

LAWS 5002 PLANNING AND ENVIRONMENT LAW

Credit Points 10

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Description This subject examines the planning laws in the state of New South Wales and at the Commonwealth level that have a bearing in NSW. Topics covered include an analysis of the functions of the relevant ministers, State government departments, and local councils; the role of public authorities; the effect of environmental planning instruments; and the impact of the planning system, legal processes of plans and planning controls within the development context. This subject has the balance among theory, policy and practical issues in its approach and a strong interdisciplinary component in the introductory phase.

School Law

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Postgraduate Coursework Level 5 subject

Pre-requisite(s) LAWS 7056 Fundamentals of Australian Law

Restrictions

Students must be enrolled in program Juris Doctor (2826) to register in this subject.

Learning Outcomes

1. Critically examine statutory and common law environmental and planning legal principles and concepts
2. Propose strategies addressing practical problems and theoretical legal issues in the area of Planning and Environment Law
3. Review research and evidence to support theoretical and practical understanding of built environment law and procedures in a variety of property-related contexts
4. Analyse the role of First Nations people within planning and environmental law

Subject Content

1. Introduction to planning and environmental law
2. The role of land use in planning and zoning
3. Analysis of the functions of the Minister for Planning, Department of Planning and Environment, and local councils
4. Role of public authorities, environmental planning instruments and environmental impact assessment
5. Issues of enforcement, standing and environmental dispute resolution
6. Environmental ethics, environmental principles and the formulation of environmental policy
7. Development Control including the role of the National Construction Code
8. Environment protection legislation (Enforcement and Pollution Control)
9. The role and purpose of Land and Environment Court
10. Biodiversity conservation at the NSW and Commonwealth level

11. Heritage conservation
12. Building Certification and the role of the NSW Building Commissioner
13. The role of First Nations people within planning and environmental law

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

| Type | Length | Percent | Threshold | Individual/ Group Task | Mandatory |
|--------------|------------|---------|-----------|------------------------|-----------|
| Presentation | 10 minutes | 10 | N | Individual | N |
| Essay | 2500 words | 45 | N | Individual | N |
| Final Exam | 24 hours | 45 | N | Individual | N |

Prescribed Texts

- Peter Williams (ed), The Environmental Law Handbook: Planning and Land Use in NSW (Thomson Reuters, 6th ed, 2016).