

## Murray Catchment Management Authority

### Discretion Report under the *Native Vegetation Act 2003* in relation to a Minor Variation (clause 27 of the *Native Vegetation Regulation 2005*)

Report prepared by: Accredited Expert No: 30646

PVP Reference Number: 9432

I am of the opinion that:

- (a) a minor variation to the Assessment Methodology would result in a determination that the proposed clearing will improve or maintain environmental outcomes (other than a variation that is not allowable under this clause); and
- (b) strict adherence to the Assessment Methodology is in this particular case unreasonable and unnecessary.

The proposed minor variation does not relate to any of the following aspects of the Assessment Methodology:

- (a) riparian buffer distances or associated offset requirements;
- (b) classification of vegetation as likely habitat for threatened species;
- (c) classification of a plant species as a threatened species or a component of an endangered ecological community;
- (d) classification of the condition of vegetation;
- (e) classification of the vegetation type or landscape type as overcleared; or
- (f) the assessment of the regional value of vegetation.

#### Description of the proposed clearing

The proposed clearing of remnant vegetation consists of 1.75 hectares of Lignum/Chenopod Intermittent Swamp for the purpose of installing a water recycling dam as part of a Murray Irrigation Land and Water Management Plan (LWMP). The proposed offset site consists of 18 hectares of Lignum/Chenopod Intermittent Swamp. This proposal is currently receiving a red light in the *Salt Mobilisation* tool.

#### Background

1. The developers of the LSC tool and salinity assessment tools have designed the tools to consider the hydrologic impact of removing various types of native vegetation and its subsequent impact on recharge, salt mobilisation and stream salinity outcomes.
2. In the *Salt Mobilisation* tool, a value called the 'Salt Mobility Index' (SMI) is used to determine an assessment of the potential for salt to move in the landscape 'prior to' clearing and 'post' clearing of native vegetation. The SMI takes into account the area and type of vegetation to be cleared, the condition of the vegetation in the clearing and offset areas, the salt-store class of the soil and the proposed land-use after clearing.
3. In order to meet the Improve or Maintain (IoM) Test for Landscape Value, any negative score derived using the SMI for the clearing site, must be counterbalanced by a commensurate increase in SMI score on the offset site.
4. Where strict adherence to the Assessment Methodology is unreasonable and unnecessary, Clause 27 of the *Native Vegetation Regulation 2005* makes provision for an accredited expert to exercise a minor variation. As the assessment of the *Salt Mobilisation* tool and Salt Mobility Index is not included in Clause 27(2), which lists aspects of the Assessment Methodology that are not able to be varied, it is an area of discretion subject to expert opinion and approval by the Murray CMA General Manager and/or Board.

### **Details of the proposed the minor variation**

It is proposed, in this instance when in order to meet the IoM Test for the '*Salt Mobilisation tool*', strict adherence to the Assessment Methodology is unreasonable and unnecessary when:

- the *Salt Mobilisation tool* does not allow for, or currently have a category available for clearing for the purpose of constructing a Water Recycling Dam;
- there will be an overall improvement to water use efficiency on this property as a direct result of installing a water recycling dam and associated improvements within the Land and Water Management Plan (LWMP);
- that the overall improvements in water use on this property will effectively counterbalance the negative Salt Mobility Index (SMI) score;
- the construction of the proposed dam will only occur subject to soil analysis and drilling according to Murray Irrigation Guidelines

In these circumstances, the overall improvement to water-use efficiency on this property is able to counterbalance the minor negative Salt Mobility Index in the *SMI Tool*.

### **Other factors taken into consideration**

The Accredited Expert has also taken into consideration the following factors in recommending this minor variation:

- The 18 hectare nominated offset has successfully enabled a green light for the Bio-metric Tool and the Threatened Species Tool

### **Recommendation**

That the *Salt Mobilisation tool* be varied to allow for a positive *Salt Mobility Index (SMI)* and hence a green light.