14 May 2019

Mr Craig Barker
Via email

Dear Craig

North East Link Project: Provision of Expert Advice to Inquiry and Advisory Committee

The Inquiry and Advisory Committee (IAC) for the North East Link Project appoints you to advise in the area of tunnelling, hydrogeology and geomechanics in accordance with clause 4 of the IAC’s Terms of Reference.

Attached is Planning Panels Victoria’s Practice Note on Expert Evidence. Please read and familiarise yourself with this practice note, even if you have read it many times before. You will need to ensure that you comply with the requirements of the Practice Note at all times, with any necessary adjustments required as a result of any directions issued by the IAC. Any report you issue should make the declaration outlined in the Practice Note.

Scope of Task

There will need to be some flexibility in the task to account for material that comes forward in evidence and the Hearing but the scope is anticipated to be as follows.

1. Review the IAC’s Terms of Reference.
2. Review relevant (to your area of expert advice) parts of the Environment Effects Statement (including EMF and EPRs), Planning Scheme Amendment and Works Approval Application.
3. Provide a brief written statement to the IAC (a template will be provided) by noon on Monday 17 June 2019 which addresses, in dot point form, those matters relevant to your expertise and within the scope of the IAC’s Terms of Reference as follows:
   a. Identification of critical issues; and
   b. Requests for information from the Proponent, including points of clarification arising from your review of the EES material, which are necessary to inform your expert opinion on the key issues that you have identified.

Requests for information should be made in respect of key issues only and should be referable to the IAC’s Terms of Reference.

Your request will be attached to the IAC’s request for information to the Proponent to be tabled at the Directions Hearing on 21 June 2019.

4. Review the expert evidence filed by other parties in so far as it relates to your area of expertise.

5. Provide an interim report to the IAC (a template will be provided) to be tabled at the commencement of the Hearing on Thursday 25 July 2019 which sets out, within your area of expertise:
   a. The matters required by the PPV Practice Note – Expert Evidence including all facts matters and assumptions upon which you have proceeded;
   b. The key issues, including whether the key issues you identified prior to the circulation of evidence have changed, and if so, how;
c. Your expert view on the matters raised by paragraph 31 of the Terms of Reference in so far as they relate to the key issues you have identified;
d. Any areas in which you consider that there is insufficient information, having regard to the current and proposed future stages of the project (eg detailed design); and
e. Recommended changes to the approval documentation including the EPRs (if any).

6. Review any technical responses provided by the Proponent to the IAC’s requests for information in so far as they fall within your area of expertise, as and when required, and provide a written response, if requested to do so.

7. Provide written responses to any questions that the IAC asks of you during the Hearing.

8. Provide counsel assisting with any questions you have of the expert witnesses called by the parties. Depending upon time availability, this may be done orally or in writing.

9. Attend the Hearing, by agreement with the IAC, and particularly the relevant expert session(s).

10. Review the Proponent’s proposed changes to the approval documents (if any) and any other party’s suggested changes to the approval documents referred to you by the IAC.

11. Following the completion of expert evidence in your area of expertise, provide a brief final report to the IAC no later than five days before closing of the Hearing which complies with the PPV Practice Note – Expert Evidence and sets out:
   a. any changes of opinion since your interim report (if any) and the reason for that change in opinion; and
   b. your opinion on the latest version of the Proponent’s proposed approval documents (if any) and any other party’s suggested changes to the approval documents.

12. Other activities by agreement.

**Project Management**

13. Day to day liaison will be through the project team in the Planning Panels office on planning.panels@delwp.vic.gov.au or (03) 8392 5120.

14. The IAC’s legal counsel will assist in any Hearing preparation required.

15. If you have any questions about the terms of your engagement, or any questions about the facts and assumptions upon which you are to proceed, this should be done formally and in writing. If possible, please make this request in one email, rather than in multiple emails.

16. All of your written advice to the IAC will be placed in the public domain. All other formal communications with the IAC may be placed in the public domain including this commissioning letter.

17. As per usual for this type of appointment remuneration will be at normal Panel rates.

If you have any queries please contact Amy Selvaraj at Planning Panels Victoria on (03) 8392 5120 or planning.panels@delwp.vic.gov.au. Can you please confirm via e-mail or correspondence your acceptance of this brief and the scope of the task as outlined.

Yours sincerely

Nick Wimbush

Inquiry and Advisory Committee Chair