



HERBERT
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John McCrann
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4 July 2016
Matter 82449055
By Email

Dear Mr McCrann

Confidential and Privileged

Melbourne Metro Rail Project Engagement to undertake further work

We are acting as legal advisors to the Melbourne Metro Rail Authority (**Authority**) in connection with the Melbourne Metro Rail Project (**Project**). The Surface Water Impact Assessment — Technical Appendix N (**Surface Water Report**) prepared by Mr David Sheehan has been exhibited as part of the Environment Effects Statements (**EES**) for the Project.

After reviewing the Surface Water Report and holding discussions with the Authority, we would like you to prepare a report addressing the tasks set out in Attachment 1. This work will assist us to provide further legal advice to the Authority, particularly in relation to its preparation for the Panel hearing into the EES.

1 Fee estimate and invoicing

It is important to note that you will continue to be contractually engaged by the Authority. The Authority will continue to be responsible for the payment of your fees and your accounts should be sent directly to the appropriate person nominated by the Authority.

2 Confidentiality

Your report and any drafts prepared in accordance with this retainer are confidential and are not to be copied or used for any purpose unrelated to the Panel hearing without our permission.

Material supplied by Herbert Smith Freehills is, unless it is already in the public domain, confidential and is not to be copied or used for any purpose unrelated to your retainer without our permission.

3 Conflict of interest

It is important that you are free from any possible conflict of interest in providing your advice. While we assume you have no conflict of interest given your role in design for the Project, you should again ensure that you have no connection with any party which could preclude you from providing your opinion in an objective and independent manner.

4 Communications

Unless advised otherwise, all communications, whether verbal or written, should be directed to our office so that we can coordinate, manage and integrate work activities with legal requirements and ensure legal professional privilege is maintained, as appropriate. It is, however, quite appropriate for your communications to be copied into the Authority.

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5 Due date

We would appreciate receiving a report which addresses the tasks set out in Attachment 1 by 15 July 2016. The report should be marked 'Confidential and Subject to Legal Professional Privilege'.

Yours sincerely

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Attachment 1

Tasks to be completed

Your report should:

- (a) Consider the options for locating the compensatory flood storage volumes required at Arden and the Western Portal.
- (b) Consider possible measures for 'flood proofing' the Project infrastructure i.e. flood gates, inflatable plugs etc. This should include a discussion of product specifications and examples of where such measures have been used, either in Australia or overseas.
- (c) Include a statement addressing the point raised in paragraph 3.1.3 of the surface water peer review report (also exhibited as part of the EES). We understand that it is your view that while the Aquatic Ecology and River Health Impact Assessment — Technical Appendix U does not specifically take into account the peak stormwater flow rates and volumes modelled in the Surface Water Report, this is not considered necessary. Please explain why this is the case.
- (d) Review and address any matters raised in submissions relevant to the Surface Water Report. As the primary author of the Surface Water Report, Mr Sheehan would ordinarily be expected to complete this task but, as he is unavailable until 19 September 2016, we would like you to undertake this task in his place.