



# LAWS5040

## Environmental Planning Law

Session 1, In person-scheduled-weekday, North Ryde 2025

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor; Lecturer; Tutor

Paul Govind

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Contact via iLearn

Michael Kirby Building, Room 338

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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit 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.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

### Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

### Special Consideration

Students should submit applications for Special Consideration electronically via the Service Connect portal, 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
<a href="#"><u>Analytical Research Essay</u></a>	40%	No	07/04/2025
<a href="#"><u>Take Home assessment</u></a>	40%	No	06/06/2025
<a href="#"><u>Professional Skills</u></a>	20%	No	Ongoing

### Analytical Research Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **07/04/2025**

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 <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **06/06/2025**

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

## Professional Skills

Assessment Type <sup>1</sup>: Practice-based task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Ongoing**

Weighting: **20%**

Students will engage in classroom activities including mooting, presentations or demonstrations, structured discussion and problem solving, doctrinal analysis, simulated client consultations, and collaborative legal research. Through these activities students will develop skills in oral advocacy, legal analysis, critical reasoning, teamwork and team leadership, and/or strategic problem-solving. These activities are designed to strengthen students' ability to communicate legal concepts verbally and engage professionally within a supportive learning environment.

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

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<sup>1</sup> 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.

<sup>2</sup> 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

This unit is committed to the decolonisation of the learning and teaching of law. This is demonstrated and implemented through the selection of topics, inclusion of research by First Nation scholars in the reading list and First Nation methodological and pedagogical practices such as deep listening through the sharing of expertise and guidance of First Nation's scholars and colleagues.

### Delivery

Lectures: Lectures are weekly and pre-recorded (there are no live lectures).

Tutorials: Tutorials are weekly and begin in Week 1. Tutorials will either be face to face or online. Please ensure that you check the designation of the tutorial. Zoom invitations will be sent to all students in the online tutorials in the week prior to the commencement of Session 1.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

### Resources

The required textbook is Rosemary Lyster et al, Environmental and Planning Law in New South Wales 5th edition (2021) - <https://federationpress.com.au/product/environmental-andplanning-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.

Students can purchase these textbooks online.

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

## Unit Schedule

### LAWS 5040 and 8061 - Schedule of topics 2025

Topic 1 - Purpose of planning law
Topic 2 - Planning law and Aboriginal and Torres Strait Islander philosophy, culture and law/lore
Topic 3 - The structure and administration of planning law in NSW
Topic 4 - Planning Instruments
Topic 5 - Development pathways
Topic 6 - Environmental Impact Assessment
Topic 7 - Dispute Resolution
Topic 8 - Federal environmental Law and the role in NSW planning law
Topic 9 - Planning law and climate change and biodiversity
Topic 10 - Planning law and infrastructure
Topic 11 - Planning law and housing
Topic 12 - Planning law and heritage
Topic 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 [connect.mq.edu.au](https://connect.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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 the [Service Connect Portal](#), 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/](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

Some changes to the topics in the course have also been made. New topics include case studies on 'Housing' and 'Infrastructure.'

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Unit information based on version 2025.03 of the [Handbook](#)