

Flora and Fauna Guarantee Act Amendment Bill

Local Government perspective

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Introduction

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Biodiversity Planners Network

- Discuss emerging issues with the aim of providing advice to policy makers and to advocate for the protection of biodiversity
- Share knowledge and experience to improve the implementation and outcomes of legislation and policy (e.g. local policy, P&E Act)
- Provide an ongoing mechanism and forum for communication, consultation and liaison with other government agencies and stakeholders on biodiversity issues
- Provide opportunities for professional development, peer support and communication

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Role of Council in Biodiversity Management

Council's are an important and active participant in the management, protection and enhancement of Victoria's biodiversity, including as a land manager and via its roles in:

- Strategic and statutory land use planning
- Road and roadside management
- Parks, open space and reserve management
- Partnering and supporting local community conservation groups such as Landcare and Friends of Groups
- Supporting land management on private land through incentives, advice, education and rate rebates

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Council Activities in Biodiversity Management

- Weed and pest management
- Revegetation and rehabilitation of sites
- Management of grant programs and auspice for community groups
- Development and implementation of Biodiversity/environmental strategies
- Strengthening of local planning schemes
- Community education and assistance

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Nillumbik Shire Biodiversity and the FFG Act

- Threatened species management on public and private land
- Threatened Orchid recovery group
- Eltham Copper Butterfly recovery
- Translocation and monitoring projects
- Nillumbik Biodiversity Strategy
- Landscape scale grant programs
- Roadside management
- Development and infrastructure projects



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The current FFG Act and Local Government

- The Act established controls for what may happen on public land, these controls largely do not apply on private land
- It meant that the Act had been ineffectual in influencing or preventing actions that result in negative biodiversity impacts on privately owned land
- Biodiversity impacts on private land are primarily governed by clauses 52.16 and 52.17 of planning schemes or relevant overlays under the *Planning and Environment Act 1987* and by the *Wildlife Act 1975*

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The current FFG Act and Local Government

- The Act has been difficult to enforce and lacks enforcement tools
- The definition of a public authority was not clear and the protected flora controls were ambiguous as to how they applied to private land owned by a Government Authority (e.g. Local Government freehold (private) land)
- No regulatory framework supporting the Advisory listed species



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Amendment to the FFG Act – anticipated impact to Local Government

- Clarity on public authority definition: A municipal council is now specifically defined as a 'public authority'
- Land owned by Local Government is now considered public land under the Act and protected flora controls will now apply to Council owned land
- Public authorities (such as Local Government) now have to give proper consideration to the objectives of the Act

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Amendment to the FFG Act – anticipated impact to Local Government

- New exemption for the need for a permit to take protected flora for public authorities acting in accordance with a public authority management agreement under the Act
- All stakeholders need to be involved in the development of any management agreements such as committees of management and recovery groups

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Amendment to the FFG Act – anticipated impact to Local Government

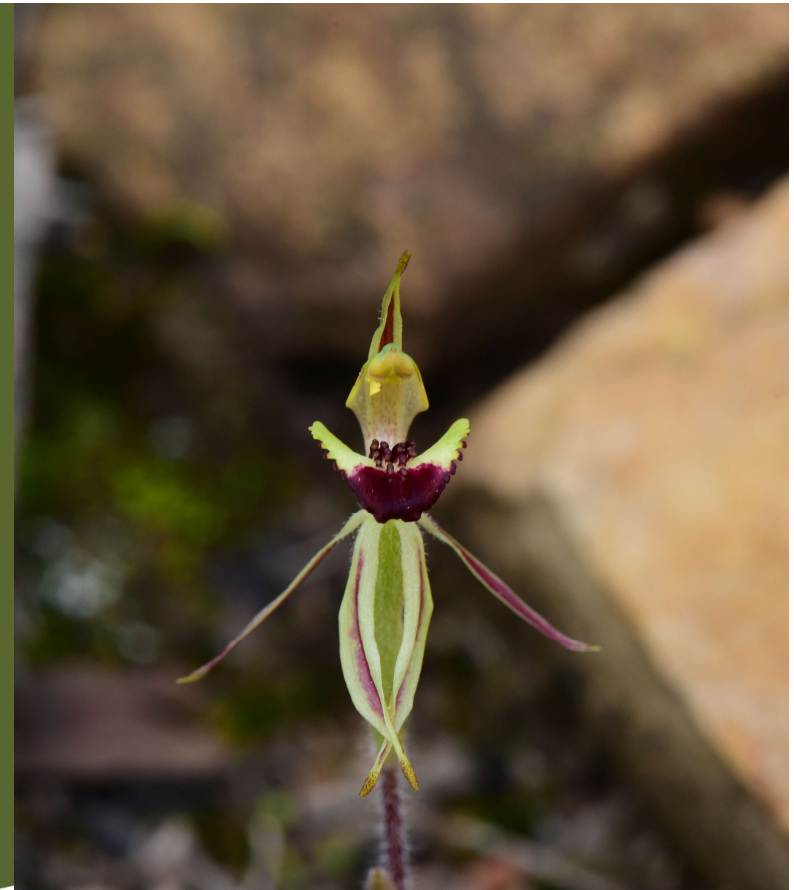
- Clarification on the determination of critical habitat, particularly on private land, and how a public authority can work with a landowner in this space
- Compensation for private landowners where a critical habitat has been identified and a habitat conservation order is put in place
- Changes to listing and common assessment method

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What we need:

- Guidance is required on how a public authority needs to act consistently with the Duty and objectives
- Clarification on the public authority management agreement
- Clarification on how it will apply in conjunction with the Planning and Environment Act



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Conclusion

Supportive of proposed changes particularly:

- the establishment of state-wide biodiversity targets
- the involvement of Traditional Owners and their connection to country
- potential improvements to private land conservation
- recognition of the threat of climate change
- promoting a landscape or area based approach to biodiversity planning



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