



LAWS5040

Environmental Planning Law

Session 1, Weekday attendance, North Ryde 2020

Macquarie Law School

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Disclaimer

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General Information

Unit convenor and teaching staff

Paul Govind

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Contact via Email/iLearn

6 First Walk (W3A) 620

Monday 2-3pm; Thursday 11am-12pm.

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including POIR2070 or POL207 or LAWS1010 or LEX101 or ENV267 or ENVS2467) 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

Assessment Tasks

Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

General Assessment Information

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments.

Detailed marking rubrics will be made available on iLearn.

All assessments that receive a FAIL grade are double marked.

All assessments in the Unit are to be submitted electronically (via Turnitin). Plagiarism detection

software is used in this Unit.

Where there is a word limit no work over the limit will be read by the marker.

Law students - All written work must (where relevant) be referenced in accordance with the ***Australian Guide to Legal Citation (4th edition)***. Please use this link: <https://law.unimelb.edu.au/mulr/aglc>

Planning students and other students not enrolled in a law degree may use the Harvard method.

Delivery and Resources

Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

The unit will be taught as both an External unit and as an Internal unit. Attendance at the On Campus Session (OCS) is **compulsory**. **If you cannot attend the OCS then you are advised to not enrol in the course. If you refer to the assessment section you will see that in class participation is assessed during the OCS.**

Delivery

This unit heavily utilizes iLearn for all communication purposes. Announcements, lecture recordings, assessments etc. all operate upon the iLearn platform.

It is therefore vital that students familiarize themselves with the iLearn platform and its operations if they haven't done so previously.

Students should regularly check the unit web page on iLearn to keep up with information for students entered by the Unit Convenor. There may be information placed on the web page at short notice concerning attendance, cancelled or postponed classes and relevant assessment items and dates. Attending on the right dates is your responsibility and mistakes with attendance may result in your failing of the unit.

Further, iLearn is utilised for the purposes of discussion forums, both teacher led and those that are exclusively for the use of students. It is highly recommended that students keep up to date with forum discussion as it features topical news items relevant to the course etc.

Resources -

There is no prescribed textbook for this course in 2020. The materials will consist of articles (peer reviewed and non-peer reviewed), book chapters, cases, legal instruments and other publications.

This will be detailed in a List of Readings published on iLearn in the week prior to the commencement of Session 1, 2020.

Some key chapters of the textbook used in previous years will be listed. Copies will be

placed on reserve in the Library.

(See: Lyster, R., Lipman, Z., Franklin, N., Wiffen., G and Pearson, L *Environmental and Planning Law in NSW* (4th Edition, The Federation Press, 2016)

NB: A weekly lecture guide and tutorial questions will be supplied in a separate document posted on the iLearn website.

Unit Schedule

Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

The Unit Schedule will be posted to the iLearn page.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

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

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/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

Student Support

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

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [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

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

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.