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15 March 2017

Review of the FFG Act
Regulatory Strategy and Design
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 8002

Dear Sir/Madam,

Wyndham City welcomes the opportunity to comment on the proposed changes to the Flora and Fauna Guarantee Act 1988. Wyndham City can see many opportunities for improvement to the Act and is overall supportive of the proposed amendments.

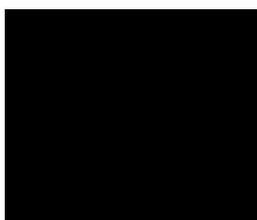
Wyndham City is a member of the LGPro Biodiversity Planning Network (BPN). The BPN is a group of local government practitioners who are professionals in the environmental field. The BPN has workshopped and submitted a more detailed and technical response to the review. Wyndham supports the BPN submission and submits the following additional principles and comments:

- The review lacks a holistic view of biodiversity protection – there is a need to review all biodiversity and planning regulations together to streamline and improve regulations as there are currently gaps and overlap in legislation. Potentially some Acts, such as the Catchment and Land Protection Act 1994, the Wildlife Act 1975, the Planning and Environment Act 1987 and the Flora and Fauna Guarantee Act 1988 could be merged. Separate Acts that govern the same thing can be confusing for the community and for government, and therefore may not be effective in protecting our flora and fauna.
- Conservation of threatened species on private properties is not addressed adequately. Threatened species occurring in or relying on non-native vegetation are not covered by the Planning and Environment Act or by the Flora and Fauna Guarantee Act, particularly when occurring on private land.
- In some cases, threatened species occurring on private land are protected by Environmental Significance Overlays (ESOs) – would this be the expected case for other nominated species? If so, this would likely be impractical if a large number of species require these overlays, and would likely be difficult to apply due to push back by affected residents. Would local governments be responsible for seeking and applying overlays, or would DELWP?
- Much of the burden of work to apply ESOs and to enforce compliance appears to fall to local governments – this puts a strain on resources in the current rate-capping environment.

- Objectives need to include targets for improving biodiversity, rather than just reducing loss, and take into account the importance of preserving genetic diversity in an increasingly fragmented landscape.
- Objectives need to be set with input from local government, and must also be measurable, realistic and affordable, without undue burden on Councils.
- The Act needs to state clearly what the duties of public authorities are, and how they must be met. Many significant grasslands and species in Wyndham are for example located within rail reserves which are currently declining in quality and condition.
- Time frames and review periods for priority actions for each species need to be available and reasonable. Actions also need to be enforced and strategic, rather than just allowing agencies to pick and choose which actions they will achieve – this will not allow for large scale, strategic protection of species. What if no agencies are able to achieve actions? Will nothing happen?
- The Act only focusses on threatened species and communities. There should also be a focus on increasing other biodiversity, and preventing species and communities from becoming threatened.
- Salvage and relocation plans for threatened species are no longer being implemented and as a result, threatened species are being lost to construction. New approaches to protecting these species need to be developed and implemented.
- The International Union for Conservation of Nature (IUCN) species listing criteria doesn't take into account land tenure – if a species only occurs on road reserves or private property, it becomes less safe and more likely to decline. This should be taken into account when listing species.
- Penalties need to be strengthened and new compliance and enforcement tools provided. Wyndham City would like to see this process mapped out in conjunction with local government to discourage the removal of native vegetation.
- If penalties are applied under the revised Act, it may cause confusion for landowners if they do not require a permit under the Flora and Fauna Guarantee Act, but rather under the Planning and Environment Act 1987. While Wyndham City is supportive of stronger penalties for illegal vegetation removal, there may be some issues with transparency if two Acts are applying different penalties for the same infringement, especially when only one Act triggers the need for a permit.

Wyndham City is keen to work with the Department of Environment, Land, Water and Planning to improve the Flora and Fauna Guarantee Act 1988 and to continue to protect Victoria's native vegetation. If you would like to discuss this submission, please contact Wyndham City's Environmental Planner, [REDACTED]

Kind Regards



Manager Environment & Water

