



LAWS5040

Environmental Planning Law

Session 1, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

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General Information

Unit convenor and teaching staff

Paul Govind

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Credit points

10

Prerequisites

(130cp in LAW or LAWS units) or ((GEOP2080 or GEOP212) and 20cp at 3000 level and admission to BPlan)

Corequisites

Co-badged status

Unit description

Almost every use of land from building a family home to infrastructure projects across cities through to coal mining will require some form of legal assessment and approval. The relevant area of law is environmental planning law. This unit examines the intersection of economic, social and environmental issues in the context of land use and law. The focus is on both the natural and built environment in an urban and rural context with particular emphasis on the regulation of land use under the Environmental Planning and Assessment Law 1979 (NSW) and the Environment Protection and Biodiversity Conservation Act 1999 (Cth). The unit provides a detailed analysis of the legal requirements of land use planning instruments, development assessment methods, environmental impact assessment and administrative decision making relating to land use. A critical analysis is undertaken of the effectiveness of the current regulatory regime including reform proposals and options. Discussion and analysis of relevant case law and the functions of the Land and Environment Court in terms of resolving land planning and development issues is covered extensively.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO1: Apply the key principles, policies and theories underlying planning and development law.

ULO2: Identify, explain and apply the regulatory scheme for planning, development assessment and approval of land use development at federal, state and local levels as the basis for critically analysis of the Environmental Planning and Assessment Act 1979 (NSW) and Environment Protection Biodiversity Conservation Act 1999 (Cth).

ULO3: Critically analyse and evaluate the principles of environmental justice and the implementation of Ecologically Sustainable Development in contexts relevant to planning and development law at each level of government

ULO4: Evaluate the effectiveness and accountability of public authorities (executive, legislative and judicial) and citizens involved in environmental planning and assessment with a focus on the local and state levels of government.

ULO5: Identify and critique the role of the Land and Environment Court in the assessment of development and protection of the environment including public participation mechanisms

General Assessment Information

All written assessments that are submitted electronically will utilise Turnitin plagiarism detection software.

Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition.

Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

Late penalty policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessments (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time-sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

Special Consideration

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class participation</u>	20%	No	Ongoing Weeks 1 - 12 - Reflective Paper - 03 May 2024
<u>Analytical Research Essay</u>	40%	No	09 April 2024
<u>Take Home assessment</u>	40%	No	30 May 2024

Class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Ongoing Weeks 1 - 12 - Reflective Paper - 03 May 2024**

Weighting: **20%**

Tutorial participation in discussions, debates and/or presentations.

On successful completion you will be able to:

- Apply the key principles, policies and theories underlying planning and development law.
- Identify, explain and apply the regulatory scheme for planning, development assessment and approval of land use development at federal, state and local levels as the basis for critically analysis of the Environmental Planning and Assessment Act 1979 (NSW) and Environment Protection Biodiversity Conservation Act 1999 (Cth).
- Critically analyse and evaluate the principles of environmental justice and the implementation of Ecologically Sustainable Development in contexts relevant to planning and development law at each level of government
- Evaluate the effectiveness and accountability of public authorities (executive, legislative

and judicial) and citizens involved in environmental planning and assessment with a focus on the local and state levels of government.

- Identify and critique the role of the Land and Environment Court in the assessment of development and protection of the environment including public participation mechanisms

Analytical Research Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 10 hours

Due: **09 April 2024**

Weighting: **40%**

Students will prepare a research essay that analyses a topic relating to environmental planning law

On successful completion you will be able to:

- Apply the key principles, policies and theories underlying planning and development law.
- Identify, explain and apply the regulatory scheme for planning, development assessment and approval of land use development at federal, state and local levels as the basis for critically analysis of the Environmental Planning and Assessment Act 1979 (NSW) and Environment Protection Biodiversity Conservation Act 1999 (Cth).
- Critically analyse and evaluate the principles of environmental justice and the implementation of Ecologically Sustainable Development in contexts relevant to planning and development law at each level of government
- Evaluate the effectiveness and accountability of public authorities (executive, legislative and judicial) and citizens involved in environmental planning and assessment with a focus on the local and state levels of government.

Take Home assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 20 hours

Due: **30 May 2024**

Weighting: **40%**

Students will submit responses to questions based on a hypothetical scenario

On successful completion you will be able to:

- Apply the key principles, policies and theories underlying planning and development law.
- Identify and critique the role of the Land and Environment Court in the assessment of development and protection of the environment including public participation mechanisms

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Delivery and Resources

Classes:

Lecture material will be delivered each week. Lectures are online only - as a consequence there is no designated time slot for lectures. However, **the convenor will upload weekly lectures to ECHO360 on Wednesday afternoon each week.**

Please note that some smaller lectures will be delivered later in the week following the main lecture - though the weekly allocation will not exceed two hours per week in total.

Tutorials are weekly and begin in Week 1.

Weekly tutorials will either be face to face or online. Please ensure that you check the designation of each tutorial (either online to face to face) before you enrol and select your preference. Zoom invitations will be sent to all students in the online tutorials in the week prior to the commencement of Session 1.

Readings and materials:

The prescribed book for this unit is - Rosemary Lyster et al, *Environmental and Planning Law in New South Wales* 5th edition (2021) - <https://federationpress.com.au/product/environmental-and-planning-law-in-new-south-wales-2/>

Additional materials will be included on a weekly basis. Additional materials will be available through the MQ Library database. The Reading List will be available on the iLearn page and through Leganto in the week prior to the commencement of Session 1.

Unit Schedule

LAWS5040 and 8061 Schedule 2024	
Week	Topic
Week 1	Rationale, purpose and function of planning law
Week 2	The interaction between planning law and Aboriginal and Torres Strait Islander philosophy, culture and law/lore
Week 3	Sustainability – the core theme of modern planning law
Week 4	Overview of the planning law regime in NSW – (the Environmental Planning and Assessment regime and Land and Environment Court Act)
Week 5	Environmental Planning Instruments
Week 6	Development pathways – assessment and determination (Part 1 – Local development)
Week 7	Development pathways – assessment and determination (Part 2 – State based development)
Week 8	Environmental impact assessment
Week 9	The role of Federal environmental law in NSW planning law
Week 10	Adjudication and dispute resolution
Week 11	Planning law and climate change
Week 12	Planning law and biodiversity loss
Week 13	Revision

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)

- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies](https://students.mq.edu.au/support/study/policies) (<https://students.mq.edu.au/support/study/policies>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Changes from Previous Offering

The topic on Week 2, 'The interaction between planning law and Aboriginal and Torres Strait Islander philosophy, culture and law/lore' is a new addition to the course.

The due date for the Reflective Paper is earlier than in 2023. This is to distribute the workload for students more evenly through the session. As a result, the content of the reflective paper will be focused more on the first half of the course.

Please note in relation to Class Participation, **this task has two elements (unfortunately this cannot be communicated above): 1) In class participation (10%) and 2) a reflective paper (10%).**

Unit information based on version 2024.01R of the [Handbook](#)