GSE 801
Environmental Law and Policy
S1 Evening 2013

Environment and Geography

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## General Information

**Unit convenor and teaching staff**  
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**Credit points**  
4

**Prerequisites**  
Admission to MEnv or PGDipEnv or PGCertEnv or MEnvEd or PGDipEnvEd or PGCertEnvEd or MEnvMgt or PGCertEnvMgt or MEnvStud or PGDipEnvStud or MEnvPlan or MEnvSc or MPP or PGDipPP or MSusDev or PGDipSusDev or PGCertSusDev or MClimCh or MWldMgt or PGDipWldMgt or PGCertWldMgt or MMarScMgt or MSc in (Remote Sensing and GIS or Environmental Health) or PGDipSc in (Remote Sensing and GIS or Environmental Health) or PGCertSc in (Remote Sensing and GIS or Environmental Health)

**Corequisites**

**Co-badged status**

**Unit description**  
This unit provides an introductory overview to environmental law at an international, Commonwealth and New South Wales level. The subject of environmental law covers a wide area including: natural resources management, nature conservation, land use and town planning, local government, pollution and heritage. The unit provides a basic understanding of environmental law to students from a broad range of disciplines. The unit will assist students in understanding the legal framework affecting all environmental practitioners and bring an understanding of the policies underlying environmental law.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are
Learning Outcomes
On successful completion of this unit, you will be able to:

- An introductory understanding of environmental law and policy at an international, Australia and New South Wales level.
- An understanding of the principles and theoretical basis of environmental law.
- An overview of the subject suitable for professionals practising in the area of environmental management who are not lawyers.
- A practical understanding of the role of environmental law in the context of environmental decision-making
- Students will be able to communicate their understanding in written reports and essays and be able to make cogent arguments about environmental law in a debate
- Able to Critically analyse cases and real life development problems
- Able to analyse a factual situation and identify potential solutions
- Able to employ innovative approaches to resolve environmental problems

Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment 1</td>
<td>10%</td>
<td>April 6th</td>
</tr>
<tr>
<td>Assignment 2</td>
<td>40%</td>
<td>April 30th</td>
</tr>
<tr>
<td>Assignment 3</td>
<td>40%</td>
<td>June 4th</td>
</tr>
<tr>
<td>Class Assessment 4</td>
<td>10%</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Assignment 1
Due: April 6th
Weighting: 10%

Written component (short commentary on set readings)
Length: 1500 words

Assignment 1 is designed to ensure students develop skills to read, analyse and understand court judgments. Given the significant number of court judgments reviewed in this unit, a sound understanding of how to read, analyse and assess judgments is a fundamental skill.
On successful completion you will be able to:

• An understanding of the principles and theoretical basis of environmental law.
• Able to analyse a factual situation and identify potential solutions

Assignment 2
Due: April 30th
Weighting: 40%

An essay on one of a range of topics on environmental law and policy.

Length: 3000 words

Assignment 2 provides an opportunity for students to specialise and explore in depth a specific area of their choice from a number of essay questions. It is designed to develop research and analysis skills in a policy area and provide an opportunity for original thought.

It is designed to develop problem-solving skills for a development problem and to provide a choice of research topics for detailed consideration and original analysis.

On successful completion you will be able to:

• An understanding of the principles and theoretical basis of environmental law.
• Able to analyse a factual situation and identify potential solutions
• Able to employ innovative approaches to resolve environmental problems

Assignment 3
Due: June 4th
Weighting: 40%

The assignment involves preparing advice on the application of environmental legislation to particular development proposal

Length: 3000 words

Assignment 3 provides an opportunity to advise on a specific development problem to develop skills in working with NSW planning law including the Environmental Planning and Assessment Act and environmental planning instruments.

It is designed to develop problem-solving skills for a development problem and to provide a choice of research topics for detailed consideration and original analysis.

On successful completion you will be able to:
• An understanding of the principles and theoretical basis of environmental law.
• An overview of the subject suitable for professionals practising in the area of environmental management who are not lawyers.
• Able to critically analyse cases and real life development problems
• Able to analyse a factual situation and identify potential solutions
• Able to employ innovative approaches to resolve environmental problems

Class Assessment 4
Due: N/A
Weighting: 10%

Participation in allocated class debate plus satisfactory class attendance (a minimum of 80% attendance)

Class Assessment provides an opportunity to develop oral presentation and argument skills for a particular policy question, while class attendance and participation is designed to demonstrate a student's active engagement in the unit.

On successful completion you will be able to:
• An understanding of the principles and theoretical basis of environmental law.
• An overview of the subject suitable for professionals practising in the area of environmental management who are not lawyers.
• A practical understanding of the role of environmental law in the context of environmental decision-making
• Students will be able to communicate their understanding in written reports and essays and be able to make cogent arguments about environmental law in a debate

Delivery and Resources

CLASSES
The unit will consist of thirteen sessions each of three hours duration. Attendance at each session is compulsory and constitutes part of the class assessment mark for the unit. After a couple of settling in weeks, each session will comprise initial student presentations/debates of a maximum of sixty minutes in total, followed by a short break, before returning to a mixture of lecture and class discussion. Preparation for each session is expected and will be assumed. Sessions are from 6.30 pm to 9.30 pm.

PLEASE NOTE: In order to successfully complete this unit, students must attend at least 80% of scheduled lectures.

The timetable for classes can be found on the University web site at http://www.timetables.mq.edu.au/
It is recommended that students purchase the following textbook for this course:


In addition there are a number of additional texts covering the subject matter of this course. **None of these additional texts is required to be purchased by students.** Students may wish to refer to these texts for an initial overview of some topics, general principles or for additional information and references.

Care must be taken however to check primary sources (legislation and case law) referred to in the texts since all commentary is quickly dated to the extent that it relies on such sources.


Zada Lipman and Gerry Bates, *Pollution Law in Australia* (Lexis Nexis Butterworths, 2002)


**Copies of these texts will be available in the library on reserve.** Students will be provided with a detailed Lecture Outline and Reading List, plus selected reading materials through ilearn.

Unit participants are required to obtain the key NSW legislative provisions covered in the unit:

- Environmental Planning and Assessment Act, 1979 as amended;
- Environmental Planning and Assessment Regulation, 2000


The Macquarie University Library has Law database facilities that contain Law Reports, legislation, digests of legal developments, abstracts and full-texts of articles, etc. at [http://www.mq.edu.au/on_campus/library/research/research_databases/](http://www.mq.edu.au/on_campus/library/research/research_databases/). Choose databases by area of study e.g. Law or Environment, or general topic Multi-subject or format eg. Newspapers, Theses etc or type in the name of a specific database e.g. Lexis Nexis.
The details of readings for each class are provided to enrolled students through ilearn.

In 2013, GSE801 has a similar structure and content, but is updated to take account of recent policy and legislative changes and recent judicial decisions.

## Unit Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Feb 26</td>
<td>Law and the legal system</td>
</tr>
<tr>
<td>2</td>
<td>March 5</td>
<td>What is environmental law and policy?</td>
</tr>
<tr>
<td>3</td>
<td>12</td>
<td>International environmental law</td>
</tr>
<tr>
<td>4</td>
<td>19</td>
<td>Commonwealth environmental law</td>
</tr>
<tr>
<td>5</td>
<td>26</td>
<td>Environmental planning instruments</td>
</tr>
<tr>
<td>6</td>
<td>April 2</td>
<td>Development assessment process</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Assignment 1 due – hand to unit convenor in class</strong></td>
</tr>
<tr>
<td>7</td>
<td>9</td>
<td>Applying planning instruments</td>
</tr>
<tr>
<td></td>
<td>MID-SEMESTER BREAK 14-26 APRIL</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>April 30</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Assignment 2 due – hand to unit convenor</strong></td>
</tr>
<tr>
<td>9</td>
<td>May 7</td>
<td>Existing uses and Inquiries</td>
</tr>
<tr>
<td>10</td>
<td>14</td>
<td>Land management, conservation and cultural heritage law</td>
</tr>
</tbody>
</table>
Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:


In addition, a number of other policies can be found in the Learning and Teaching Category of Policy Central.

Student Support

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at: [http://students.mq.edu.au/support/](http://students.mq.edu.au/support/)

**UniWISE provides:**

- Online learning resources and academic skills workshops [http://www.students.mq.edu.au/support/learning_skills/](http://www.students.mq.edu.au/support/learning_skills/)
- Personal assistance with your learning & study related questions.
- The Learning Help Desk is located in the Library foyer (level 2).
- Online and on-campus orientation events run by Mentors@Macquarie.

Student Enquiry Service

Details of these services can be accessed at [http://www.student.mq.edu.au/ses/](http://www.student.mq.edu.au/ses/).

Equity 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.
IT Help

If you wish to receive IT help, we would be glad to assist you at http://informatics.mq.edu.au/help/

When using the university’s IT, you must adhere to the Acceptable Use Policy. The policy applies to all who connect to the MQ network including students and it outlines what can be done.

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- An introductory understanding of environmental law and policy at an international, Australia and New South Wales level.
- An understanding of the principles and theoretical basis of environmental law.

Assessment tasks

- Assignment 1
- Assignment 2
- Assignment 3
- Class Assessment 4

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- A practical understanding of the role of environmental law in the context of environmental decision-making
- Able to Critically analyse cases and real life development problems
- Able to employ innovative approaches to resolve environmental problems
Assessment tasks

• Assignment 1
• Assignment 3
• Class Assessment 4

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

• An overview of the subject suitable for professionals practising in the area of environmental management who are not lawyers.
• A practical understanding of the role of environmental law in the context of environmental decision-making
• Able to Critically analyse cases and real life development problems
• Able to analyse a factual situation and identify potential solutions
• Able to employ innovative approaches to resolve environmental problems

Assessment tasks

• Assignment 2
• Assignment 3

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcome

• Students will be able to communicate their understanding in written reports and essays and be able to make cogent arguments about environmental law in a debate

Assessment tasks

• Assignment 1
• Assignment 2
PG - Engaged and Responsible, Active and Ethical Citizens
Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

**Learning outcomes**
- An overview of the subject suitable for professionals practising in the area of environmental management who are not lawyers.
- Students will be able to communicate their understanding in written reports and essays and be able to make cogent arguments about environmental law in a debate
- Able to analyse a factual situation and identify potential solutions

**Assessment tasks**
- Assignment 2
- Assignment 3
- Class Assessment 4

PG - Capable of Professional and Personal Judgment and Initiative
Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

**Learning outcomes**
- An introductory understanding of environmental law and policy at an international, Australia and New South Wales level.
- An understanding of the principles and theoretical basis of environmental law.
- An overview of the subject suitable for professionals practising in the area of environmental management who are not lawyers.
- A practical understanding of the role of environmental law in the context of environmental decision-making
- Able to Critically analyse cases and real life development problems
Assessment tasks

- Assignment 1
- Assignment 3