LIST G
BARRISTERS

Marita Foley SC



Marita Foley SC specialises in environmental, planning and land acquisition matters for private clients and government agencies

QUALIFICATIONS

Bachelor of Arts (ANU)
Bachelor of Laws (Hons)(ANU)

CORRESPONDENCE

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CHAMBERS

Ah Ket Chambers
Level 35 Room 24
500 Bourke Street
Melbourne VIC 3000

COMMERCIAL LAW

Class Actions | Energy & Resources

TORT LAW

Class Actions | Commissions & Inquiries | Major Torts | Negligence

PUBLIC LAW

Administrative Law | Environment | Judicial Review | Native Title | Planning & Local Government

Marita has particular expertise in environmental assessment processes for major infrastructure projects, having appeared in numerous significant and long running environmental cases and panel processes. Marita appears regularly in VCAT, the Supreme Court and Planning Panels Victoria in matters relating to town planning, environmental issues and land acquisition.

In 2025, The Legal 500 Asia Pacific ranked Marita as one of Australia's leading senior counsel for Construction, Infrastructure and Property Law. She was recommended as being "*an accomplished advocate. Her advocacy style is considered and calm. She has a lovely bedside manner and is incredibly good at communicating complex concepts and issues in a way which is readily understandable to clients who may not be subject-matter experts."* [ref Legal 500 Asia Pacific 2025]. Marita is also recognised in the Australian Financial Review Best Lawyers Australia list for 2026 for her expertise in Planning and Environment Law.

Marita commenced her career as an Associate in the Federal Court of Australia. Immediately before joining the Bar, Marita was a Senior Associate with Maddocks in their Public Law department, practising predominantly in the areas of planning, environment and local government law.

Liability limited by a scheme approved under Professional Standards Legislation

Recent Cases

INQUIRIES & ASSESSMENTS COMMITTEES

Western Renewables Link ESS Advisory Committee acting for AusNet. The Western Renewables Link Project is a proposed 190 kilometre overhead 500kV transmission line. The Project will connect the renewable energy developments in western Victoria to the grid and provide a direct connection between the New South Wales and Victorian electricity grids.

Fosterville Gold Mine Sustained Operations Project Advisory Committee acted for the proponent in seeking approvals for the continuation of gold mining for a further ten years.

Mt Fyans Wind Farm EES Advisory Committee acting for the proponent Woolnorth Renewables in an EES Advisory Committee to consider an 81 wind turbine wind farm.

Hazelwood Mine Rehabilitation EES Advisory Committee acting for the proponent, Engie in an EES Advisory Committee assessing the rehabilitation of the Hazelwood Mine as a pit lake (hearing to commence February 2027).

Fingerboards Critical Minerals Project EES – acting for the proponent, Gippsland Critical Minerals Pty Ltd in the preparation of an EES for the Fingerboards Critical Minerals Project in Gippsland comprising one of Australia's most significant deposits of heavy minerals.

Melbourne Metro Rail Project appeared on behalf of the Melbourne Metro Rail Authority in the EES Advisory Committee.

North East Link EES Advisory Committee acted as Counsel Assisting the Advisory Committee.

Hazelwoood Mine Fire Inquiry (2015) - Marita acted on behalf of GDFSAE, the owner and operator of the Hazelwood Mine before a Board of Inquiry relating to alleged health impacts of the Mine Fire.

Brunswick Terminal Upgrade Advisory Committee – acted for the Australian Energy Market Operator (AEMO) in

relation to an inquiry considering the planning approval process leading to the upgrade of the Brunswick Terminal.

2014-2015 East West Link Assessment Committee – acting on behalf of the Minister for Planning before the East West Link Assessment Committee and subsequently in proceedings before the Supreme Court (settled) challenging the validity of the approvals for the Project.

2009 Bushfires Royal Commission - appeared on behalf of the State of Victoria in the long running Royal Commission, addressing topics including planning, building regulation, electricity regulation and fuel reduction burning.

Waubra Wind Farm acting for Wind Energy Australia the proponent in relation to Planning Scheme Amendments and Environment Effects Statement and EPBC Act referral to facilitate the approval of the largest wind energy facility in Victoria.

Bendigo Gold Mine acting for the proponent Bendigo Gold NL in relation to an extension of the Bendigo gold mine, which involved an EES, EPBC Act referral and Planning Scheme Amendment.

LITIGATION

MFESB v Yarra City Council & Ors [2015] VSC 773 acting for the plaintiff in litigation concerning contamination discovered at a site in Burnley with claims in tort and for compensation under the *Environment Protection Act* 1970.

Winky Pop Pty Ltd & Anor v Mobil acted for a developer in litigation before the Supreme Court relating to claims against Mobil for damages arising from contamination of land in Williamstown alleged to have been caused by a leak of petroleum from Mobil's pipeline.

Nicholls v Minister for Planning (settled) acting for the Minister for Planning in Supreme Court proceedings relating to the approval and subsequent revocation of a Planning Scheme amendment for Phillip Island.

Wheelahan v City of Casey (settled) acting on behalf of residents in a class action in against the Council for damages relating to escape of gas from a landfill adjacent to a residential subdivision (Brookland Greens Estate).

Premier Building and Consulting Group Ltd v Spotless Group Limited & Ors appeared in a five-month trial in the Supreme Court before Justice Byrne on behalf of a landowner whose land was contaminated by its former owner. The case raised complex issues including the liability of parent corporations for the acts of subsidiaries that had been deregistered, tort, economic loss and statutory compensation.

Love v State of Victoria & Road Corporation acting for Roads Corporation in long running proceedings relating to the validity of acquisition of land for the purpose of the Craigieburn Bypass.

PLANNING & ADMINISTRATIVE LAW

Hoskin v Greater Bendigo CC and Anor [2015] VSCA 350 acting for the Greater Bendigo Council in relation to an appeal against VCAT's decision upholding the grant of a permit for a mosque.

Waterfront Place Pty Ltd v Port Phillip CC [2014] VCAT 1558 acting for a developer seeking to vary the terms of restrictive covenants burdening land in Beacon Cove.

Numerous review applications relating to telecommunications facilities on behalf of Telstra and NBN Co. See for

example: *Goodwin v Yarra Ranges Shire Council* [2015] VCAT 74.

Aerolite Quarries Pty Ltd v Greater Geelong CC [2014] VCAT 1611 acting for permit applicant in relation to a basalt quarry which raised complex environmental and cultural heritage issues (led by Michelle Quigley QC).

W*omen's Housing Limited v Hobsons Bay CC* [2014] VCAT 1519 acting pro bono for a WHL in relation to a social housing development in Newport.

AA Holdings Pty Ltd v Mornington Peninsula SC [2012] VCAT 849 acting for Mornington Peninsula SC successfully opposing an application for permits for twin freeway service centres.

Australian Conservation Foundation Inc & Ors v Minister for Planning [2004] VCAT 2029 acting for plaintiff environmental groups in proceedings challenging the scope of relevant considerations in a Planning Scheme Amendment relating to the Hazelwood Power Station.

LAND ACQUISITION

AG Dennis Pty Ltd & Ors v Minister for Environment [2023] VSC 44 *acted for the Minister for Environment in disputed $120 million Part 5 of the Planning and Environment Act 1987 compensation claim.*

Briefed by the *Melbourne Metro Rail Authority* in relation to numerous proceedings in the Supreme Court in disputed compensation claims arising from acquisitions for the Metro Rail Project.

Briefed by the Regional Rail Link Authority in relation to numerous proceedings in the Supreme Court and VCAT (both led and unled) in disputed compensation claims arising from acquisitions for the Regional Rail Link Project during 2014-2015 For example: *Secretary to the Department of Economic Development, Jobs, Transport and Resources v Driver* [2015] VCAT 813.

Western Grasslands Reserve (ongoing) acting for DELWP in relation to numerous compensation applications for land within the Western Grasslands Reserve.

Caradi Pty Ltd v Secretary to the Department of Economic Development, Jobs, Transport and Resources briefed for a claimant in a substantial disputed claim arising from acquisition of a site for the Melbourne Exhibition Centre extension.

McCann v Roads Corporation [2011] VSC 96 acting for Roads Corporation in relation to a disputed acquisition for the Geelong Bypass.

Rigby v Secretary to the Department of Sustainability and Environment [2012] VSC 427 acting for the Secretary.

Memberships

Victorian Bar - Commercial Bar Association

Supreme Court - The Victorian Compensation and Planning Users' Group

Member, Victorian Planning and Environmental Law Association

Legal Member, Heritage Council Victoria (2009 - 2011)

Director, Victorian Women's Housing Association Inc (2004 - 2008)

Director, Brunswick Coburg Legal and Financial Counselling Centre Inc (2002 - 2007)

Director, Environment Victoria Inc (1999 - 2003)