



# SARAH PORRITT

## EXAMPLES OF MATTERS IN WHICH SARAH PORRITT HAS APPEARED

### **Victorian Court of Appeal**

*Anderson v Stonnington Council* [2020] VSCA 229 (7 September 2020) – Led by S Brennan SC and by C Horan QC and with A Solomon-Bridge on the successful opposition to an application for Special Leave made to the High Court.

*Anderson v Stonnington City Council* [No 2] [2020] VSCA 238 (16 September 2020) - Led by S Brennan SC

*George Adams Pty Ltd v Whittlesea City Council* [2011] VSCA 194 (30 June 2011) – Led by C Townshend QC

### **Victorian Supreme Court Appeals**

*Anderson v Stonnington City Council* [2019] VSC 453 (18 July 2019) – Leading F Hudgson

*Pegasus Building Pty Ltd v Curlis; Laghaien v Curlis* [2018] VSC 484 (29 August 2018) – Appeal from a decision of the Magistrates' Court - leading P Smallwood

*Phillip Mannerheim Holdings v Nillumbik Shire Council* [2017] VSC 670 (2 November 2017) – Leading Fiona Hudgson

*Minister for Planning v S B Partitions Pty Ltd* [2009] VSC 333 – Application to recover money paid in respect of compensation for reservation of land.

*Borazio v Melbourne City Council* [2010] VSC 620 – Appeal from VCAT's decision to make an enforcement order.

*Mornington Peninsula Shire Council v Anderson & Ors* [2009] VSC 301 (led by G Garde J) – Appeal from VCAT.

*Seacrest Pty Ltd & Anor v Banyule City Council & Anor* [2005] VSC 384 (led by M Quigley QC) – Appeal from VCAT.

*Western Water v Rozen & Anor* [2008] VSC 382 – Appeal from VCAT concerning the precautionary principal in environmental decision making.

*SGRC Pty Ltd v Melbourne City Council & Ors* [2014] VSC 238 – Appeal from VCAT.

*George Adams Pty Ltd v Whittlesea CC* [2011] VSCA 2011 led by C Townshend QC – Appeal to Court of Appeal from VCAT.



*Benedetti v Moonee Valley City Council* [2005] VSC 434 (led by F O'Brien SC) – Appeal from VCAT.

*S J Beaumont Investments Pty Ltd v Warrnambool City Council* [2012] VSC 378 (31 August 2012)

*Rock Posters v Bugeja* [2005] VSC 80 – Appeal from Magistrates' Court.

*Container Fumigations Services Pty Ltd v The Department of Planning and Local Infrastructure* (unreported) application for release from implied undertaking - Order dated 12 February 2015 (led by Michelle Quigley QC)

Many compulsory acquisition matters which settled prior to hearing in particular many matters relating to the acquisition of land for the regional rail link corridor between 2013 -2016 – such as Container Fumigations Services Pty Ltd v The Department of Planning and Local Infrastructure set to run for 3 weeks in December 2015 which settled shortly before trial (more information about these matters available on request).

## **Environmental Effects Statements Hearings/Advisory Committees**

*Fingerboards Mineral Sands Inquiry* (EES) [2021] PPV 80 (30 September 2021)

*Priority Projects Standing Advisory Committee Referral 15* (AC) [2021] – Aikenhead - PPV 75 (10 September 2021)

*Regional Rail Link - Section 2 Noise Impacts* (AC) [2012] PPV 6 (24 January 2012) led by C Wren QC – Environmental Effects Statement hearing

*Ports and Environs Controls* (AC) [2010] PPV 115 (1 November 2010)

## **Other Panel Hearings**

*Priority Projects Standing Advisory Committee Referral 15 – Aikenhead centre* (AC) [2021] PPV 75 (10 September 2021)

*Melbourne C305 (PSA)* [2020] PPV 68 (4 September 2020) – heritage recognition within Southbank areas

*Yarra Ranges C176/yrn* (PSA) [2020] PPV 13 (7 February 2020)

*Melbourne C307* (PSA) [2019] PPV 22 (26 April 2019)

*Melbourne C323 Interim Report* (PSA) [2018] PPV 116 (3 December 2018)

*Melbourne C271* (PSA) [2018] PPV 90 (6 September 2018)

*Glen Eira C149* (PSA) [2018] PPV 7 (16 January 2018)

*Mornington Peninsula C190 and C206* (PSA) [2017] PPV 88 (23 August 2017)

*Monash C125 Panel Report* (PSA) [2016] PPV 151 (6 December 2016) - (for Monash University)

*Port Phillip C117* (PSA) [2016] PPV 123 (20 September 2016) - Regarding Fisherman's Bend Heritage Study – for an affected landowner

*Greater Dandenong C182* (PSA) [2016] PPV 99 (28 July 2016)

*Punt Road Public Acquisition Overlay Advisory Committee* (AC) [2016] PPV 61 (30 May 2016)

*Boroondara C222 Part 2* (PSA) [2016] PPV 22 (19 February 2016) – successfully opposing the imposition of a heritage overlay on a landowners property.

*Melbourne C240* (PSA) [2015] PPV 37 (4 May 2015) – Bourke Hill height control and heritage related amendment in the Capital City acting for Minister for Planning.

*Monash C125 Panel Report (for Monash University)* [2016] PPV 151



*Greater Dandenong C192 - Residential zones review-* [2016] PPV 99

*Alpine C34 (PSA)* [2015] PPV 8 (22 January 2015)

*Knox C131 and C133 (PSA)* [2014] PPV 142 (5 November 2014) – For retirement alliance

*Campaspe Headworks Rd, Torrumberry (ACI)* [2005] PPV 74 (12 July 2005)- Department of Sustainability and Environment – Biodiversity Unit – Advisory Committee relating to removal of over 100 redwood trees for centre pivot irrigation of dairy farm.

*Kingston C125 (PSA)* [2013] PPV 34 (24 April 2013) – large scale subdivision near Ramsar Wetlands – acting for applicants.

*Melbourne C125 (PSA)* [2009] PPV 48 (5 June 2009) - 324-332 St Kilda Road, Southbank – Impact on Shrine of Remembrance – acting for Minister for planning.

*Melbourne C124 (PSA)* [2010] PPV 57 (21 May 2010) - proposal to rezone 5 hectares of land in Hobsons Road Kensington to a Mixed Use Zone.

*Ports and Environs Controls (AC)* [2010] PPV 115 (1 November 2010) – acting for Places Victoria.

*Monash C86 (PSA)* [2013] PPV 110 (16 September 2013) - acting for Department of Education and Early Childhood Development concerning sale of disused school sites.

*Melbourne C92 (PSA)* [2007] PPV 64 (9 August 2007) – acting for Melbourne City Council. Macedon Ranges C40 (PSA) [2006] PPV 10 (27 January 2006) – acting for Barkers Trailers with J Larkins (matter included jurisdictional arguments).

## **Restrictive covenants**

*Irwin v Stonnington CC* [2013] VCAT 1174 – primarily relating to the interpretation of a restrictive covenant

Advice and other matters in which restrictive covenants have been in issue.

## **Recent procedural issues**

*Smith v Moonee Valley CC* [2022] VCAT 734 (30 June 2022) - Strike out

*Oakleigh One Pty Ltd v Monash CC* [2021] VCAT 475 (13 May 2021) – dealing with extent of VCAT's jurisdiction.

## **Prosecutions**

Various Magistrates' Court prosecutions as prosecutor and for defendants under planning, environment, building and heritage legislation and appeals from these decisions.

## **Waste, landfill and mining matters/water licensing**

*Fingerboards Mineral Sands Inquiry (EES)* [2021] PPV 80 (30 September 2021)

*Western Region Environment Centre Inc. v Environment Protection* [2018] VCAT 1174 (27 July 2018) – leading Fiona Hodgson

*St Andrews Beach Country Golf Course Pty Ltd v Southern Rural Water* [2017] VCAT 919 (23 June 2017)

*Peninsula Hot Springs Pty Ltd v Southern Rural Water* [2017] VCAT 2103 (19 December 2017)

*Alanvale Pty Ltd v Southern Rural Water* [2009] VCAT 734 (28 April 2009)



*Alanvale Pty Ltd & Anor v Southern Rural Water & Ors* (includes Summary) (Red Dot) [2010] VCAT 480 (21 April 2010)

*Dunmore Sustainable Water Group Inc v Southern Rural Water* [2008] VCAT 2454 (10 December 2008)

Other water licensing matters and advice primarily for water licensing authorities.

## **Hospitals**

*St Vincent's Healthcare Limited v Yarra CC* [2018] VCAT 392 (15 March 2018)

*St Vincent's Healthcare Limited v Yarra CC* [2018] VCAT 661 (1 May 2018)

## **Payments – Public Open Space**

*Vicinity Centre PM Pty Ltd v Monash CC* [2018] VCAT 443 (22 March 2018) – led by Susan Brennan SC

## **Heritage**

See major panel hearing above and matters for permit applicants including:

*Montesano v Glen Eira CC* [2016] VCAT 1437 (24 August 2016) – church redevelopment for permit applicant

*Fitzgerald v Moonee Valley CC* [2013] VCAT 1834 (29 October 2013) – church redevelopment for permit applicant

*Berrill v Glen Eira CC* [2015] VCAT 1803 (13 November 2015) – for the permit applicant/developer

*Mitchell v Yarra CC* [2015] VCAT 1128 (20 July 2015) – for the permit applicant/developer

*Quadara v Stonnington CC* [2018] VCAT 578 (17 April 2018) – for the permit applicant/developer

## **Extensions of time/permit expiry**

*DSL Securities Pty Ltd v Cardinia SC* [2018] VCAT 212 (12 February 2018)

## **Existing use rights**

*Mornington Peninsula Shire Council v Anderson & Ors* [2009] VSC (led by G Garde J) – Appeal from VCAT.

*Friends of The Surry Inc v Minister for Planning & Ors* (includes Summary) (Red Dot) [2013] VCAT 157 (23 January 2013) – leading D Robinson (matter included jurisdictional issues).

## **Signs**

*VicRoads & Anor v Bayside CC* [2010] VCAT 564 and resolved prosecution and enforcement other unrelated. order proceedings.

## **Social housing**

*Common Equity Housing Ltd v Yarra CC & Ors* [2009] VCAT 1722 (led by S Morris QC).

## **Apartment buildings and student housing**

*The Share Project Pty Ltd v Minister for Planning* [2020] VCAT 1462 (23 December 2020) - for the responsible authority

*Helleroad v Moreland CC* [2016] VCAT 118 (8 February 2016) – for the permit applicant

*Mackbailey Pty Ltd v Yarra Ranges SC* [2019] VCAT 1776 (4 December 2019) - for the permit applicant



*Tasiopoulos v Port Phillip CC* [2019] VCAT 1297 (10 September 2019) - for the permit applicant

*Senol Group Pty Lt v Moreland CC* [2019] VCAT 939 (24 June 2019) – for the responsible authority

*3A Baker St Pty Ltd v Yarra Ranges CC* [2019] VCAT 768 (12 June 2019) - for the permit applicant

*93 Park St Holdings Pty Ltd v Melbourne CC* [2018] VCAT 1525 (3 October 2018) - for the responsible authority

*Ioannidis v Darebin CC* [2017] VCAT 2022 (14 December 2017) - for the permit applicant

*Moulden v Moreland CC* [2017] VCAT 1799 (2 November 2017) – Nightinggale 3.0 development for the responsible authority

[\*Derby Road Developments Pty Ltd v Glen Eira CC \[2017\] VCAT 1768 \(2 November 2017\)\*](#) – Regarding student housing on behalf of Monash University

[\*Double LZ Development Pty Ltd v Moreland CC\*](#) (Includes Summary) (Red Dot) [2015] VCAT 1558 (1 October 2015)

[\*Foley v Stonnington CC\*](#) [2015] VCAT 1195 (6 August 2015)

[\*Premier Developments Pty Ltd v Yarra CC\*](#) [2013] VCAT 2191 (10 September 2013) – led by Christopher Townshend KC

*Fitzgerald v Moonee Valley City Council* [2013] VCAT 1834 – Church conversion.

*Melbourne City Council v Minister for Planning and Becton Corporation* [2003] VCAT 1525 (30 October 2003) – for Melbourne City Council (led for part of the hearing by M Quigley QC).

*Civic Pty Ltd v Whitehorse CC* [2004] VCAT 616 (1 April 2004) (led by M Dreyfus QC MP).

*Common Equity Housing Ltd v Yarra CC & Ors* [2009] VCAT 1722 (led by Morris QC).

*Vigmont Project Management v Hobsons Bay CC* [2011] VCAT 1743 (9 September 2011). Heritage cases

*Montesano v Glen Eira CC* [2016] VCAT 1437 and *Fitzgerald v Moonee Valley CC* [2011] VCAT 970. – Church conversions

*Melbourne C240 (PSA)* [2015] PPV 37 (4 May 2015) – Bourke Hill height control and heritage related amendment in the Capital City for Minister for Planning.

*Mitchell v Yarra CC* [2015] VCAT 1128 (20 July 2015).

## **Subdivisions**

*O'Callaghan v Greater Shepparton CC* [2020] VCAT 1345 (1 December 2020)

*Cooney v Manningham CC* [2017] VCAT 1715 (20 October 2017)

*Guastella v Kingston CC* (Red Dot) [2007] VCAT 1823 (8 October 2007).

*Clarcor Pty Ltd v Maroondah CC* [2003] VCAT 435 (including statement under section 36 Subdivision Act 1988).

## **Large scale non-apartment development**

*Sola Solutions Pty Ltd v Knox CC* [2007] VCAT 1648 (10 September 2007) – large scale greenfields development.

*Scanlan v Monash CC* [2003] VCAT 1705 (21 November 2003) – large scale subdivision. Medical and Aged Care; and Childcare centres

*Taylor v Kingston CC* [2014] VCAT 1397 – childcare centre – acting for owner.



*Pomeroy v Stonnington CC* [2006] VCAT 390 – childcare centre – acting for objectors.

*Anderson v Boroondara CC* [2004] VCAT 763 (30 April 2004) – medical centre – acting for owners.

## **Gaming**

*Elfah Pty Ltd v Darebin CC* [2017] VCAT 1036 (21 July 2017)

*Pakenham Racing Club Inc v Cardinia SC* [2017] VCAT 72 (17 January 2017)

*Beretta's Langwarrin Pty Ltd v Frankston CC* (Red Dot) [2016] VCAT 1247 (24 August 2016) – led by N Tweedie SC.

*Pink Hills v Yarra Ranges SC & Ors* [2013] VCAT 954.

*Bakers Arms Hotel Pty Ltd v VCGLR* [2014] VCAT 1192 – led by N Tweedie SC.

*Francis Hotel Pty Ltd v Melbourne CC* (includes Summary) (leading L Hicks).

*Bright New Bay Pty Ltd v Bayside CC* [2010] VCAT 1347 (led by C Canavan QC).

Sarah regularly appears before the VGCCC in gaming matters and has appeared in a significant proportion of matters heard in that jurisdiction for over 10 years.

## **Liquor Licensing and licenced premises – Victoria and Tasmania**

*Victoria Golf Club Ltd v Bayside CC* (Corrected) [2019] VCAT 25 (29 January 2019)

*Club 8 Pty Limited v Director of Liquor Licensing* (Occupational and Business Regulation) [2009] VCAT 716 (22 April 2009) – for applicant.

*Winebox Warehouse Pty Ltd v Bayside CC* [2010] VCAT 1347 (11 August 2010).

*Athina Windsor Nominees Pty Ltd v Stonnington CC* (includes Summary) (Red Dot) [2011] VCAT 121.

*Bambou Restaurant v Stonnington CC* (includes Summary) (Red Dot) 2010 VCAT 1758.

## **Enforcement Orders and Interim Enforcement Orders**

*Eg Moorabool v Mitrakas* [2013] VCAT 2097 – interim enforcement order closing wedding venue.

*Moorabool v Mitrakas* [2014] VCAT 755 – final order.

*Ackerman v Mornington Peninsula* [2010] VCAT 911 and following appeal and further determinations (led by Garde J).

## **Energy related issues**

*Viva Energy Australia Pty Ltd v Glen Eira CC* (Corrected) [2021] VCAT 701 (7 July 2021) – regarding placement of a gas pipeline

*Sulomar v Wyndham CC* [2011] VCAT 921 – regarding requirement for permit for electricity wires.

## **Miscellaneous**

*Polymeric Powders Company Pty Ltd v Greater Dandenong CC* [2013] VCAT 1763 (11 October 2013)

*Hotel Crossley Pty Ltd v Melbourne CC* [2017] VCAT 1526 (20 September 2017)



*Ballavale v Ballarat* [2003] VCAT 1756 (2 December 2003) – concerning Tribunal's jurisdiction to review Council charge.

*Humane Society International Inc v Royal Botanic Gardens* [2002] VCAT 1051 with R Richter QC – regarding FOI Application for information regarding actions taken in respect of flying foxes in the Royal Botanic Gardens.

*Maciszewski v Casey CC* [2003] VCAT 402 – regarding telecommunications facility exemption.

*Jocelyn Meadows Pty Ltd v Casey CC* [2004] VCAT 2627 (17 December 2004) regarding adoption of development plan (led by M Wright QC).

## **Water Act matters**

*St Andrews Beach Country Golf Course Pty Ltd v Southern Rural Water* [2017] VCAT 919

*Cox & Ors v Southern Rural Water Authority* [2009] VCAT 1001

*Leonard v Southern Rural Water* [2006] VCAT 2418

*Leonard v Southern Rural Water* [2007] VCAT 1562

*Dunmore Sustainable Water Group Inc v Southern Rural Water* [2008] VCAT 2454

*Leonard v Southern Rural Water* [2007] VCAT 188

*Alanvale Pty Ltd v Southern Rural Water* [2009] VCAT 734

*Alanvale Pty Ltd & Anor v Southern Rural Water & Ors* (includes Summary) (Red Dot) [2010] VCAT 480

## **Prosecutions**

Various prosecutions particularly under planning, food and heritage legislation and defence of prosecutions by the Environment Protection Authority.