

Our ref: [REDACTED]

28 March 2017

Review of the *Flora and Fauna Guarantee Act*  
Department of Environment, Land, Water and Planning  
**Level 2, 8 Nicholson Street**  
**EAST MELBOURNE VIC 3002**

Dear Sir / Madam,

**Review of the *Flora and Fauna Guarantee Act* – Consultation Paper**

Coliban Water welcomes the opportunity to comment on the review of the *Flora and Fauna Guarantee Act 1988*.

Coliban Water provides drinking water and wastewater services to central and northern Victorian communities across approximately 16,500sq km. Our assets include reservoirs, channels, water and wastewater treatment plants, pump stations and water, sewer and recycled water mains. These assets occur across a number of land tenures including freehold land and Crown Land.

The *Flora and Fauna Guarantee Act* (the Act) is relevant when planning the construction of new assets and maintaining existing ones where this impacts on Victoria's biodiversity.

Coliban Water supports the proposed changes to modernise and strengthen legal protection of biodiversity in Victoria, given its continued decline over the past decades. The timing of the review of the Act to coincide with reviews of the Biodiversity Plan and the native vegetation regulations should allow the regulatory system to be better coordinated.

In particular, the prevention and reversal of long term decline with a focus on landscape and area-based biodiversity planning and the recognition of climate change as a key threatening process is supported.

We also support the following proposed improvements;

- The establishment of state-wide biodiversity targets with regular progress reports for enhanced accountability and transparency,
- Development of principles to guide consistent decision making across government,
- Adoption of the Common Assessment Method for consistency and clarity in conservation status,

- Criteria to define critical habitat and a collaborative approach with incentives and regulatory controls to protect and restore them,
- Improved compliance and enforcement of the Act,
- Review of the protected flora list, for example;
  - Coliban Water regularly obtains *Permits to take protected flora* in addition to planning permits for the removal of common and abundant species such as Drooping Cassinia, *Cassinia arcuata*.
  - Review of anomalies between legislative frameworks such as where the immediate removal of dangerous trees (Acacias) is exempt from requiring a planning permit under an Emergency Exemption, but still requires a *Permit to take protected flora*.

The introduction of criteria reflecting the real intent of the protected list will resolve these issues and streamline the approvals process.

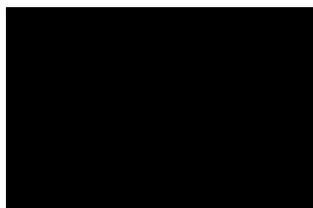
Coliban Water welcomes further clarification of the following;

- The expectations on public authorities in regard to the objectives of the Act, in terms of decision making and earned autonomy,
- The definition of “public land”. The term is used inconsistently within the Review document and there is ambiguity around the term ‘public land’ due to differing definitions across legislative frameworks. A consistent definition is sought to benefit the understanding of all stakeholders. Our preference would be for the definition to apply to crown land only.
- The definition of “public authority”,
- The use of public authority management agreements,
- How the proposed improvements will be resourced, implemented and enforced.

The potential improvements to the revised Act cannot effectively protect biodiversity without increased and guaranteed long term funding. The influence of climate change and population growth will mean that biodiversity protection will become more critical over time.

Please do not hesitate to contact me if you wish to discuss this submission further.

Yours sincerely



**Environmental Specialist - Projects**