

## TOM ELLICOTT

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### ADMISSIONS

NSW (2014), Victoria (2016), High Court of Australia (2016)

### EDUCATION

- |           |   |
|-----------|---|
| 2014      | <b>Graduate Diploma of Legal Practice, College of Law</b>   |
| 2011-2013 | <b>Juris Doctor (Honours), University of New South Wales</b> <ul style="list-style-type: none"> <li>2013 Dean's List for best performance in Environmental Law</li> <li>2011 Dean's List for best performance in Contracts 1</li> </ul> |
| 2006-2010 | <b>Bachelor of Arts (Honours), University of Sydney</b> <ul style="list-style-type: none"> <li>Major in Archaeology</li> <li>2007 JRB Stewart Prize for Near Eastern Archaeology</li> </ul>   |

### PROFESSIONAL EXPERIENCE

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|-------------------------|--|
| October 2022 – Present  | <b>Victorian Bar</b> <ul style="list-style-type: none"> <li>Barrister</li> </ul>   |
| Dec 2021 – October 2022 | <b>Planned career break before commencing at the Victorian Bar</b>   |
| Sep 2017 – Dec 2021     | <b>Herbert Smith Freehills Kramer, Melbourne</b> <ul style="list-style-type: none"> <li>Senior Associate (Jul 2019 – Dec 2021)   Solicitor (Sep 2017 – Jun 2019)</li> <li>Secondments at AGL and BHP</li> </ul>                    |
| Sep 2016 – Sep 2017     | <b>Norton Rose Fulbright, Melbourne</b> <ul style="list-style-type: none"> <li>Associate</li> </ul>  |
| Aug 2011 – Aug 2016     | <b>Minter Ellison, Sydney and Melbourne</b> <ul style="list-style-type: none"> <li>Lawyer (Dec 2014 – Sep 2016)   Graduate (Feb 2014 – Dec 2014)   Summer Clerk (Nov 2012 – Feb 2013)   Paralegal (Aug 2011 - Dec 2013)</li> </ul> |

### PROFESSIONAL MEMBERSHIPS

Victorian Planning and Environmental Law Association

### INDUSTRY RECOGNITION

Recommended Junior Counsel in Doyles Guide Leading Planning & Environment Law Junior Counsel – Victoria, 2024 and 2025

### SELECTED CASES

#### PLANNING

*Pfisterer v Mornington Peninsula SC* [2026] VCAT 35 - Review under PE Act section 82 of a decision to grant a permit for a replacement dwelling in the Green Wedge Zone and section 80 review of conditions – Unled – Instructed by Polis Legal

*Forza Capital Pty Ltd v Whittlesea City Council* [2026] VCAT 7 - Review under PE Act section 79 of a failure to grant an amended permit for buildings and works associated with restricted retail premises and signage – Led by Peter O'Farrell KC – Instructed by Rigby Cooke Lawyers

*Beulah Fitzroy Spv Pty Ltd v Yarra CC* [2025] VCAT 920 - Review under PE Act section 79 of a failure to grant a permit for a multilevel mixed-use development in a Heritage Overlay - Led by Nick Tweedie SC – Instructed by Planning & Property Partners Pty Ltd

*Lats Ave Carrum Downs Pty Ltd v Frankston CC* [2025] VCAT 798 - Application under PE Act section 149(1)(d) for review of the Council's failure to grant consent under a Section 173 Agreement– Unled – Instructed by Rigby Cooke Lawyers

*Finnegan v Warrnambool CC* [2025] VCAT 489 - Review under PE Act section 77 of a refusal to grant a permit for the construction of two dwellings and partial demolition/works to a heritage building – Unled – Direct Brief from Warrnambool City Council

*Carter Avenue Investments Pty Ltd v Stonnington CC* [2024] VCAT 1166 - Review under PE Act section 80 of conditions in a permit for an multi-storey mixed-use building - Led by Nicholas Tweedie SC – Instructed by Rigby Cooke

AVC Operations Pty Ltd v Stonnington CC [2024] VCAT 1139 - Review under section 79 PE Act of a failure to grant an amended permit for a hotel to enable amplified music and revised trading hours - Led by Emily Porter SC – Instructed by Planning & Property Partners Pty Ltd

Oldham v Boroondara CC & Anor [2024] VCAT 958 – Acting for permit applicant in relation to review under PE Act section 82 of a decision to grant a permit for partial demolition and alterations and additions to a significant heritage dwelling – Led by Barnaby Chessell SC – Instructed by Hansen Partnership

Rinco Pty Ltd v Warrnambool CC [2024] VCAT 886 - Review under section 77 of the PE Act of a refusal to grant a permit for two-storey dwellings to the rear of a heritage building - Unled – Direct brief from Warrnambool City Council

Loguancio Services Company Pty Ltd v Nillumbik SC [2024] VCAT 704; Loguancio Services Company Pty Ltd v Nillumbik SC [2024] VCAT 934 - Review under section 77 of the PE Act of a refusal to grant a permit for retrospective earthworks and native vegetation removal – Unled – Instructed by SGM Legal

Seafirst Australia Pty Ltd v Melbourne CC [2024] VCAT 681 - Application under PE Act section 114 for an enforcement order for contravention of a Section 173 Agreement – Led by Peter O'Farrell KC – Instructed by Frenkel Partners

Warwick Concrete Company Pty Ltd v Whittlesea CC & Anor [2024] VCAT 678 – Acting for the Head, Transport for Victoria in a review under PE Act sections 77 and 149(1)(a) regarding applications to amend a development plan and subdivision permit to remove the Epping North Transport Corridor – Led by Barnaby Chessell SC– Instructed by Russell Kennedy

OP Nicholson Pty Ltd v Yarra CC [2024] VCAT 632 - Review under section 79 of the PE Act of a failure to grant a permit for a six-storey mixed-use building - Led by Barnaby Chessell SC – Direct brief

Port Melbourne Storage Pty Ltd v Melbourne CC [2024] VCAT 332 – Review under PE Act section 77 of a refusal to grant a permit for a multi-storey warehouse (self-storage) building and reduction in car parking – Led by Peter O'Farrell KC – Instructed by S&K Planning Lawyers

Carnegie OHP Pty Ltd v Glen Eira CC [2024] VCAT 25 - Review under PE Act section 77 of a refusal to grant a permit for the development and use of a service station - Led by P O'Farrell KC – Instructed by Minter Ellison

National Golf Holdings Limited v Mornington Peninsula Shire Council VCAT Proceedings P910/2024; P911/2024 (settled at mediation) – Application under section 149(1)(b) in relation to proposed pricing structure for a private sewer treatment system – Led by Nick Tweedie SC – Instructed by Rigby Cooke Lawyers

Kooroora Developments Pty Ltd v Mornington Peninsula SC [2023] VCAT 1083 - Review under PE Act section 80 of conditions in a permit to install turf on private land - Led by Nick Tweedie SC – Instructed by Planning & Property Partners Pty Ltd

Coyle v Minister for Planning & Anor [2023] VCAT 947 - Acting for a project proponent in respect of a review under section 82 of the PE Act of a decision to grant a permit for a solar energy facility - Led by Emily Porter SC – Instructed by Clayton Utz

Cleanaway Pty Ltd v Warrnambool CC [2023] VCAT 838 - Review under section 77 of the PE Act of a refusal to grant an amended permit regarding operating hours for an existing transfer station – Unled – Direct brief from Warrnambool City Council

Wonthaggi North Development Pty Ltd v Bass Coast SC [2023] VCAT 174 - Application under PE Act section 81 to review the failure/refusal to extend the time for certification of a plan of subdivision for a residential subdivision – Led by Peter O'Farrell KC – Instructed by Davis Lawyers

WMW Developments Pty Ltd v Melbourne CC [2023] VCAT 40 - Review under PE Act section 82 of a decision to grant a permit for a food and drink premises (restaurant and café), shop, and liquor licence – Led by Peter O'Farrell KC – Instructed by Rigby Cooke Lawyers

Strawhorn v Ballarat CC [2022] VCAT 1478 – Preliminary hearing in a review under PE Act section 82 to determine whether a Cultural Heritage Management Plan was required for a quarry extension – Unled – Instructed by S&K Planning Lawyers

1041 Centre Road Pty Ltd v Monash CC [2022] VCAT 1464 - Review under section 77 of the PE Act of a refusal to grant a permit for a multi-storey mixed-use development - Led by Peter O'Farrell – Instructed by Colin Biggers & Paisley

## **PANELS AND ADVISORY COMMITTEES**

Suburban Rail Loop East Precincts Standing Advisory Committee – Acting for the Suburban Rail Loop Authority, led by Christopher Townshend KC, Emily Porter SC and Barnaby Chessell SC - Instructed by Clayton Utz and White & Case.

Priority Projects Standing Advisory Committee Referral 45 Report (AC) [2025] PPV 16 – Acting for proponent Banner Asset Management Pty Ltd in Macedon Ranges Planning Scheme Amendment C161macr and Draft Planning Permit PLN2024/219 regarding the Amess Road Precinct Structure Plan – Led by Paul Connor KC – Instructed by Norton Rose Fulbright

Victorian Planning Authority Standing Advisory Committee Referral 8 Report (Cardinia C274card) (AC) [2024] PPV 19 – Acting for proponent YourLand Developments in relation to the Officer South Employment Precinct Structure Plan and Draft Amendment C274card – Led by Emily Porter SC – Instructed by Hall & Wilcox

Precincts Standing Advisory Committee Referral 1 Report (AC) [2025] PPV 15 – Acting for landowners Prime Port Melbourne Pty Ltd, One Smarter Pty Ltd, Aquaino Pty Ltd, and Pendomer Pty Ltd in relation to Planning Scheme Amendment GC224 regarding the Fishermans Bend Infrastructure Funding and Development Contributions Plan – Unled– Instructed by Gadens Lawyers

*Greater Bendigo C263gben (PSA) [2024] PPV 8* – Acting for YourLand Developments in relation to Greater Bendigo Planning Scheme Amendment C263gben regarding the Marong Township Structure Plan – Led by Emily Porter SC – Instructed by Hall & Wilcox

*Priority Projects Standing Advisory Committee Referral 35 (AC) [2023] PPV 73* - Acting for Astrodome Hire Pty Ltd in relation to Yarra Planning Scheme Amendment C307yara and Draft Planning Permit PA2201662 regarding the Victoria Gardens Expansion – Unled – Instructed by Rigby Cooke Lawyers

*Distinctive Areas and Landscapes Standing Advisory Committee Referral 3 Report (AC) [2023] PPV 33* – Acting for the Minister for Planning in relation to the Bass Coast Statement of Planning Policy – Led by Juliet Forsyth SC and Rupert Watters – Instructed by Hall & Wilcox

## **LAND ACQUISITION AND COMPENSATION**

*The Greek Orthodox Community of Melbourne and Victoria v Secretary to the Department of Transport* S ECI 2025 01122 (ongoing) – Acting for claimant in relation to compulsory acquisition of land for the Northeast Link – Led by Paul Chiappi SC – Instructed by Rigby Cooke Lawyers

*Collins & Collins v City of Greater Geelong* S ECI 2024 03775 (ongoing) - Acting for claimant in relation to compulsory acquisition of land for open space – Led by Barnaby Chessell SC – Instructed by Mann Legal

*The Minister for the Crown Administering the Education and Training Reform Act 2006 v Pitteuchar Pty Ltd* S ECI 2024 01720 (settled at mediation) – Acting for claimant in relation to compulsory acquisition of land for a school – Led by Meg O’Sullivan KC – Instructed by Slater & Gordon

*Frontlink Pty Ltd v Head, Transport for Victoria* S ECI 2022 00920 (settled at mediation) – Acting for claimant in relation to compulsory acquisition of land for road widening – Led by Paul Chiappi – Instructed by Belleli King & Associates

*Hermal Timber Nominees Pty Ltd v Head, Transport for Victoria* S ECI 2020 04594 (settled at mediation) – Acting for claimant in relation to compulsory acquisition of land for a freeway – Led by Marita Foley SC and Ian Munt – Instructed by Arnold Block Leibler

*Brimbank City Council v Thi To Nhu Bui* S ECI 2021 04836 (settled at mediation) – Acting for claimant in relation to compulsory acquisition of land for a car park – Unled – Instructed by Western Lawyers

## **ENVIRONMENTAL**

Advising a company director in relation to criminal prosecution in the Magistrates’ Court of Victoria, led by Marita Foley SC, instructed by King & Wood Mallesons

Advising floodplain managers on obligations under the Water Act

Advising on liability in negligence, nuisance and section 16 of the Water Act for damage caused by a landslip

## **OTHER MATTERS**

*In the matter of LGH Landholding #24 Pty Ltd* S ECI 2025 07527 (Ongoing) – Application for a declaration under section 84 of the *Property Law Act 1958* (Vic) in relation to a restrictive covenant – Led by Rupert Watters – Instructed by Rigby Cooke Lawyers

*Calder & Anor v Hanson Construction Materials Pty Ltd* S ECI 2022 00899 (settled at mediation) – Acting for landowner in claim for equitable estoppel and restitution – Led by Gabi Crafti SC – Instructed by Piper Alderman

*Wagner & Symons v Moonee Valley City Council* MAG-CI-240038018 (settled at mediation) – Acting for claimants in nuisance for damage from tree roots from a Council road reserve – Unled – Instructed by Hughes Legal

Advising private clients in relation to objection to Windfall Gains Tax assessments

## **PRO BONO / PUBLIC INTEREST LITIGATION**

*The Trustee for the HTV Accessible Housing Trust (NDIS) [2025] ARTA 281* - Review of NDIA decision in relation to the characterisation of dwelling type for NDIS purposes - Led by Peter O’Farrell KC – Instructed by Draddy Legal

*Ryan & Ors v Circular Head Council* [2023] TASCAT 217 - Appeal regarding a proposed wind farm development on Robbins Island, Tasmania addressing significant environmental risks to critically endangered and threatened species, the application of the precautionary principle, geoheritage significance, and visual/landscape impacts under the Circular Head Interim Planning Scheme 2013 – Unled – Instructed by Bleyer Lawyers

*160 Leicester Pty Ltd v Minister for Planning & Ors* VCAT Proceeding P617/2023 - Acted for public interest parties in relation to enforcement orders against the owners of the demolished heritage Corkman Hotel - Led by Juliet Forsyth SC – Instructed by Bleyer Lawyers

*Wildlife of the Central Highlands Inc v Yarra Ranges Shire Council & Fenning Investments Pty Ltd* VCAT Proceeding P546/2025 (ongoing) – Application for declaration under PE Act s 149B(1)(b) in relation to the endorsement of a timber harvesting plan under a Section 173 Agreement – Led by Louise Hicks – Instructed by Environmental Justice Australia