



Norton Rose Fulbright (previously Deacons) <i>Environment and Planning Group</i>	Sep 2007– Feb 2013: Senior Associate (full time)
DLA Piper (previously Phillips Fox) <i>Environment, Planning, Local Government Group</i>	Apr 2005–Sep 2007: Solicitor (full time)
PricewaterhouseCoopers Legal <i>Environment and Planning Group</i>	Jul 2001–Apr 2005: Paralegal and Associate (full time)
NSW Industrial Relations Commission ERM Group <i>Contaminated Sites Division</i>	Jan 2003–Jun 2003: Tipstaff to Hon. Justice P. Staunton Dec 2000–Jun 2001: Environmental Scientist (part time)
University of New South Wales <i>Biological, Earth and Environmental Sciences</i>	Mar 1999–Jun 2001: APA-Commonwealth Scholarship - PhD
Ausgrid <i>Environmental Services Unit</i>	Jun 1998–Mar 1999: Graduate Engineer (full time) Nov 1997–Mar 1998: Summer Clerk (full time)
University Lecturing Positions	Macquarie University: Mar 2008–2010 (guest) University of New South Wales: Mar 1999–2020 (casual)

## **COMMITTEE APPOINTMENTS AND ASSOCIATIONS**

NSW Bar Association 2015 - Present  
Law Council of Australia 2025 - Present  
Member, International Association of Hydrogeologists 2001 - Present  
Member, Australian Institute of Geoscientists 2003 - Present  
Regional Co-ordinator in Sydney, IUCN Commission on Environmental Law 2005 – 2010  
Executive Councillor, Environment and Planning Law Association (NSW) Inc: 2008 – 2015  
Executive Councillor, National Environmental Law Association Inc. 2008 – 2012  
Chair, NSW Young Lawyers, Environmental Law Committee: 2003 -2008  
Executive Councillor, NSW Young Lawyers: 2004 -2008

## **EMPLOYMENT PARTICULARS**

### **BARRISTER**

**April 2015 - Present**

Barrister advising and representing both private and public sector clients in the areas of planning, environment, property and local government law. Appeared in over 300 cases in the Land and Environment Court since 2004. Short list of appearances since being called to the Bar include:

- *Grant v Kiama Municipal Council* [2024] NSWLEC 136
- *Urban Link Architects Pty Ltd v City of Parramatta Council* [2024] NSWLEC 113
- *Muscat Developments Pty Ltd v Wollondilly Shire Council* [2023] NSWLEC 121
- *Markham Real Estate Partners Pty Ltd ATF M7 Property Trust v Council of the City of Sydney* [2023] NSWLEC 8
- *Barker v Water Administration Ministerial Corporation* [2022] NSWLEC 1357
- *Hawkesbury City Council v Saed* [2022] NSWLEC 34
- *Bartter Enterprises Pty Ltd v Environment Protection Authority* [2022] NSWCCA 43
- *Sandy Outlook Pty Ltd v Ku-ring-gai Council* [2021] NSWLEC 1519
- *City of Parramatta Council v Grand Epping Pty Ltd* [2021] NSWLEC 70
- *Hypro (Aust) Pty Ltd v Environment Protection Authority* [2020] NSWLEC 106
- *Lee Environmental Planning Pty Ltd v Reulie Land Co Pty Ltd* [2020] NSWCA 254
- *Gary Abrams v The Council of the City of Sydney (No 4)* [2019] NSWLEC 71
- *Greenfields Development Company No. 2 Pty Ltd v Camden Council* [2019] NSWLEC 1412
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 137

- *Pymble Villas Pty Ltd v Ku-ring-gai Council* [2018] NSWLEC 1586
- *RBFI Pty Limited v Wollongong City Council* [2019] NSWLEC 1312
- *Chahda v Liverpool City Council* [2018] NSWLEC 1371
- *Boral Resources (NSW) Pty Ltd v Camden Council* [2018] NSWLEC 1623
- *Geoffrey John Lomman v Windbelt Pty Limited* [2018] NSWLEC 29
- *Li v Willoughby City Council* [2018] NSWLEC 1262
- *SNL Building Constructions Pty Ltd v Lake Macquarie City Council* [2018] NSWLEC 1152
- *Damilabe Pty Ltd v Gunnedah Shire Council* [2018] NSWLEC 1295
- *Environment Protection Authority v Rixa Quarries (No.2) Pty Ltd* [2017] NSWLEC 48 and [2017] NSWLEC 93
- *Ku-ring-gai Council v Baynie* [2017] NSWLEC 172
- *Belongil Action Group Association Incorporated v Byron Bay Railroad Company Limited* [2017] NSWLEC 187
- *Woolcott Group Pty Limited v Rostry Pty Limited & Anor* [2016] NSWLEC 1113
- *Kladis v Lowe* [2016] NSWSC 1834
- *Manly Council v Leech (No 2)* [2015] NSWLEC 204

### **TRANSPORT FOR NSW**

**February 2013 – April 2015**

Legal Counsel (Senior Executive Service Level 3) in Environment, Planning and Property Law deployed to the Roads and Maritime Services within the Transport for NSW cluster. The role provided strategic legal advice and services to support the business and operations of the transport portfolio over a broad range of areas including: administrative law, environment, planning, property, compulsory acquisition, infrastructure projects, local government, tenders and contracts, regulatory matters, governance, prosecutions and alternative dispute resolution. Key challenges within the role included:

- Providing strategic and concise legal briefings to the Minister and Chief Executive as well as reviewing Cabinet Minutes and proposed legislative changes, new legislation and regulations.
- Working with a team of in-house lawyers to deliver quality, efficient and expert legal advice and services to Transport for NSW/Operating Agencies.
- Managing external lawyers to ensure that prompt, expert and professional advice and support is provided when required and often at short notice and overseeing the management of the panel.
- Establishing and maintaining sound communication and relationships within Transport for NSW/Operating Agencies and their stakeholders.

### **NORTON ROSE FULBRIGHT (previously known as Deacons)**

**September 2007 – February 2013**

Senior Associate reporting to three partners in the Environment and Planning Group and having responsibility for a number of direct reports (Associates and Graduate Solicitors).

This role involves providing legal advice to financial institutions, developers, companies, utilities, local, state and federal government agency clients on the environment and planning law aspects of a wide range of activities including residential, commercial and industrial developments and the full spectrum of infrastructure (electricity, gas, water, telecommunication and road) projects. Key areas of expertise involve:

- Commercial transactions (acquisitions, disposals and leasing), property disputes, statutory compliance and reporting requirements associated with contaminated land and site remediation leading to increased property asset security and reduced future liabilities.
- Advising extensively on project development applications as well as various client environmental policies, procedures and workplace instructions which have enabled clients to build capacity to comply with their statutory obligations, including dealing with environmental impact assessment, vegetation clearing, threatened species, cultural heritage, management of waste and incident response.
- Environment Protection Authority investigations, defending criminal proceedings and negotiating amendments to environmental protection licences which have resulted in reduced company exposure to financial penalties and improved operations and environment sustainability of licensed facilities.
- Regularly appearing as a solicitor advocate in the NSW Land and Environment Court in both merit review and declarations and injunctions proceedings. This has resulted in obtaining numerous successful project approvals

for developer clients; timely and cost effective prosecutions and restraints of statutory breaches for local council clients.

- Developing and subsequently delivering tailored training programs on environment and planning law to meet client business needs and key environmental concerns. Training topics have included environmental impact assessment and procedures, approvals and licences, incident response and environmental due diligence for managers and directors.

**DLA PIPER (previously known as Phillips Fox)**

**April 2005 – September 2007**

Solicitor in the Firm's Environment, Planning and Local Government Group acting on both litigious and non-litigious matters covering the spectrum of environment and planning law both in NSW and Nationally. Key achievements included:

- Represented and provided advice to various Commonwealth and State Government authorities including: the NSW Minister for Planning in relation to land acquisition and just terms compensation proceedings; advising as part of the DLA Phillips Fox team to the Sydney Water Corporation's construction of the Critical Infrastructure Desalination Plant; providing environment and planning advice to the Commonwealth Department for Defence on contracts for property disposal and protecting existing infrastructure.
- Acting for and advising clients in disputes associated with the contaminated land and compliance with the *Contaminated Land Management Act 1997* (NSW) including instructing counsel in significant Full Federal Court of Australia proceedings and a High Court special leave application.
- Appointment as the Firm's 2IC for the National Water Law Campaign and the internal technical expert for the Firm's National Contaminated Land Law Campaign contributing to a number of profitable business development programs.

**PRICEWATERHOUSECOOPERS LEGAL**

**July 2001 – April 2005**

Engaged initially as a paralegal and following graduation in a Bachelor of Laws as a solicitor with promotion through to Associate in the Firm's Environment and Planning Group. Key achievements included:

- Successfully representing developer and Council clients in NSW Land and Environment Court merit review appeals and advising mining law clients in relation to planning law, environment and due diligence requirements of mining activities in Western Australia and New South Wales.
- Providing strategic environmental advice in relation to the obligations and entitlements under the *Native Vegetation Conservation Act 1997* (NSW) and acting for private board scale agricultural clients in class 1 NSW Land and Environment Court appeals against stop work orders and directions to undertake remedial works.
- Advising water law clients in relation to water licensing under the *Water Management Act 2000* (NSW) and water infrastructure and operational issues under various pieces of NSW legislation.

**ENVIRONMENTAL RESOURCE MANAGEMENT (ERM Group Inc)**

**December 2000 – June 2001**

Employed as an environmental scientist conducting hydrogeological and hydrogeochemical investigations and Environment Impact Assessments for NSW COAL in relation to underground long-wall coal mining operations in NSW. Advising generally and working as a project environmental scientist on numerous environmental impact and contaminated site assessments.

**AUSGRID (previously known as Energy Australia)**

**November 1997 - June 1998**

Accepted into the organisation's graduate engineering program within the Engineering Department's Environmental Service Unit. Key achievements included:

- Preparation of Environmental Impact Assessments for various electricity infrastructure projects and Project Engineer for Sub-transmission Substation contaminated site assessments and designed a bioremediation hazardous waste treatment plant for the remediation of hydrocarbon contaminated soil.
- Conducting audits for Environmental Legislative Compliance and Waste Minimisation and Management. Drafting text for various environmental legislative awareness programs including training software programs and

developing Energy Australia's Total Catchment Management policy and Soil Handling and Sediment Control guidelines.

- Writing of submissions to the National Greenhouse Challenge, Hacking River Catchment Management Plan, the National Avian Mortalities study, and Natural Resources Data Directory with regards to Energy Australia's operations.

## **UNIVERSITY OF NEW SOUTH WALES**

**March 1999 – Present**

Ongoing retainer to lecture environment and planning law components of Environmental Impact Assessment (GEOG 3911) and Coastal Resource Management (GEOH 3921) in the Faculty of the Built Environment and School of Biological, Earth and Environmental Sciences.

## **SELECTED PUBLICATIONS**

- SMITH, J.V.S., 2009 (editor) A Practitioner's Guide to the Land and Environment Court of NSW. Third Edition. New South Wales Law Society ISBN 0 9756003 65 (Also managing editor of Second Edition 2006)
- SMITH, J.V.S., 2002. Water Licensing in NSW- An analysis of recent policy initiatives to achieve resource conservation and the implication for procedural fairness. In: 4th Australasian Natural Resource Law and Policy Conference. Sydney, 24-25 October 2002.
- SMITH, J.V.S., AND PETERSEN I., 2002. Judicial assessments involving acid sulfate soils, status and recent developments in merit appeals and judicial reviews in NSW. In: 5th International Acid Sulfate Soils Conference, "Sustainable Management of Acid Sulfate Soils ", Tweed Heads, 25-30 August 2002.
- SMITH, J.V.S., AND LYSETER R., 2002. Management Committees, emerging issues of water resources assessment and sustainability in New South Wales. In: 27th Hydrology and Water Resource Symposium: The Water Challenge - Balancing the Risks. Melbourne, Australia. 2002.
- SMITH, J.V.S., AND PETERSEN I., 2002. Legal and risk management issues associated with excavated material management In: 28<sup>th</sup> General Assembly and World Tunnel Congress "Modern Tunnels - Challenges and Solutions". Sydney, 2-8 March 2002. ISBN 085825 802 1.
- SMITH, J.V.S., AND JANKOWSKI, J. 2006. Natural Occurrences of Inorganic Arsenic in the Australian Coastal Groundwater Environment - Implications for Water Quality in Australian Coastal Communities. In: Managing Arsenic in the Environment. Naidu R. et. al. (eds) CSIRO Publishing, Collingwood, Australia 129-153.
- SMITH, J.V.S., JANKOWSKI, J, AND SAMMUT, J. 2003. Vertical distribution of As(III) and As(V) in a coastal sandy aquifer: Factors controlling the concentration and speciation of arsenic in the Stuarts Point, groundwater system, Northern New South Wales, Australia. Applied Geochemistry 18, 1479-1496.
- SMITH, J.V.S., AND JANKOWSKI, J. 2002. The distribution of nitrate, phosphate and ammonia in a coastal sandy aquifer. A stable isotopic assessment of the influences of agriculture on the groundwater environment. In: Sutton BG (Ed.), Proceedings of the Irrigation Australia 2002 Conference, Sydney, Australia, 21-23 May 2002. 176-185.
- SMITH, J.V.S., JANKOWSKI, J. AND ACWORTH, I. 2001. Hydrogeochemical, isotopic and hydrogeological investigations of a proposed coastal wetland restoration: Yarrhapinni Wetland, Northern New South Wales, Australia. In: Seiler, K.P., Wohnlich, S. (Eds.), Proc. XXXI Congress. IAH, Munich, Germany, 10-14 September, 2001. Rotterdam, Balkema. 1291-1295.
- SMITH, J.V.S, AND JANKOWSKI, J. 2001. The application of rare earth elements hydrogeochemistry in the delineation of coastal heavy mineral placer deposits. In: Seiler, K.P., Wohnlich, S. (Eds.), Proc. XXXI Congress. IAH, Munich, Germany, 10-14 September, 2001. Rotterdam, Balkema. 201-205.

## **SELECTED SPORTING ACHIEVEMENTS**

---

- WildEndurance Challenge 100 km (run) –1<sup>st</sup> Place 12:11 hours (50 km rely team entry 2010)
- UrbanMax Adventure Race (Sydney) 2009 – 1<sup>st</sup> Place 2:56 hours (Male team entry)
- Best Marathon time: 2013 Berlin Marathon, Germany - 2:54 hours
- Best Half Marathon time: 2009 Sydney Morning Herald Half Marathon - 85:32 minutes
- Best 10km time: 2014 Launceston Tasmania - 36:54 minutes
- Best Olympic Triathlon time: 2014: Byron Bay Tri-festival - 2:15 hours
- Oxfam Trailwalker Sydney 100km (run) 15<sup>th</sup> place – total time 16:24 hours