

Cecilia Rose
Curriculum Vitae

Profile

Cecilia practises primarily in environmental planning, local government administrative law and property law. She has over 20 years' experience in the field, including substantial advocacy as a solicitor in the Land and Environment Court of NSW, Supreme Court of NSW, in Local Courts, as well as instructing in appellate matters.

Her practice spans merits appeals, judicial review, civil enforcement and criminal prosecutions as well as matters involving easements and acquisitions. She regularly appears and advises in matters involving complex statutory construction, jurisdictional error, development permissibility, enforcement strategy and governance issues.

Cecilia acts for councils, developers, public authorities and private litigants. Her experience on both sides of planning and enforcement disputes provides a strategic and practical perspective in litigation.

She holds a Master of Local Government and Environmental Law and was awarded the Vice Chancellor's Award for Academic Merit.

Areas of Practice

Environmental Planning & Development

Cecilia appears in all classes of proceedings in the Land and Environment Court of New South Wales, including:

- Class 1 merits appeals (residential, commercial, industrial, heritage, contaminated land, waste, agricultural, coastal and infrastructure developments)
- Class 4 judicial review and civil enforcement proceedings
- Class 5 criminal prosecutions and sentencing hearings
- Class 2 tree disputes
- Class 3 valuation and compensation matters

She is regularly briefed to advise and appear in matters involving:

- Statutory interpretation of LEPs, DCPs and SEPPs
 - Permissibility and characterisation of uses
 - Existing use rights and continuing use rights
 - Designated and State significant development
 - Integrated development and approval pathways
 - Post-consent modification and lapsing issues
 - Construction and occupation certificate disputes
 - Development control orders and enforcement proceedings
 - View loss disputes
 - Biodiversity and species impact issues under the Biodiversity Conservation Act 2016
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Criminal & Regulatory Prosecutions

Cecilia has extensive experience in criminal proceedings under:

- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- *Local Government Act 1993*

She has conducted defended hearings, sentence proceedings and penalty notice appeals, including matters involving novel arguments, evidentiary challenges and no case submissions.

She also advises councils on enforcement strategy, appropriate regulatory pathways and risk exposure.

Administrative & Local Government Law

Cecilia advises and appears in matters concerning:

- Judicial review and jurisdictional error
- Procedural fairness and statutory power
- Governance and code of conduct issues

- GIPA and PPIP Act matters, including proceedings in the New South Wales Civil and Administrative Tribunal
- Rating, tendering and land classification
- Delegations and statutory functions of councils

She has particular experience advising councils on complex or sensitive governance issues and has advised regarding regulatory and decision-making frameworks.

Property & Compensation

Her practice also includes:

- Easements and access applications (including s88K and s89 matters)
 - Compulsory acquisition and compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*
 - Valuation disputes (Class 3)
 - Dividing Fences Act jurisdictional issues
 - Voluntary Planning Agreements and infrastructure contributions
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Education

- Master of Local Government and Environmental Law (Vice Chancellor's Award for Academic Merit)
- BA LLB, Macquarie University
- Graduate Diploma in Legal Practice

Admitted to practice in 2003.

Professional Memberships

- Environmental Planning Law Association