

New Text on Environmental and Resource Management Law

ENVIRONMENTAL AND RESOURCE MANAGEMENT LAW, edited by DAR Williams, Butterworths, Wellington, 2nd edition 1997, lxxxiv and 694pp.

The first edition of this work was called simply *Environmental Law*. It was published in 1980. It had virtually nothing to say about the Town and Country Planning Act, then the principal statute concerned with land use control. By way of contrast the second edition has major sections relating to the Resource Management Act 1991, which of course has land use control as one of its major concerns. This change of emphasis is one example of the way in which the approach to environmental law has changed since 1980. The holistic approach to the environment reflected in the provisions of the Resource Management Act was in its infancy at the time of the first edition. What I have just said should not derogate in any way from the importance of the first edition. It was a major text at the time and an essential companion for anyone studying or practising in the area of environmental law.

The second edition builds on the scholarship and practicality of the first. As already indicated it contains extensive reference to the Resource Management Act. It has the advantage of input from a team of writers, including academics and practising lawyers. The result is a text which will be as essential for students of environmental law as it will be for practitioners. A list of the topic headings serves to identify the content of the book. The first two chapters provide an introduction to and the sources and institutions of environmental law. Chapters 3 and 4 deal particularly with content of the Resource Management Act. The next series of chapters address Forests,

Trees and Native Plants, Mining, Water Law, Marine and Air Pollution, Pesticides and other Hazardous Substances, and Noise. Chapters 12 and 13 deal with Environmental Assessment and Environmental Litigation and Dispute Resolution. The final chapter addresses the enforcement provisions of the Resource Management Act. What that reference to topic headings does not indicate is the pervasive impact of the Resource Management Act in respect of virtually all of those topics. Indeed, my one criticism of the subject matter of the book is that it fails to place the emphasis which I would have thought appropriate on the importance for anyone considering a major development application of identifying the various consents needed in terms of the Resource Management Act.

For example an application to establish a new port could require land use and subdivision consents, water related consents, consents relating to both marine and air pollution and consents relating to noise. In addition Treaty of Waitangi issues will need to be addressed and there may be consents required relating to impact upon trees and native plants. Application may need to be made to the District Council, the Regional Council and the Minister of Conservation and be heard by a joint committee. The effect of not making all of the necessary applications may be that the start of a project is delayed while extra consents are obtained.

The implications which arise for those involved in such an application is as I have indicated a matter which could usefully have had greater emphasis.

A way of assessing the success of the publication would be by measuring it against the claims made for it by its publishers. On the back cover of the book the following claims are listed:

First comprehensive treatise on the Resource Management Act 1991
Written and edited by leading environmental law experts
Complete coverage of environmental and resource management law
Practical guidance in handling environmental litigation and dispute

resolution.

An essential work for the busy resource management practitioner

Invaluable source of reference for students.

Subject to the issue raised above which impacts upon the question of practical guidance, I consider that all these claims are well founded and amply met by the book.

A most impressive feature of the publication is its footnotes. They provide a wealth of reference for the student, the academic and the practitioner. Another very valuable feature is the reference to past legislation. Under every heading it is possible to identify the genesis and background to the existing legislation.

There is no doubt that this is a work of considerable scholarship which will inform and assist for a number of years to come. It is perhaps a shame that it is not in loose-leaf form, because as the publication itself notes, the area of environmental law is one in which development has been and continues to be so rapid, that constant revision will be necessary if the publication is to remain truly up to date. Having said this, it is the case that there are available at least two excellent annotated statutes dealing with the Resource Management Act and these serve at least to some extent to fill the gap left by the fact that updating will be a more difficult process than would be the case if this publication was a loose-leaf one.

For a work of such quality the price of \$135 inclusive of GST is very reasonable by today's standards. Even more reasonable is the student discount price of \$114.75.

Justice Peter Salmon