LAWS5040
Environmental Planning Law
Session 1, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

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General Information

Unit convenor and teaching staff
Convenor
Paul Govind
paul.govind@mq.edu.au
Contact via All contact with students is through iLearn Room, 617 - 6 First Walk (Law Building) Monday 12 - 1pm or by appointment

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

**Late Submission Penalty**
Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 5 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

**Submission**
All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

**Word count**
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.
## Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analytical Research Essay</td>
<td>40%</td>
<td>No</td>
<td>April 14 2023</td>
</tr>
<tr>
<td>Take Home assessment</td>
<td>40%</td>
<td>No</td>
<td>June 1 2023</td>
</tr>
<tr>
<td>Class participation</td>
<td>20%</td>
<td>No</td>
<td>Ongoing - Reflective Paper - May 19 2023</td>
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### Analytical Research Essay

**Assessment Type**: Essay  
**Indicative Time on Task**: 10 hours  
**Due**: April 14 2023  
**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**: Quiz/Test  
**Indicative Time on Task**: 20 hours  
**Due**: June 1 2023  
**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

Class participation

Assessment Type: Participatory task
Indicative Time on Task: 0 hours
Due: Ongoing - Reflective Paper - May 19 2023
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

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.

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

Classes:

Lecture material will be delivered 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.

Classes will be delivered using various combinations of online and face to face delivery.

Lectures will be exclusively online and recorded and uploaded using Zoom.

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:


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

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Week 1</td>
<td>Rationale, purpose and function of planning law</td>
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<tr>
<td>Week 2</td>
<td>Sustainability – the core theme of modern planning law</td>
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<tr>
<td>Week 3</td>
<td>Overview of the planning law regime in NSW – (the Environmental Planning and Assessment regime and Land and Environment Court Act)</td>
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Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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).
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](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/), or contact [Service Connect](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

**IT Help**
For help with University computer systems and technology, visit [http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/](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](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

The policy applies to all who connect to the MQ network including students.

**Changes from Previous Offering**
In 2023, LAWS5040 will contain a Class Participation component as part of the assessment schedule. This will be assessed as part of the commitment to reflective learning in the course.

The second component of the reflective learning strategy is the assessment of a reflective paper where students reflect on what they have learnt through the unit.

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**Unit guide** LAWS5040 Environmental Planning Law

[https://unitguides.mq.edu.au/unit_offerings/157562/unit_guide/print](https://unitguides.mq.edu.au/unit_offerings/157562/unit_guide/print)