

Corrina Marie Novak

ADMISSIONS & QUALIFICATIONS

Barrister	April 2013
Entered as a Barrister on the High Court of Australia Register of Practitioners	
Supreme Court of New South Wales	October 2010
Bachelor of Laws UNSW	December 2009
Bachelor of Arts UNSW	December 2005

AREAS OF LAW

I accept briefs in all areas of law.

Areas of particular interest include:

- Administrative Law;
- New South Wales Constitutional Law;
- Federal Constitutional Law;
- Environment and Planning (civil and criminal);
- Local Government;
- Energy and Resources;
- Building and Construction;
- Transportation (aviation/maritime);
- Conflict of Laws; and
- Alternative Dispute Resolution (arbitration/mediation/expert determination)

PROFESSIONAL LEGAL EXPERIENCE

Barrister	April 2013 - current
Solicitor EDO NSW Advice and litigation team	Feb 2011 - April 2013
Intern & Graduate Lawyer EDO NSW Advice and litigation team	Jul 2010 - Feb 2011
Trainee Legislative Drafter NSW Parliamentary Counsel's Office	Jan 2009 - Jun 2010
Legal Administration Assistant Australian Energy Market Commission	Sep 2006 - Sep 2007
Paralegal Andrew Priestly & Associates Pty Ltd	March - July 2006

Litigious matters (as a barrister)

Supreme Court of New South Wales

Class actions

- *Giles & Anor v Commonwealth of Australia & Ors* [2015] unreported
 Lead by Campbell Bridge SC, with Mark Lynch, for the second defendant, the State of New South Wales. Court approval of settlement.

Land and Environment Court

Class 1

- *Gunlake Quarries Pty Ltd v The Minister for Planning* [2017] NSWLEC 1342
 Merits appeal in respect of a State Significant Development Application. Matter resolved by conciliation. Lead by A. Pickles SC
- *Urbis Pty Ltd v Inner West Council & Anor* [2016] NSWLEC 1444
 Proceedings relating to proposed development of the Balmain Leagues Club Site. Lead by Adrian Galasso SC
- *DA & RA Surry Hills Pty Ltd v City of Sydney Council* [2015] NSWLEC 1307

Lead by Adrian Galasso SC

- *Hunter Environment Lobby Inc v Minister for Planning & Ashton Coal Operations Pty Ltd* [2014] NSWLEC 129; *Hunter Environment Lobby Inc v Minister for Planning & Ashton Coal Operations Pty Ltd* [2014] NSWLEC 130

Lead by Robert White

Class 3

- *Caruso v Blacktown City Council* [2014] NSWLEC 141
- *Attard J & R Services Pty Ltd v Transport for New South Wales* [2013] NSWLEC 107.

Lead by Michael Hall

- *Attard and Ors v Transport for New South Wales* [2013] NSWLEC 176

Lead by Michael Hall.

- *Camilleri v Transport for NSW* [2013] NSWLEC 104.

Lead by Michael Hall

- *Sharsay Pty Ltd v Valuer-General* [2013] NSWLEC 181

Lead by Michael Hall

Class 4

- *Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd & Ors* [2017] decision reserved.

Lead by Tom Howard SC

- *Blue Mountains City Council v Venkataramana & Anor* [2015] NSWLEC 201

- *Positive Change for Marine Life Inc v Byron Shire Council (No 2)* [2015] NSWLEC 157

Lead by Michael Hall SC

- *Goyer v Pengilly & Ors* [2015] NSWLEC 54

Lead by Tim Hale SC

- *Port Stephens Council v Moresload Pty Ltd* [2014]

Lead by Tom Howard SC for the defendant. Proceedings against the defendant were dismissed after 2 days of hearing.

Class 5

- *Environment Protection Authority v Truegain Pty Ltd* [2014] NSWLEC 98; *Environment Protection Authority v Truegain Pty Ltd (No 4)* [2014] NSWLEC 179

Lead by Tom Howard SC

- *Wingecarribee Shire Council v O'Shanassy (No 6)* [2015] NSWLEC 138

Sentencing hearing. Lead by Marcus Pesman SC

Local Court

Criminal jurisdiction

- *Environment Protection Authority v Hercules Group Pty Ltd* [2013]

Lead by Tom Howard SC for the defendant. Proceedings against the defendant were withdrawn by the EPA after 8 days of hearing.

Federal Court of Australia, Full Court

- *Quintano v Minister for Finance and Deregulation* [2014] FCAFC 159

Federal Court of Australia

- *Minister for Immigration and Border Protection v SZRUT* [2013] FCA 1276

Lead by Justin Smith.

Class actions

- *McAlister v State of New South Wales (No 2)* [2017] FCA 93. Lead by C. Bridge SC and S. Beckett

Litigious matters (as a solicitor):

NSW Court of Appeal

- *Macquarie Generation v Hodgson* [2011] NSWCA 424

Land and Environment Court

- *Hunter Environment Lobby Inc v Minister for Planning & Ashton Coal Operations Pty Ltd* [2014] NSWLEC 129

- *Illawarra Residents For Responsible Mining Inc v Gujarat NRE Coking Coal Limited* [2012] NSWLEC 259

- *The Coastwatchers Association & Anor v Minister for Planning & Anor* [2012] NSWLEC 1025

- *Catherine Hill Bay Progress Association & Dune Care Inc v Minister for Planning & Anor*

Class 4 judicial review proceedings challenging the decision of the Planning Assessment

Commission to approve a major residential subdivision (540 lots) and other works. The matter was successfully mediated between the 3 parties. A joint press release from the Department of Planning and Infrastructure and EDO NSW was issued: <http://www.edo.org.au/edonsw/site/pdf/media/111206-1.pdf>

- *Yass Environmental Responsibility Network Inc v Yass Valley Council & Anor*
Class 4 judicial review proceedings challenging a development consent to a 175 lot subdivision at Yass. The primary issue in dispute was the impact that the development would have on a listed threatened species, being striped legless lizards (*Delma impar*), and the fact that the proponent did not prepare a species impact statement to accompany the application. Yass Environmental Responsibility Network raised the potential for the matter to be referred to mediation with the respondents. This course of action was subsequently agreed to by all parties and the matter was referred to a Court-appointed mediator. Commissioner Dixon of the Land and Environment Court presided over the mediation. Through the mediation process the parties were able to come to an acceptable agreement. This included the finalisation of a conservation management plan for striped legless lizards and the imposition of restrictive and public positive covenants on the portion of land used for lizard habitat. By consent, the parties had the Court dismiss the matter on 12 October 2011.
- *Australians for Sustainable Development Inc v Minister for Planning & Anor (No.3)*
Class 4 judicial review proceedings relating to the Minister for Planning's approval of a major project, including a harbour hotel, at Barangaroo. Matter resolved between the parties through mediation and proceedings discontinued.

Litigious matters (graduate lawyer):

Land and Environment Court

- *Australians for Sustainable Development Inc v Minister for Planning (No 2)* [2011] NSWLEC 70
Costs.
- *Australians for Sustainable Development Inc v Minister for Planning* [2011] NSWLEC 33
Class 4 judicial review proceedings challenging the Minister for Planning's approval of two major projects to be carried out at Barangaroo. The case raised legal issues that either challenged the validity of the approval or sought injunctive relief to prevent the carrying out of work in breach of legal requirements. Four of the five grounds raised focused on legal issues relating to the contamination/remediation of the site. They included issues relating to the application of State Environmental Planning Policy No 55 – Remediation of Land.

Subsequent to the hearing, but prior to the Court handing down its decision, the Minister for Planning amended SEPP 55 to exclude the two projects from the application of clauses in dispute. The Court, in handing down its decision noted that, but for this last minute amendment to the law, the Court would have upheld the applicant's argument that the proponent was intending to carry out works without a plan of remediation in place, approved by the consent authority, and in accordance with the prescribed contaminated land planning guidelines. The other grounds were unsuccessful and consequently the proceedings dismissed.
- *Gray & Anor v Macquarie Generation*
Class 4 civil enforcement proceedings alleging breach of the Protection of the Environment Operations Act 1997 and in the alternative breach of Environment Protection Licence No.779. Judgment of Pain J in *Gray and Anor v Macquarie Generation (No 3)* [2011] NSWLEC 3 was appealed by Macquarie Generation. Consequent upon the judgment of the Court of Appeal the proceedings were dismissed.

**SEMINARS/
CONFERENCE
PAPERS**

‘The role of delegated legislation: Possibilities for Challenging as Ultra Vires’ – Legalwise 8 September 2016

‘Statutory Interpretation: An interactive workshop – text, context, legislative purpose, and extrinsic materials’ – Legalwise Government Lawyers Conference Presented with Brenda Tronson 18 March 2015

‘Decisions under the *Administrative Decisions (Judicial Review) Act 1977*’ – NSW Bar Association Seminar ‘Aspects of Judicial Review’ and Thomson Reuters Book Launch 18 August 2014

‘Administrative Law Update – Environment and Planning’. The New South Wales State Legal Conference: Administrative Law Review. Addressed recent administrative law decisions of the Federal Court, NSW Court of Appeal and Queensland Supreme Court that consider the requirements of procedural fairness in the context of environmental laws. Also canvassed the validity of orders made by Local Councils in an enforcement context. 27 March 2013

BOOKS

Mark Robinson (ed), *Judicial Review: The Laws of Australia* (Thomson Reuters, 2014); Part 2.4 ‘Judicial Review of Administrative Action: Reviewable Decisions, Conduct and Powers and General Grounds’, updating author for chapters 2 (Reviewable Decisions, Conduct and Powers) and 5 (Failure to Consider a Relevant Matter) 2014

MEMBERSHIPS

Australian Institute of Administrative Law

Environment and Planning Law Association, NSW

NSW Bar Association