

Serena Vashti Armstrong

Employment Overview

May 2018 – current	Barrister, Victorian Bar
Mar – April 2018	Readers Course, Victorian Bar
Jul 2015 – Dec 2017	Best Hooper Lawyers – senior associate: planning
Aug 2011 – Jun 2015	Department of Environment, Land, Water and Planning – solicitor: planning & environment law, administrative law, FOI and intellectual property
Feb 2011 – Aug 2011	Stephens Lawyers & Consultants – solicitor: commercial litigation, media law and intellectual property
Apr 2009 – Jan 2011	overseas travel: backpacked through Europe, Morocco and South America
Jun 2007 – Mar 2009	Arts Law Centre of Australia – solicitor: intellectual property, media law and Indigenous cultural heritage
Sep 2006 – Jun 2007	Freehills – solicitor: telecommunications, media and information technology
Feb 2005 – Aug 2006	Ashurst (then Blake Dawson Waldron) – solicitor: planning and environment
Feb 2004 – Jan 2005	Classical music composer and sound artist
Jan 2003 – Jan 2004	Supreme Court of NSW – tipstaff (associate) to the then Hon Mr Justice Young AO, Chief Judge in Equity

Education

Bar Readers Course	Signed the Bar Roll of the Victorian May, May 2018
Admitted to Legal Practice 28 May 2004	Admitted in the Supreme Court of NSW in 2004 NSW practising certificate 2004-2009 Victorian practising certificate 2011-2018
Graduate Diploma in Legal Practice (PLT)	College of Law, 2003-2004
Bachelor Laws - First Class Honours and Bachelor of Creative Arts - Honours Music Composition	University of Wollongong, 1997-2002 University of Massachusetts (exchange student) Dean's List - Law (top 5% of students), media law prize, honours research thesis on Yorta Yorta native title claim
Victorian Certificate of Education	Leongatha Secondary College, 1996

Employment History

**Victorian Bar
Barrister**

May '18 – current

My key specialities are planning, environment, land acquisition, heritage (including European and Aboriginal cultural heritage) and administrative law (primarily statutory interpretation and judicial review). I have acted in a range of matters for developers, government bodies (including Development Victoria, the EPA and Councils) and objectors. I act both led and unled, predominantly at Planning Panels Victoria and at VCAT in the Planning and Environment List. I have also appeared in the Magistrates, Federal and Supreme Courts.

Highlights include:

- [Fingerboards Mineral Sands Inquiry \(EES\) \[2021\] PPV 80 \(30 September 2021\)](#): Acting unled for the EPA in relation to an environmental effects statement (EES) and works approval application for a proposed mineral sands mine near the Mitchell River, west of Bairnsdale. Key issues for my client relate to groundwater and surface water outcomes, noise, dust impacts and the transition to the new environmental protection regulatory framework on 1 July 2021 (the new EP Act).
- [Mordialloc Bypass Project \(EES\) \[2019\] PPV 26](#): Acting with Rupert Watters for the proponent, assessing a freeway link. The key issues related to visual and noise impacts, environmental impacts associated with nearby wetlands, surface water/groundwater matters and legacy impacts from former uncapped landfills.
- [Shepparton Solar Farms Permit Applications \(PCI\) \[2018\] PPV 72](#): Acting with Peter O'Farrell for X-Elio Pty Ltd, the permit applicant for two applications for solar farms in the Shepparton region. This was the first large scale consideration of solar farms by Panels. It related to 4 permit applications called in by the Minister for Planning.
- [Yarra C231 \(PSA\) \[2019\] PPV 59](#): Acting with Peter O'Farrell for two landholders, addressing key issues around built form and heritage controls.
- [Owen v Boroondara CC \(Red Dot\) \[2021\] VCAT 175](#): Acting unled for the applicant objectors. I successfully argued that the transitional provisions did not apply to the garden area requirement and that the proposal exceeded the accrued rights that existed in the permit sought to be amended.
- [Nicola v Latrobe CC \[2020\] VCAT 1456](#): Appeared with Chris Wren SC in a successful merits review application against the refusal to grant a retrospective permit for buildings and works on land affected by flooding overlays near the Traralgon Creek.
- [Alkero Development Pty Ltd v Stonnington CC \(Red Dot\) \[2018\] VCAT 1120](#): Acting unled for a number of objectors. The permit holder unsuccessfully sought to amend a planning permit for an aged care facility to one for residential dwellings. The case involved consideration of transitional provisions, accrued rights and transformation.
- [Law Council of Australia submission](#) to the Senate Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia. I drafted the Indigenous Justice Committee's submission on Victoria's cultural heritage laws and protections. This material was included in the Law Council of Australia's comprehensive submission calling for stronger protections for Indigenous cultural heritage at the Federal level following the destruction of the Juukun George Caves by Rio Tinto during authorised mining works
- [Gardiner v Taungurung Land and Waters Council \[2021\] FCA 80 \(9 February 2021\)](#): Acting with Anne Sheehan for the successful Ngurai Illum Wurrung elders in their judicial review application challenging the registration of a Native Title Land Use agreement for land covering a 20,000 hectare area in north eastern Victoria.

Best Hooper Lawyers Senior Associate

July '15 – Dec '17

Best Hooper is a preeminent boutique planning firm, recognised as a first tier firm by Doyles Guide in 2015, 2016 and 2017. As a senior associate I appeared as a solicitor advocate, prepared complex legal advices, assisted senior partners in preparation for VCAT and Supreme Court planning matters and directed junior lawyers and support staff to ensure compliance with court and tribunal filing dates and notice requirements.

Planning Law

- appearing as a solicitor advocate at hearings, compulsory conferences and practice days for the planning and environment list at VCAT, representing developers and local councils on a range of merits review matters
- assisting in the preparation of Supreme Court cases involving judicial review of planning decisions
- drafting submissions for VCAT planning merits review proceedings
- instructing and preparing briefs to experts and reviewing expert reports
- preparing complex legal advices across a wide range of planning matters, including permit requirements, permit conditions, permit expiry and extensions, public open space contributions,

existing use rights, easements, restrictive covenants, amendments to planning schemes, land use rights and green wedge

- drafting, reviewing and advising upon section 173 agreements for developers and councils

Heritage and Aboriginal Cultural Heritage

Advising on whether cultural heritage management plans (CHMPs) were required

Victorian Department of Environment, Land, Water and Planning Solicitor

Aug '11 – June '15

As a government lawyer I advised on planning and environment law, administrative law, privacy, FOI and intellectual property. Highlights included:

Planning and Environment Law

- appearing before VCAT at practice day hearings, direct briefing counsel and drafting witness statements, affidavits and proposed consent orders
- advising on planning scheme amendments, combined permit and planning scheme amendment processes and permit applications where the Minister was the responsible authority
- reviewing and advising upon the drafting of planning ordinance, incorporated documents and section 173 agreements
- advising on matters associated with Planning Panels and Advisory Committee hearings
- advising on native vegetation offsets, associated permit conditions and agreements to secure offsets (such as s 69 agreements, s 173 agreements and Trust for Nature Covenants)
- advising clients in the Water portfolio on a range of matters, including legislative reform, drafting of orders and reviewing contracts
- preparing, reviewing and advising on Ministerial Briefs and briefs to the Secretary
- preparing instruments of delegation and advising on statutory interpretation

Heritage and Aboriginal Cultural Heritage

- advising on *Heritage Act 1995* matters, including powers of the Heritage Council, developments affecting important historical sites and the effect of ministerial interventions introducing urgent heritage overlays
- advising on and reviewing stop orders under the *Aboriginal Heritage Act 2006*
- advising on when a Cultural Heritage Management Plan is required

Intellectual Property, Privacy and FOI

- drafting agreements, with particular emphasis on intellectual property matters and procurement
- appearing before VCAT at practice day hearings, direction hearings and compulsory conferences for FOI matters and direct briefing counsel
- advising on legal rights, obligations and compliance for IP, privacy and FOI

Stephens Lawyers & Consultants, Melbourne Solicitor

Feb '11 – Aug '11

Stephens Lawyers & Consultants is a boutique firm practising predominantly in commercial litigation, intellectual property and franchising. Duties included extensive client contact, drafting advices and agreements, preparation of briefs to counsel, and drafting court documents and correspondence for litigation in the Supreme Court.

Commercial Litigation

- discovery and inspection of documents for a breach of contract case arising from a Commonwealth government procurement process
- preparing brief to counsel and assisting with obtaining an urgent interlocutory injunction against an alleged invalid termination of a franchising agreement

Intellectual Property and Media

- drafting advertising and content agreement for innovative new interactive tablet/website application
- intellectual property audit for a software development matter prior to international commercialisation
- providing detailed document review and advice for a potential defamation action

Arts Law Centre of Australia, Sydney Solicitor

**Jun '07–Mar '09 (full time, paid position)
Feb '04 – July '15 (pro bono)**

The Arts Law Centre of Australia is a specialist adviser to the creative arts industries, providing free and low cost legal advice on intellectual property, defamation law and contracts. Its Artists in the Black program provides services to Indigenous artists.

My duties included drafting template agreements for artists, providing legal advice on copyright, trademarks, contracts and defamation laws, managing and reviewing legal advice given through the extensive pro bono panel of external lawyers, presenting seminars and public workshops for legal education of artists and drafting submissions on law reform.

Highlights included travelling to remote communities in the Northern Territory to provide legal advice and education, law reform activities for introducing resale royalties and for the protection of Indigenous cultural and intellectual property (ICIP), extensive legal advice on all aspects of copyright law and defamation and advising arts businesses and individuals on privacy laws, confidential information, trade practices and passing off, business structures and governance.

Freehills, Sydney

Sep '06–Jun '07

Solicitor: Telecommunications, Media and Technology team within the Corporate Group

Working primarily on drafting and reviewing contracts and providing regulatory advice for clients in the technology, entertainment and telecommunications industries. Responsibilities included assisting with land and facilities access arrangements for telecommunications companies, providing regulatory advice on interactive gambling legislation and pooling regulations, drafting procurement templates for energy and telecommunications companies and drafting IT and outsourcing contracts.

Ashurst (then Blake Dawson Waldron), Sydney

Feb '05– Aug '06

Solicitor: Planning, Environment and Native Title

Solicitor with the Planning and Environment group, preceded by rotations through Corporate and Intellectual Technology and Media. Key responsibilities included appearing in the Land and Environment Court and Federal Court for directions hearings and status conferences for planning, environment and native title matters. I undertook native title assessments and research for mining proposals and advised and assisted with planning appeals for telecommunications infrastructure. I assisted on land acquisition and valuation matters, including the briefing of experts.

Freelance composer

Feb '04 – Jan '05

Operating a small business as a freelance classical composer and composer in residence for the Illawarra Grammar School. Achievements included commissions from the Australian Broadcasting Corporation and the Song Company.

Supreme Court of New South Wales

Jan '03 – Jan '04

Tipstaff (associate) to the Hon Mr Justice Young AO, then Chief Judge in Equity

Working closely with the judge, including attending all cases that he heard in the Equity and Court of Appeal divisions. The role involved assisting with preparation of judgements and legal research in equity, contract, corporations law, property and commercial law, statutory interpretation and expert evidence.