

ENVS2002: Environmental Legislation and Planning

Callaghan and Ourimbah
Semester 1 - 2024



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description The environment cannot speak for itself. As such, it requires legal protections and controls to be put in place to ensure its survival. This is essential not only for our current needs but also those of future generations. This course begins by outlining how the Australian legal system works. It considers the role of international conventions and their implications for environmental control both internationally and nationally. It then turns its attention to examine the environmental planning system of land use and development control in NSW. The course introduces you to the different types of environmental assessments required, as well as a range of regulatory approaches used to achieve a greater understanding of the environmental impacts of development proposals and activities within the State. Through a combination of lectures (face-to-face, online and specialist guests) and tutorials, you will explore how environmental legislation and planning laws work in NSW against the backdrop of Australia's legal environmental obligations.

Academic Progress Requirements Nil

Requisites This course replaces ENVS2010. If you have successfully completed ENVS2010 you cannot enrol in this course.

Contact Hours

Lecture
Face to Face On Campus
2 hour(s) per week(s) for 13 week(s) starting Week 1

Tutorial
Face to Face On Campus
1 hour(s) per week(s) for 13 week(s) starting Week 1

Unit Weighting Workload 10
Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

COURSE OUTLINE

CONTACTS

Course Coordinator	Callaghan and Ourimbah Dr Meg Sherval Meg.Sherval@newcastle.edu.au 61 2 4921 6809 Consultation: Please email for appointments
Teaching Staff	Ms Stephanie Nevin - Sparke-Helmore Lawyers - Guest Lecturer Mr Matthew Coxhill - Callaghan Tutor Ms Liz Murphy-May - Callaghan Tutor
School Office	School of Environmental and Life Sciences Room C228 Chemistry Building Callaghan Science-SELS@newcastle.edu.au +61 2 4921 5080 9am-5pm (Mon-Fri) School of Environmental and Life Sciences SO-104 / SO-105 Science Offices OURIMBAH Science-SELS@newcastle.edu.au 4349 4568 / 4348 4115 9am-5pm (Mon-Fri)

SYLLABUS

Course Content	1. Australia's legal system – framework, constitution and control.2. The introduction of environmental law – nationally and internationally.3. The NSW planning system – land use, legislation, and assessment.4. Regulating the environment and its use – environmental accidents, lessons learnt and ensuring protection for the future.
Course Learning Outcomes	On successful completion of this course, students will be able to: <ol style="list-style-type: none">1. Understand and describe the legal frameworks that exist for environmental laws in the Commonwealth and NSW, including the role that international agreements play;2. Illustrate an understanding of the NSW environmental planning system;3. Identify and explain the constraints on development imposed by environmental planning and pollution control laws, and demonstrate knowledge of the various types of environmental assessments that need to be undertaken in relation to particular development activities;4. Critically assess and evaluate key areas of NSW environmental regulation, such as threatened species, biodiversity legislation, marine protection laws, and cultural heritage.
Course Materials	Other Resources: <ul style="list-style-type: none">- A detailed 'Study and Assessment Guide' (SAG) has been prepared for this course. It outlines each week what is being covered in the lectures and tutorials and what extra work/ readings students are required to do to be completely informed on the topics taught week by week. It also outlines in great detail, the requirements for the Major Assignment (Assessment 2) in this course. It can be downloaded from Canvas. Recommended Reading: <ul style="list-style-type: none">- Lyster, R. et al (2021) Environmental & Planning Law in NSW. Williams, P. (Ed) (2016) The Environmental Law Handbook. Earlier editions of these books are fine, but note that some of the laws may have changed a little. There are copies of these books in the library and University Bookshops. They are good sources of legal and practical knowledge if you plan to go into an Environmental profession.

SCHEDULE

Week	Week Begins	Topic	Learning Activity	Assessment Due
1	26 Feb	What is Environmental law? How does it function and fit in with the Australian system of government?	Download and read through the Study and Assessment Guide - SAG (available on Canvas). This is not the same as the Course Outline.	No Tutorials this week. Starting in Week 2
2	4 Mar	Emergence of environmental law in Australia. Federalism and the environment.	Continue readings and activities from SAG.	On Campus Tutorial - The Assessments. Bring SAG to class
3	11 Mar	The EPBC Act and International treaties.	Continue readings and activities from SAG.	On Campus Tutorial - The Major Assignment.
4	18 Mar	Introduction to Environmental Planning 1 (Guest Lecturer)	Continue readings and activities from SAG.	No Tutorial, complete online Quiz (Assessment 1). Due Sunday 24th 11.59pm.
5	25 Mar	Introduction to Environmental Planning and Legislation 2 (Guest Lecturer)	On Campus- computer lab workshop (Note: room change for this week only).	On Campus Computer Workshop on Major Assignment.
6	1 Apr	Regional strategic land use policy, Environmental Justice and Transition [Online: Due to Easter Holidays when our lectures are scheduled]	Continue readings and activities from SAG.	Easter Monday and Tuesday
7	8 Apr	Public Participation in environmental planning/Land & Environment court (shorter lecture -1-1½ hours)	Continue readings and activities from SAG. Watch YouTube clips in own time.	No Tutorials. Drop-In sessions for help on Major Assignment. Contact tutors.
Mid-Semester Recess				
Mid-Semester Recess				
8	29 Apr	Biodiversity & threatened species legislation (shorter lecture -1-1½ hours)	Continue readings and activities from SAG. Finalise work on Major Assignment.	No Tutorials. Major Assignment due this Sunday May 5th 11.59pm.
9	6 May	Marine and fisheries legislation and planning.	Continue readings and activities from SAG.	On Campus Tutorial Discussion - 'Super Trawlers' and Netting practices.
10	13 May	Indigenous heritage & environmental planning.	Continue readings and activities from SAG.	On Campus Tutorial Discussion –Juukan gorge destruction and ongoing heritage issues.
11	20 May	Pollution Control	Continue readings and activities from SAG.	On Campus Tutorial Discussion - Repurposing Waste and the Circular Economy.
12	27 May	Course - Wrap-up and Exam Revision (1 hour lecture)	Complete any unfinished readings and activities from SAG.	No Tutorial - material covered in lecture.
13	3 Jun	No Lecture - Revision Week	Start making revision notes	Revise lecture, SAG and tutorial materials.
Examination Period				
Examination Period				

ASSESSMENTS

This course has 3 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Online quiz	Sunday March 24th, 11.59pm	Individual	25%	1, 2
2	Major Assignment/Case study	Sunday May 5th, 11.59pm	Individual	35%	1, 2, 3, 4
3	Formal examination	As per Examination Timetable	Individual	40%	1, 2, 3, 4

Late Submissions The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

Assessment 1 - Online quiz

Assessment Type	Quiz
Purpose	The purpose and benefit of the quiz is to test knowledge of key legislation, fundamental concepts and highlight areas for revision from the first three weeks of the course.
Description	The quiz is comprised of a range of multiple choice questions. It is administered online. This quiz will test your knowledge of the EPBC Act, the structure of Australian Government and International environmental law pertaining to Australia. Each student will be required to answer 25 randomly generated multiple choice questions. Students can take the quiz any time between 5am Friday 15th March and 11.59pm Sunday 24th March. Students may have up to two attempts and the system will record the highest mark.
Weighting	25%
Length	One hour
Due Date	Sunday March 24th, 11.59pm
Submission Method	Online Through Canvas.
Assessment Criteria	Understanding and revision of Weeks 1-3 topics.
Return Method	Not Returned
Feedback Provided	Online - April 5th.

Assessment 2 - Major Assignment/Case study

Assessment Type	Case Study / Problem Based Learning
Purpose	This assignment is to support your learning in relation to Development Assessment and Major Project approval in NSW. [It is essential that students attend the tutorials on this assessment and consult the Study and Assessment Guide].
Description	Environmental planning policy and legislation in NSW is a complex and politically impacted area. The case study will give you greater insight into NSW environmental planning legislation and its implementation. Planning is sometimes depicted as a technical issue defined and directed by legislation, but, as your case study will show (to varying degrees), it is more complex than that. Social, economic and political aspects interact with the law in a variety of ways. The case study is designed to help you understand the basics of the NSW environmental planning system as well as aid in your comprehension as to how law, politics, society and the environment influence each other in determining the outcome of development proposals.
Weighting	35%
Length	20 A4 pages
Due Date	Sunday May 5th, 11.59pm
Submission Method	Online Through Canvas.
Assessment Criteria	See Course Study Guide and Canvas for details.
Return Method	Online
Feedback Provided	Returned Work - By May 31st.

Assessment 3 - Formal examination

Assessment Type	Formal Examination
Purpose	The final formal examination is designed to test the individual student's knowledge of the course material and their ability to describe, analyse and hypothesise from this material.
Description	At the end of semester there will be a formal exam. This will test your knowledge of environmental planning and legislation as well as your ability to discuss the debates in the field. For the exam you will need knowledge of legislation (what it aims to do, how it works, what kinds of regulatory mechanisms it deploys), and also you will need to be able to discuss the implications and pros and cons of current regulatory approaches. The exam will be based on course materials, focus questions and required readings. The final lecture of the course will be devoted to helping you prepare for the exam and discussing its format.
Weighting	40%
Length	2 hours
Due Date	As per Examination Timetable
Submission Method	Online Formal Exam
Assessment Criteria	Knowledge of the whole Course.
Return Method	Not Returned
Feedback Provided	No Feedback

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Communication Methods

Communication methods used in this course include:

- Canvas Course Site: Students will receive communications via the posting of content or announcements on the Canvas course site.
- Email: Students will receive communications via their student email account.
- Face to Face: Communication will be provided via face to face meetings or supervision.

At the start of each week, there will be an Announcement on Canvas outlining what we are covering in lectures and tutorials and where to find extra information if needed. Any important changes, students will be emailed via their UoN email address.

Course Evaluation	<p>Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.</p> <p>Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.</p> <p>As a result of student feedback, the following changes have been made to this offering of the course:</p> <ul style="list-style-type: none">- As a result of student feedback, the following changes have been made to this offering of the course:<ul style="list-style-type: none">○ Extra tutorials have been added to support each topic.○ The number of assessments have been reduced.
Oral Interviews (Vivas)	<p>As part of the evaluation process of any assessment item in this course an oral examination (viva) may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the Oral Examination (viva) Procedure. In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the Student Conduct Rule.</p>
Academic Misconduct	<p>All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to https://policies.newcastle.edu.au/document/view-current.php?id=35.</p>
Adverse Circumstances	<p>The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where:</p> <ol style="list-style-type: none">1. the assessment item is a major assessment item; or2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;3. you are requesting a change of placement; or4. the course has a compulsory attendance requirement. <p>Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: https://policies.newcastle.edu.au/document/view-current.php?id=236</p>
Important Policy Information	<p>The Help button in the Canvas Navigation menu contains helpful information for using the Learning Management System. Students should familiarise themselves with the policies and procedures at https://www.newcastle.edu.au/current-students/respect-at-uni/policies-and-procedures that support a safe and respectful environment at the University.</p>
Other Information	<p>Reasonable Adjustment Plans (RAP)</p> <p>If you are registered with AccessAbility and have been provided with a Reasonable Adjustment Plan (RAP), please ensure that you provide your Course Coordinator with a copy as soon as you can, or let your Course Coordinator know that you are still waiting for your RAP.</p>

This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.

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