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Cremorne Point

NSW 2090

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Native Vegetation Regulation Review
Conservation Policy and Strategy Section
Office of Environment and Heritage
Level 12, PO Box A290
Sydney South, NSW 1232

Dear Sir/Madam,

Submission to Review of NSW Draft Native Vegetation Regulations

Thank you for the opportunity to make a submission to this important review.

I am a resident of Sydney and also spend much time at my beach house on the south coast. I am an economist who has worked on issues of environmental policy for many years, including on native vegetation issues.

The existing overall approach and benefits should be maintained

The 2003 package of legislation, regulation and assessment methodology of which the regulations currently under review are a part was a significant reform package that has had a significant beneficial environmental impact in at least stabilizing the level of native vegetation and associated broadscale clearing. Any changes made to the regulations, as well as any subsequent changes to the legislation, should at least maintain that impact going forward.

Concern about more exemptions

I am concerned that the proposed regulatory changes will not maintain let alone advance the gains that have been made to date. In particular, in the name of streamlining green tape, the number of exemptions under the regulations would be increased. This will be done in part by substantially increasing the number and type of so called routine management practices that will no longer be subject to assessment under the act.

Lack of cost benefit analysis of streamlining

Where is the benefit cost analysis that substantiates these proposed changes? How do you know that the benefits accruing to land managers by reducing their approval and compliance costs and time will outweigh the resulting loss of native vegetation as habitat and as ecological services such as in water and soil quality? It is not even proposed that resources be made available to track and monitor these losses and most importantly their cumulative impact.

Do not dilute role of PVP and CMA in making informed local level trade offs

The philosophy behind the act, its regulations and methodology recognized the important role, responsibilities and skills of land managers while balancing this with the overall, systemic needs of protecting native vegetation, habitat and ecosystem sustainability. Property vegetation plans prepared by land owners are assessed at the local catchment level by the catchment management authorities (CMA). The assessment and trade offs required are made at the local level and drawing informed by any necessary scientific inputs.

That philosophy and associated practices are as they should be. They should not be prejudiced and undermined as they will be by the proposed changes. This will be the effect of declaring whole new swathes of so called routine management practices that will be exempted from and outside the purview of these important processes.

Balancing vested versus wider interests

This should not be allowed to happen and certainly not in the absence of any thorough benefit cost analysis of the supposed net benefits from so-called streamlining of the regulations. That way lies the path of catering to those with the most direct self and vested interest against the broader community benefit and interest in maintaining a sustainable environment and the place of native vegetation within that.

Eco system services payments to landholders

The proposed changes and the associated existing suite of legislation and measures do arguably fall short in one other important economic respect. There is no recognition or provision for the concept and value of eco system services. Native vegetation sustainably managed by land owners does provide a benefit to the environment and the community and this can be to the cost of the landowner. This is a market failure. A system of eco system services payments to landholders who manage their land sustainably for native vegetation should be examined.

Avoid total cost shifting to landholders

There is experience here and overseas with eco system services payments. Such a scheme as a complement to regulations and planning might more effectively and efficiently balance landholder and wider environment and community interests than the current purely command and control system of regulations. In particular, it might avoid the often heard concern that the current approach shifts environmental costs solely onto the landholder.

Yours sincerely,

Michael Lester