

LOCAL GOVERNMENT AND PLANNING

MARCH 2013

EXAMINER'S COMMENTS

The students' answers were mostly either at grades of Distinction or a Pass. Two students did exceptional work, attaining High Distinction standard. There was one failure.

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

With two exceptions, handwriting was relatively easy to read. I found it impossible to interpret the handwriting of one of those two students and he/she was required by the LPAB to type his/her answers for marking.

My observations were:

- All students attempted question 1. However, some did not carefully consider the quotation and failed to properly address the tasks presented by the question. Some quoted expert opinions but did not present their own conclusions.
- In addressing question 2, some students failed to consider the decision of *Director-General DLG Re Cr C Gulaptis* PIT 2/2001, the facts of which are similar to those of the question. Some others failed to address part (b) of the question.
- Part (a) of question 3 required an understanding of the amendments to the Environmental Planning and Assessment Act 1979 ("the EPA Act") enacted since 1997 and a critical analysis of the extent to which they have served the needs of communities and proponents and achieved the objects of the Act. Part (b) was self-explanatory.
- Not all students who attempted question 4 realised the relevance of the leading NSW Court of Appeal decision of *Parramatta CC v Hale* (1982) 47 LGRA and, in particular, the judgment of Street CJ. Some facts in the question were similar to those in *Hale*.
- Part (a) of question 5 was self-explanatory. Part (b) required a thorough knowledge of what a development standard is, its purpose and the controversial decisions on the topic. The facts of the question were drawn from the Court of Appeal decision in *Agostino & Anor v Penrith CC* (2010) 172 LGERA 380.

As in previous sessions, the answers of candidates who achieved distinction marks displayed very well developed and concisely expressed arguments leading to valid conclusions. They expressed a number of original well thought out opinions.

I warmly congratulate the candidates who achieved passes with merit or distinction.

Bill Henningham
Examiner