

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: 30643

PVP Reference Number: 2433

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 20 hectares of Riverine Plains Grassland and 52 hectares of Chenopod Shrubland. The proposed offset site consists of 205 hectares of Chenopod Shrubland and 105 hectares of Riverine Plains Grassland.

Principles

This minor variation is based on the principles that in landscapes where more than 70% native cover remains:

- loss of cover inside the 10ha and 100ha circles in *BioMetric* is very small compared with overall native vegetation cover, and loss of connectivity is insignificant
- offsets should allow biodiversity to be improved across large areas, including core conservation areas, particularly by improved grazing management for biodiversity

Background

1. In the *BioMetric* tool, 'Landscape Value' is an assessment of the spatial configuration of native vegetation up to 1000ha around the proposed development and offset sites. It includes an assessment of percentage cover within three concentric circles with radii of 1.75km (1000ha), 0.55km (100ha) and 0.2km (10ha).
2. Tools in the *PVP Mapper* allow concentric circles with these three radii to be overlaid on an image of the property (one group is centred on the proposed development site and another on the offset site). Cover is estimated in categories of 0–10%, 11–30%, 31–70%, or >70% within each of these circles.
3. In order to meet the Improve or Maintain (IoM) Test for Landscape Value, any reduction in native vegetation cover in circles centred on the development site must be counterbalanced by a commensurate increase within circles centred on the offset site.

4. Developing or redesigning properties with mostly extensive land uses (such as dryland grazing) and some intensive land uses (such as irrigated field crops) involves some loss of native vegetation cover. Biodiversity gains on these types of properties are best achieved by establishing core conservation areas managed for biodiversity as offsets for minor additional intensive development.
5. 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 Landscape Value 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.

Environmental basis for the minor variation

In order to meet the IoM Test for 'Landscape Value', strict adherence to the Assessment Methodology is unreasonable and unnecessary when:

- native vegetation cover in the relevant Mitchell Landscape is not >70% cleared;
- the vegetation type(s) to be cleared is not >70% cleared;
- native vegetation cover in the 1000ha circle centred on the development site remains in the same cover category with the proposed clearing; and
- the ratio between the area of native vegetation to be cleared and the area to be included in an offset is greater than 1:4.

In these circumstances, improved management of remnant native vegetation in the offset is able to counterbalance the loss of native vegetation cover in the 10ha and 100ha circles.

Factors taken into consideration

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

- the relevant Mitchell Landscape (Murrumbidgee Channels and Floodplains) is not overcleared;
- the two vegetation types in which the clearing is proposed to take place (Chenopod Shrubland and Riverine Plains Grassland) are not overcleared;
- native vegetation cover in the 1000ha circle centred on the development site will remain in the same cover category with the proposed clearing;
- the ratio between the area of native vegetation to be cleared and the area to be included in the offset is greater than 1:4;
- the loss of biodiversity within the two smaller circles is relatively small in comparison with the overall remnant vegetation cover remaining;
- remnant vegetation connectivity remains intact; and
- improved livestock grazing management and replanting within the offset sites will counterbalance the loss of native vegetation cover in the 10ha and 100ha circles.

Recommendation

That the 'Landscape Value' in the *BioMetric* tool be varied to allow the loss of native vegetation cover in 10ha and 100ha circles not to be assessed.