Flora and Fauna Guarantee Act Amendment Bill

Local Government perspective
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
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
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
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
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*. 


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
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
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
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
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
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