Prices.

Best Regards
Yours Sincerely,



S. Traeger.