



{In Archive} Re: Monash Planning Scheme Amendment C129 (2849696)[NRF-APAC.FID1894166]  
Silvana Valente

to:

O'Connor, Rory

15/11/2017 03:50 PM

Cc:

"planning.panels@delwp.vic.gov.au", "laura.agius@delwp.vic.gov.au", Sean McNamee, Andrew Scott

Hide Details

From: Silvana Valente <silvana@valente.net.au>

To: "O'Connor, Rory" <rory.oconnor@nortonrosefulbright.com>,

Cc: "planning.panels@delwp.vic.gov.au" <planning.panels@delwp.vic.gov.au>,

"laura.agius@delwp.vic.gov.au" <laura.agius@delwp.vic.gov.au>, Sean McNamee

<Sean.McNamee@monash.vic.gov.au>, Andrew Scott <Andrew.Scott@epa.vic.gov.au>

Archive: This message is being viewed in an archive.

Thanks Rory for your response.

However, I note that in relation to the documents that I have requested, you have failed to provide them to me by 10th November 2017 as stated in the Planning Panels Direction. So what does *"the documents will be circulated shortly"* mean?

In relation to your claim that the legal advice to Urbis will not be released presumably due to legal profession privilege, my view is that this privilege was explicitly waived when your client released the legal advice to Council. This legal advice, (which I assume Council has a copy of) was then relied upon by Council in granting your client the planning permits of 2015.

As the Planning Panel has requested this document, it shall be upto the Panel to decide whether your excuse not to release this legal opinion is justified.

Regards,  
Silvana Valente



A & S Valente And Associates Pty Ltd  
Building Design Consultants  
ABN 67 074 771 091  
PO BOX 138  
MOUNT WAVERLEY VIC 3149

Phone: (03) 9543 1300

Mobile: 0417 57 1011

0413 961 311

Email: [angelo@valente.net.au](mailto:angelo@valente.net.au)

[silvana@valente.net.au](mailto:silvana@valente.net.au)

On Wed, Nov 15, 2017 at 3:12 PM, O'Connor, Rory <[rory.oconnor@nortonrosefulbright.com](mailto:rory.oconnor@nortonrosefulbright.com)> wrote:

Hi Silvana

The documents will be circulated shortly. The legal advice will not be released as privilege subsists in the advice. Documents will be emailed in accordance with the circulation directions.

Kind regards

Rory

**Rory O'Connor** | Special Counsel  
Norton Rose Fulbright Australia  
Level 15, RACV Tower, [485 Bourke Street, Melbourne, Australia](#)  
Tel [+61 3 8686 6068](#) | Mob [+61 400 436 175](#) | Fax [+61 3 8686 6505](#)  
[rory.oconnor@nortonrosefulbright.com](mailto:rory.oconnor@nortonrosefulbright.com)

## NORTON ROSE FULBRIGHT



*Law around the world*  
[nortonrosefulbright.com](http://nortonrosefulbright.com)

**From:** Silvana Valente [mailto:[silvana@valente.net.au](mailto:silvana@valente.net.au)]  
**Sent:** Wednesday, 15 November 2017 2:18 PM  
**To:** O'Connor, Rory  
**Cc:** [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au); Ellicott, Tom; [laura.agius@delwp.vic.gov.au](mailto:laura.agius@delwp.vic.gov.au); Sean McNamee; Andrew Scott  
**Subject:** Monash Planning Scheme Amendment C129

Dear Rory,

I refer to the Planning Panel directions dated 8th November 2017 and note that I have still not received the following documents:-

- Drawing showing footprint of the on-site landfill (item 7)
- Legal advice to Urbis concerning the planning applications in 2015 (item 12); and
- Report on the Growling Grass Frog Surveys (item 13)

As the Planning Panel directed you to provide me with these documents by Friday 10th November 2017, I would be pleased if you could email them to me as soon as possible and mail hard copies to our postal address which is P.O BOX 138 MT. WAVERLEY VIC 3149.

Regards,

Silvana Valente



A & S Valente And Associates Pty Ltd  
Building Design Consultants  
ABN 67 074 771 091  
PO BOX 138  
MOUNT WAVERLEY VIC 3149

Phone: (03) 9543 1300

Mobile: 0417 57 1011

0413 961 311

Email: [angelo@valente.net.au](mailto:angelo@valente.net.au)

[silvana@valente.net.au](mailto:silvana@valente.net.au)

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. Norton Rose Fulbright Australia and its affiliates reserve the right to monitor all email communications through their networks.

Norton Rose Fulbright Australia is a law firm as defined in the legal profession legislation of the Australian states in which it practises.

Norton Rose Fulbright Australia, Norton Rose Fulbright LLP, Norton Rose Fulbright Canada LLP, Norton Rose Fulbright South Africa Inc and Norton Rose Fulbright US LLP are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at [nortonrosefulbright.com](http://nortonrosefulbright.com).

We collect personal information in the course of providing our legal services. For further information please see our Australian privacy collection notice which is available at <http://www.nortonrosefulbright.com/au/privacy-collection-notice/>