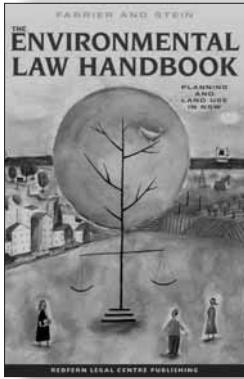


The Environmental Law Handbook (4th ed)

By David Farrier and Paul Stein (Editors) | Redfern Legal Centre Publishing, 2006



Two major legal developments in the last quarter of a century have been the growth of environmental law and the move towards the use of plain English in the law.

Today environmental law probably excites more passion among non-lawyers than any other legal subject except criminal law.

Consequently, there is a particular need for an environmental law book written in plain English which makes the law accessible while not shying away from its complexities. The fourth edition of the *Environmental Law Handbook* meets this need admirably.

This edition is based on contributions by over 20 authors in the legal profession and academia, supported by many others and a team of plain language editors. As a book with many authors, it should do for environmental law what Parkinson's multi-authored *Principles of Equity* (2nd ed) has done for equity.

The editors are well known to New South Wales lawyers. Paul Stein was formerly a judge of the Court of Appeal and a judge of the Land and Environment Court of New South Wales. David Farrier is professor of law at the University of Wollongong. They point out in the preface that environmental law in NSW is unnecessarily complex because of a history of many piecemeal legislative changes, and in that respect differs from most areas of the law where legislatures are relatively inactive. As they say, environmental law is a moving target. This edition captures the version that existed at the time of writing.

The Environmental Law Handbook, the first edition of which appeared in 1988, has evolved from its origins in the law relating to planning and land use in NSW, although that remains its primary focus. There is an extensive overview of environmental law in chapters one and two. Chapter three is concerned with land use planning.

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It analyses a fundamental concept in environmental management, the control of land through planning instruments. The distinction is noted between environmental planning instruments made under the *Environmental Planning and Assessment Act 1979* (NSW) which are legally binding, and other planning instruments which are not legally binding, including development control plans, which are governed by statutory procedural requirements, and council codes and policies which are not so governed. A reference here to the leading case of *Stockland Development Pty Ltd v Manly Council* (2004) 136 LGERA 254 (McClelland CJ) would have been useful, although it is referred to in chapter five.

There follow 16 chapters dealing with particular areas:

- ◆ public lands;
- ◆ development;
- ◆ environmental assessment in NSW;
- ◆ Commonwealth environmental assessment;
- ◆ local government;
- ◆ pollution control and waste disposal;
- ◆ agriculture;
- ◆ biodiversity conservation;
- ◆ forestry;
- ◆ coastal and riverside land;
- ◆ water supply;
- ◆ catchment management;
- ◆ heritage protection; mining; fisheries; and
- ◆ land rights and native title in NSW.

Witty, pertinent cartoons at the beginning of each chapter provide a welcome departure from the traditional presentation of a legal book.

If only two books were to be acquired to start an environmental law library in NSW, they should be this book and Bates's valuable *Environmental Law in Australia* (2nd ed, 2002).

Reviewed by Justice Peter Biscoe