



DECISION NOTIFICATION

Native Vegetation Act 1991

Application Number: 2020/2034/960

To: Nigel Blieschke
Torbreck Vintners Pty Ltd
Hillside Vineyard
50 Daly Road
Lyndoch SA 5351

Date Received: 21/09/2020
Date Registered: 02/11/2020

Applicant	Torbreck Barossa Valley Key contact: Nigel Blieschke, Viticulturalist
Landholder	Torbreck Vintners Pty Ltd
Purpose of application	Clearance required for expansion of vineyard operations at Hillside Winery
Description of native vegetation under application	0.12 ha patch and 69 scattered trees are proposed to be cleared. Patch A1 = 0.12 ha of regenerating <i>Eucalyptus camaldulensis</i> , <i>Eucalyptus odorata</i> and <i>Acacia pycnantha</i> , all germinated after 1986. 69 Scattered trees (including one clump of 28 trees) <ul style="list-style-type: none">• 28 x <i>Eucalyptus camaldulensis</i>• 5 x <i>Acacia pycnantha</i>• 2 x <i>Allocasuarina verticillate</i>• 31 x <i>Eucalyptus odorata</i>• 3 x <i>Eucalyptus leucoxydon ssp pruinosa</i>
Location of the application	Parcel: D21345 A1 (111.6 ha) Hundred: Barossa Title: CT 5576/287 Location: Hillside Vineyard, 50 Daly Rd, Lyndoch

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Section 28 of the *Native Vegetation Act 1991*.

In respect of the application, subject to the conditions listed below, you are informed that the Native Vegetation Council:

1. **Grants consent**, subject to the following conditions, to the clearance of 69 trees and 0.12 ha of native vegetation in the area shown on the attached Decision Plan(s) 2020/2034/960 for the purpose of expanding vineyard operations at Hillside Winery.
2. **Grants consent**, subject to the following conditions, to the establishment of an SEB credit area over 14.09 ha providing 29.63 SEB points of credit.

Reason for Decision:

- The clearance of native vegetation under application is not Seriously at variance with the Principles of native vegetation clearance.
- The establishment of SEB Credit is considered to meet the requirements of Section 25A(1)(a)(i) of the Act.



Conditions

The following conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and that those impacts are sufficiently offset through the provision of a significant environmental benefit. These conditions are binding on the applicant and all current and future owners and occupiers of the land.

1. No clearance is to occur until the attached form, "Decision Notification Acknowledgement", is signed and returned to confirm that the applicant and anyone else who is a party to the agreement, understand and will comply with the decision, including all the associated conditions.
2. No clearance to occur until any relevant planning approval has been sought and obtained;
3. **PRIOR** to any clearance being undertaken the landowner must obtain, if necessary, the relevant water allocation and irrigation licensing;
4. The landowner must ensure that only native vegetation approved for clearance (refer to attached Advisory Plan numbered 2020/2034/960 Plan 1) is cleared whether by the landowner or any other person undertaking clearance;
5. The landowner is to permanently set aside and actively manage three areas of native vegetation totalling 14.09 ha providing the minimum SEB points of 89.25, in the attached Plan numbered 2020/2034/960 Plan 2, for the growth of native vegetation and for no other purpose.

*Note – the applicant is credited, in accordance with Section 25A(1)(c) of the Act, with achieving an environmental benefit that is in excess of any requirement under the Act. This provides **29.63 SEB Points of Credit** that is available for future use to achieve an environmental benefit required under the Act, or for the assignment of those credits in accordance with Section 25B of the Act. The Native Vegetation Council will consider the extent to which the attached conditions of this approval have been complied with when considering any application to apply or assign credits and may adjust the value of the credits accordingly.*

6. The landowner is to manage the set aside in accordance with the SEB management plan to permanently maintain that land for the purpose of growth of native vegetation and management of environmental threats and degrading processes. The SEB management requirements include:
 - (a) permanent exclusion of stock. Stock grazing may be permitted on occasions, but only if grazing is required for the sole purpose of ecological management and undertaken in accordance with an approved management plan;
 - (b) where required, erect and maintain fences and gates in good stock proof condition at all times. Fencing to be completed prior to undertaking the clearance. (Note: Where the adjoining land is to be kept free of stock, no fencing is required unless grazing of the adjacent land is proposed);
 - (c) undertaking an effective and ongoing weed and rabbit control program within the set-aside area to ensure the successful regeneration of native vegetation in the area;
 - (d) not to erect, place or permit any structure or dwelling to be placed on the SEB area, other than approved signs;
7. Members of the Native Vegetation Council or a person who is an authorised officer under the *Native Vegetation Act 1991* may at a reasonable time enter the property of the landowner for the purpose of assessing and recording any matter relevant to this consent. A person undertaking such an assessment may be assisted by other suitable persons. Any such inspection will only be taken after there has been an attempt to contact the landowner; and
8. The landowner must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.

9. The decision is valid for a period of 2 years from the decision date, after which time a new application will be required.

Signature	
Date	Adam Schutz Delegate – Native Vegetation Council 26/11/2020 (Decision Date)

Notes

1. Conditions

Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. Should any clearance occur in accordance with this decision, the conditions are enforceable in full.

If the conditions of a consent cannot be satisfied, a new or amended consent will be required before any clearance can commence or be continued.

2. Amended decisions

Where a decision is amended, all previous versions of the decision are null and void.

3. SEB Areas

All areas established as a condition of consent to provide a significant environmental benefit, whether through revegetation, management or protection of an area of native vegetation, are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.

4. Monitoring

The Native Vegetation Council undertakes a program of monitoring of conditions attached to any clearance consent. As part of this program, the landowner may be contacted by an officer of Department to arrange inspections. Should it be evident that the conditions have not been applied with in full, the landholder will be informed in writing of the nature of breach of the conditions and given an opportunity to comply with the conditions. However, if the breach of the conditions is substantial, ongoing or irreversibly, then the Council may take compliance actions under Section 31 of the *Native Vegetation Act 1991*.

5. Effect of Consent

This Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development. This includes any approval that might be required in relation to the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

6. Use of cleared vegetation

Native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or as firewood. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available as firewood or for woodcraft.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: **2020/2034/960** **Torbreck Vintners Pty Ltd**
Hillside Vineyard expansion
50 Daly Rd, Lyndoch, SA

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 26/11/2020) and fully accept and will comply with the decision and all the attached conditions.

Name of applicant:

Signature of applicant or seal of Company and authorised signatory, including the signature of any other parties to the decision:

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Date :

Note: *Sign and return this form by post or email to:*

Send to: **Native Vegetation Branch**
C/o
Department for Environment and Water
GPO Box 1047 Adelaide SA 5001

Email: **sharon.gillam@sa.gov.au**

