20 November 2017

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Planning Panels Victoria Attn: The Panel Coordinator Level 5, 1 Spring Street, Melbourne VIC 3000

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Your reference:

Our reference:

2849696

Dear Panel Coordinator

Monash Planning Scheme Amendment C129 Land: 1221-1249 Centre Road, Oakleigh South

We continue to act for Sterling Global in relation to the above matter.

During the Panel's inspection last week of the site at Cavanagh Street, Cheltenham, we understand that the Panel asked Mr Sinclair some questions about the timing of the audit which he completed for that site, the details of which Mr Sinclair, at that time, could not exactly recall. We advise that Mr Sinclair has since review his records and we are instructed to confirm with the Panel that:

- The audit was completed on 31 May 2011; and
- The last clearance was given for connection of the boundary venting system on 3 August 2015.

On other matters, we refer to our letter to the Panel dated 15 November 2017 and, in particular, our reference to the Legal Advice to Urbis (**Advice**) and to our submission that *legal professional privilege subsists in the Advice and as such, it will not be released.* We refer also to the email from Ms Silvana Valente to me, and copied to the Panel and the parties, dated 15 November 2017. Mrs Valente's email claims that privilege in the Advice has been waived on the basis that our client *released the advice to Council.* Her email goes on to state that that Council then relied upon the Advice in granting our client the backfilling permit. With respect, there is no basis in fact for either of these statements. The advice has never been released to the Council and, as such, could not have been relied upon by the Council. We request, through the Panel, that Mrs Valente be required to retract these misleading statements.

ours faithfully

Rory O'Connor Senior Associate

Norton Rose Fulbright Australia

Partner: Sally Macindoe

APAC-#59928718-v1

20 November 2017

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