PROFESSIONAL EXPERIENCE

19 years of experience at the Bar, and a total of 29 years as a specialist in private practice in environmental, water, planning, mining and associated areas of property law. He appears regularly in both the Land and Environment Court and Supreme Court.

Listed as either a leading or recommended barrister in the environmental and planning area in the "Doyle's Guide" for the past 11 years. He has also been listed on the Best Lawyers list in the areas on environmental, property and water law, including for the current year 2025/2026.

Complementing his specialist practice in environmental, planning law, and environmental crime, he also practises in related areas including water, climate change, mining law, property, building and construction, commercial and retail tenancy, liquor licensing, administrative law and judicial review, local government, and in related areas of commercial and criminal law.

Clifford has advised on and/or appeared in relation to many major projects across the State from large mining and agricultural developments, to large urban developments and subdivisions. He appears both for proponents and objectors and/or consent authorities.

He regularly appears in both contested environmental crime or Class 5 cases in the Land and Environment Court and at sentencing or penalty hearing, and has appeared for both defendants, the Environment Protection Authority, and prosecuting local government authorities.

He appears across the range of cases in the Land and Environment Court's jurisdiction including in merits appeals, resumption and compensation, judicial review, and environmental crime. He appears regularly in the Court of Appeal and Court of Criminal Appeal.

Clifford also appears in the real property list and Equity Division in the Supreme Court in relation to easement and other property law disputes, and also the common law administrative and industrial law list particularly in relation to judicial review proceedings.

Clifford is the Bar Association's representative on the Land & Environment Court User's Group. He is the Editor of the "Local Government Planning and Environment NSW" Service, published by Lexis Nexis.

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APPOINTMENTS & ADMISSIONS

- Admitted to the Bar of New South Wales – 2007 to date.
- Appointed Bar Association representative on the Court User's Group 2016 to date.
- Admitted to the NSW Supreme Court and High Court as a Solicitor (1994 - 2007)
- Practising Solicitor, Senior Associate Ashurst Lawyers (1996 – 2007)
- Research Assistant and Tipstaff to His Honour Justice NR Bignold, Land & Environment Court of NSW (1995 – 1996)

QUALIFICATIONS & AWARDS

- BA, LLB (First Class Honours), LL.M (USYD)
- E. Trenchard-Miller Scholarship and the Bowman-Cameron Scholarship from Sydney University (these were awarded based on matriculation results, and scholarships awarded for coming equal 4th in the State in the 1988 HSC)
- Subject prize for Comparative Law during LLB studies.
- Grad Dip Law from the College of Law.

RECENT AND SIGNIFICANT CASES

- *Jindalee Road Wines Pty Ltd v Natural Resources Access Regulator (NRAR); Littore v NRAR* [2025] NSWCCA 215, significant case on the principle of totality applicable in sentencing. Appeared in the Court of Criminal Appeal for the Appellants who were resentenced with downward adjustments made to the fines in respect of all the offences from $887,500 to $558,000, applying the principal of totality.
  Murray River water thieves hit with $558,000 fine
- *Budvalt Pty Ltd v The Minister for Lands and Water; Hospitality and Racing, the Minister administering the Water Management Act 2000* [2025] NSWSC 609. Appeared for the Plaintiff in the Supreme Court who challenged a decision of the Defendant concerning the share component for a replacement floodplain harvesting access licence on the basis of jurisdictional error. The challenge was successful with the Access Licence remitted to the Defendant for determination in accordance with law. The Minister discontinued its appeal to the Court of Appeal after exchange of written submissions and prior to oral argument in February 2026.
- *Bronger v Greenway Health Centre Pty Ltd t/as Greenway Plaza Pharmacy* [2023] NSWCA 104; Brereton JA, Beech-Jones JA, Mitchelmore JA - Appeal - Judicial Review. Appearing for the Appellant. Appeal allowed. Orders made by Pain J on 27/7/2022 set aside and new orders inserted granting injunctive relief preventing the Respondent from conducting a "retail pharmacy" as part of a medical complex at the Greenway Medical Centre, Wetherill Park.
- *Greenway Health Centre Pty Ltd Trading as Greenway Plaza Pharmacy ACN 620 125 019 v Bronger & Anor* [2023] HCASL 148 (12/10/2023); Jagot J (On the papers) - Special Leave application, Special Leave application dismissed with costs.
- *Natural Resources Access Regulator v Lidokew* [2023] NSWLEC 131 (Duggan J) – major Class 5 prosecution under the Water Management Act 2000 – successful defence of multiple Tier 3 charges.
- *Site R & D Pty Ltd v Byron Shire Council* [2022] NSWLEC 1121 - Significant subdivision development in Byron Bay Shire, successfully approved by the NSW Land & Environment Court in a merits appeal decision handed down on 8 March 2022, by

Commissioner Chilcott after a 9 day hearing. Clifford appeared for the Joint Venture Applicants who appealed the refusal by the Northern Regional Planning Panel, under delegation from Byron Shire Council (the Respondent) of the Applicant's DA seeking consent to subdivide land in two separate areas forming part of the West Byron Urban Release Area (WBURA). Complex issues included: the Applicant's requests to vary development standards under SEPP 1; whether the Site contained core koala habitat, potential impacts on frog habitat, and biodiversity impacts, including proposed tree removal; acceptable design of road access to industrial land and the satisfaction of all jurisdictional requirements. This is an important decision for planning and environmental law as it addresses complex planning and environmental issues and resolves them in a lengthy and detailed judgment which may have application for similar future cases.

- *Secretary, Department of Planning and Environment v Goodman Property Services (Aust) Pty Ltd; Secretary, Department of Planning and Environment v Burton Contractors Pty Ltd T/as Burton Civil Engineering Contractors (No 2)* [2021] NSWLEC 34 - Successfully argued, appearing unled, that criminal charges brought by the NSW Department of Planning were legally defective.
- *Tropic Asphalts Pty Ltd v Snowy Monaro Regional Council* [2021] NSWCCA 24 - Appearing unled for the Prosecutor in the NSW Court of Criminal Appeal, successfully defended a decision of Moore J (dated 16 September 2020 [2020] NSWLEC 136), against an application under s 5F of the Criminal Appeal Act 1912 (NSW) for leave to appeal. The defendant argued the subpoena was tainted by improper purpose and illegality.
  Benchmark Weekly Environmental Law NSW
  Planning & Environment Law in 2020
- *Palm Beach Protection Group Inc v Northern Beaches Council (No 2)* [2020] NSWLEC 181 (15 December 2020) and *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 (20 November 2020) - Successful environmental or public interest judicial review proceedings, before Preston CJ of LEC, Chief Judge of the Land and Environment Court.

- *Kiangatha Holdings Pty Ltd v Water NSW* [2020] NSWCCA 263 (19 October 2020) - NSW Court of Criminal Appeal. Successfully appealed a decision of the NSW Land & Environment Court (20 December 2019) arguing that the Prosecutors' summonses were bad for duplicity. The case lays down some important guidelines for the guidance of prosecutors in the area of environmental crime, concerning the need for precision in pleading.

  Crown Solicitor's Office – Regulatory and Environment Insights

  Environmental law offences – the same essential criminal law standards apply

RECENT AND SIGNIFICANT OPINIONS

- Advising major agricultural interests in relation to judicial review rights in relation to Ministerial decisions under the *Water Management Act* 2000.
- Advising Commonwealth agency in relation to private nuisance claim arising out of operation of infrastructure.
- Advising Council in relation to the *Crown Land Management Act* 2016 and compensation rights in relation to land acquisition of public open space.
- Advising a major coal mining operation in relation to the National Greenhouse Safeguard mechanism.

PUBLICATIONS & PRESENTATIONS

- *"Japanese and Australian Environmental Law – Some points of comparison"* CPE Niseko Japan, 21 February 2026.
- *"A Selection of Recent Climate Change Litigation Cases in Australia and England"* CPE London, UK, 5 January 2025.
- *"An in Depth Look at Four Climate Change Cases"* – 25 February 2024, paper presented at the Legalwise CPD Seminar, Sydney NSW.
- "***NSW Civil & Administrative Tribunal Retail Lease Jurisdiction***" paper presented at the Legalwise CPD Seminar "Retail & Commercial Leasing Review", 22 March 2023.
- Editor "***Local Government Planning & Environment New South Wales***" Lexis Nexis, Chapters of "***Local Government - Finance - Actionable Liability***", commencing February 2021.
- "***The Regulation of Asbestos Waste in NSW Law – Balancing Health Risks Against Sustainability ?"*** Conference Paper, delivered in Prague, Czech Republic, CPE Legal Conference, 11 July 2018.
- "***Continuation or institution of proceedings against amalgamated councils: Wellington v EPA***" Local Government Reporter (2017), Vol 16, No3, May 2017 (with Alexandra Bartlett).
- "***The Principles of Client Legal Privilege under the Evidence Act 1995 with Particular Attention to Expert Reports***", 3 September 2014, presented to lawyers at McCullough Robertson, Sydney.
- "***Class 3 Land and Environment Court Proceedings and the Land Acquisition (Just Terms Compensation) Act 1991 – An Introduction***", Paper presented to College of Law CPD Conference chaired by Biscoe J, February 2011.
- "***Admitting Evidence of pre-contract negotiations***" June 2010, Vol 48 No.5 LSJ.
- "***Environmental planning in the public interest and private property rights: The role of s 28 of the Environmental Planning and Assessment Act 1979 NSW***)" (2010) 15 LGLJ 155.