

**LOCAL GOVERNMENT AND PLANNING – September 2013 Examination****Examiner's Comments**

Out of 17 candidates, 6 (35.29%) achieved a pass, 3 (17.65%) a pass with merit, and 7 (41.18%) a pass with distinction, including 3 with high distinction. There was 1 failure 1 (5.88%).

Students generally managed the available time well in addressing the required number of questions.

Some scripts were difficult to read with one student being required to subsequently provide a typed version under supervision. There were unfortunate losses of marks caused by failure to read questions.

I noted that:

- in answering question 1(a) some students wrongly contended that granting consent to enable development to be carried out had the effect of removing the restrictive covenant rather than suspending it. Some others correctly recognised that the council as the consent authority had responsibilities under section 79C of the Environmental Planning and Assessment Act (“the EPA Act”). Students generally addressed the issues in 1(b) competently.
- some students, in addressing question 2, were not aware that Part 3A of the EPA Act had been repealed. This was a serious error.
- question 3 was generally addressed competently. However, one student made a major error by contending that Local Government is not recognised in the Constitution Act 1902.
- in answering question 4(a), a number of students failed to recognise that “regularisation” of a breach of the EPA Act in carrying out unlawful building work required a building certificate and a consent to use the structure. Some students did not carefully read the question and failed to prepare the required letter to the council.
- a number of students failed to carefully read question 5 and mistakenly thought that the development consent was for a gymnasium to replace the outdoor swimming pool.

I was very pleased with the overall results and warmly congratulate the candidates who achieved passes with merit and distinction

Bill Henningham  
Examiner