

Profile

Matthew Rogers

Principal

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Qualifications

Bachelor of Laws
Deakin University

Bachelor of Commerce
Deakin University

Accredited Specialist in Local Government &
Planning Law

Admissions

Supreme Court of New South Wales 2001

Supreme Court of Victoria 2001

High Court of Australia 2001

Practice areas

Local government and planning

Environmental and water

Dispute resolution and litigation

Employment and industrial

Memberships

Environmental Planning Law Association

Law Society of New South Wales

Albury & District Law Society

Experience

Matthew is a highly experienced practitioner with a focus on local government, planning and environmental law. His experience has been formally recognised by the Law Society of NSW by attaining accreditation as a Specialist in Local Government and Planning Law.

He frequently advises Councils in both Victoria and NSW and private land holders on the ability to develop land by reference to applicable planning instruments and legislation.

Matthew also represents clients in planning and development litigation across New South Wales and Victoria and regularly invokes alternative dispute resolution techniques.

Matthew has developed a comprehensive knowledge of legislation affecting local government, planning and environmental law. He counts amongst his client base numerous Councils in southern NSW and the northern Victorian region.

Matthew's litigation expertise covers a range of matters before the Land and Environment Court in NSW including:

- enforcement of Council issued orders
- Class 1 planning appeals
- Class 4 appeals challenging the validity of development consent
- representing both Councils and land owners in Class 3 compulsory acquisition appeals
- Class 5 prosecutions of environmental offences.

In the Victorian jurisdiction Matthew appears before Victorian Civil and Administration Tribunal for Victorian based planning appeals.

Matthew also advises clients on interpretation of planning legislation and environmental planning instruments, preparation of Council policies and general advice on validity of proposed developments.

Recent matters include:

- successfully defending an application to subdivide land set aside as an environmental reserve, including provision of advice on the impact of Biodiversity Certification of land under the Threatened Species Conservation Act.
- advising a Council client in relation to an owner initiated acquisition of land zoned for private recreation.
- representing German investors in a dispute over ownership of water entitlements and successfully negotiating a settlement out of Court.
- advising a Council in relation to compulsory acquisition of farming land for an industrial park
- issuing an order and undertaking a prosecution under the Protection of Environment Operations Act (NSW) relating to illegal transportation and disposal of waste
- advising Council in relation to landfill and waste management issues
- advising Council on the drafting and interpretation of local environmental plans, development control plans and internal policies in NSW and planning scheme amendments in Victoria
- advising Council in relation to land contamination issues
- representing a Council in defending the validity of a NSW development consent for a 75 unit tourist development on the banks of the Murray River
- representing a Council in a challenge to the interpretation of the definitions of the terms

“bed” and “bank” contained within planning instruments

- representing a land owner in appealing a Council refusal for a primitive camping ground
- representing a Council in an appeal relating to the refusal of a 152 lot subdivision for a manufactured homes estate

Matthew also regularly advises Victorian and New South Wales local government on:

- probity issues (reviews of conduct by ICAC, the Ombudsman, and the Department of Local Government)
- codes of conduct
- pecuniary interest of Councillors and staff
- meeting and other procedures for public disclosure of documents and other information
- tenders
- valuations and resumptions
- construction and Council works
- employment contracts for senior staff
- development contributions
- permissibility of proposed developments
- existing and non-conforming uses
- Government Information (Public Access) Act (NSW) and Freedom of Information Act (Vic) and privacy legislation in both states.

He also provides clients with access to a wide range of experts in various disciplines.