



LAWYERS
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Friday, 13 April 2018

John Moylan
Manager Infrastructure Delivery
South Gippsland Shire Council
9 Smith Street Leongatha

Email: John.Moylan@southgippsland.vic.gov.au

Dear John,

Re: Ansevata Nominees Pty Ltd v South Gippsland Shire Council

Proposed Walks on Walkerville Retarding Basin

We advise that we act on behalf of Ansevata in relation to the above matter. Our clients have handed to us your letter of 12, April 2018. Our clients are concerned that they have not been provided with proper design details for the proposed works or that those works will rectify the issues or concerns in relation to the taking of water agreement dated 8, May 1990.

The dam is originally designed with dimensions of 120M by 200M and a storage capacity of 15ML – see plan – 30-158 dated 16/11/1987 (copy enclosed). We are concerned that what is proposed by council may well involve a breach of the water taking agreement between our respective clients and our client wishes to refer the proposed works to its own independent engineer for assessment. To assist our client in undertaking this assessment we would appreciate it you could please provide us by return the following:

1. The original detail design drawings and as conducted records in respect of the dam as originally constructed;
2. A copy of the AutoCad and PDF formats of the Mackie Surveying plan carried out in January 2016 – a copy of the Mackie Surveying letter dated 3 February 2016 to Mr Justin Taylor of your office is enclosed which refers to those documents; and
3. A copy of your detailed design documents for the proposed work referred to in your letter of 12 April 2018.

In the circumstances, our client requests that no works be carried out until such time that you have provided the above documents to our client and they have had the opportunity to have them assessed by their own independent engineer. In the

circumstances, subject to you providing the above documents to us within seven days our client undertakes to get back to you with its response to the proposed works within one month of receipt of those documents.

Could you please confirm within seven days of the date of receipt of this letter that you agree to defer the works and provide the information requested above.

Failing your agreement to delay the works pending the undertaking of the above steps you will leave our client with no option but to apply to the Supreme Court for orders that the works be stayed pending provision of the above documents and our clients' response to you within the month indicated above.

We await your response.

Kind Regards,

WISEWOULD MAHONY

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