

Native Vegetation Council

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DECISION NOTIFICATION Native Vegetation Regulations 2017

Application Number: 2025/3307/580

To: C/- Anthony Andolfatto, Director TORO Property Projects
332 Wellington Road Pty Ltd
The Practice, Level 10, 369 Royal Parade
Parkville VIC 3052
Email: [REDACTED]

Date Received: 10/07/2025
Date Registered: 10/07/2025

Applicant	332 Wellington Road Pty Ltd
Landholder	332 Wellington Road Pty Ltd
Purpose of application	Clearance of native vegetation for the construction of a Land Division (1 allotment into 254 residential allotments and public reserves), upgrade of Fidler Lane, the associated provision of infrastructure and landscaping.
Description of native vegetation under application	25 scattered trees comprising: <ul style="list-style-type: none">• 10 Pink Gum <i>Eucalyptus fasciculosa</i> (SA:Rare)• 7 Red Gum <i>Eucalyptus camaldulensis</i> ssp. <i>camaldulensis</i>• 8 SA Blue Gum <i>Eucalyptus leucoxylon</i> ssp. <i>leucoxylon</i>.
Location of the application	332 Wellington Road, Mount Barker and portion of Fidler Lane, Mount Barker & Wistow F160099 A22 CT 5524/26 Hundred of Macclesfield

Decision

The Native Vegetation Council has considered your application in accordance with the requirements of Regulation 12, Schedule 1; Clause 35 of the *Native Vegetation Regulations 2017*.

In respect of the application you are informed that the Native Vegetation Council:

1. Grants approval to the clearance of 25 trees in the area shown on the attached Decision Plan(s) 2025/3307/580 for the purpose specified in this decision.

Reason for Decision:

The clearance of native vegetation meets the requirements of Native Vegetation Regulation 12, Schedule 1; Clause 35.

Conditions of approval

This approval is subject to the conditions specified below. These conditions have been imposed to ensure that the impacts on native vegetation and biodiversity from approved clearance is adequately minimised and mitigated;

1. The applicant must ensure that only native vegetation approved for removal in accordance with this decision is removed. Prior to clearance commencing, the applicant must advise all persons undertaking the vegetation removal or working



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of South Australia

on site, of all relevant conditions of approval and associated statutory requirements;

2. Clearance to be confined to the 25 scattered trees as shown on the attached Decision Plan 2025/3307/580 and in the submitted Data Report: *Umwelt (2025) Native Vegetation Clearance 332 Wellington Road, Mount Barker Subdivision Data Report. Report to 332 Wellington Rd Pty Ltd. Umwelt (Australia) Pty Ltd, Adelaide*, prepared by Dr Travis How dated 10 July 2025;
3. No clearance to occur until Development Approval has been obtained under the *Planning, Development and Infrastructure Act 2016* (including Planning Consent and Land Division Consent where required).


Note: It is acknowledged that Development Approval – Planning Consent; Land Division Consent for DA No 580/D051/20 was granted 11/09/2025;

4. The applicant will within 12 months of completing the Wellington Road/Fidler Lane junction upgrade (in accordance with Planning Consent Condition 12 of Development Application No. 580/D051/20) plant replacement native trees and understorey in consultation with the Mount Barker District Council, such planting to be, insofar as is reasonably practicable, in accordance with the '*Fidler Lane Native Vegetation Concept Plan*' Rev A prepared by GD Studia dated 18 February 2026.
5. Infrastructure construction is undertaken in a way that machinery, vehicle movement and material laydown areas are restricted to the approved clearance area, existing tracks or areas devoid of native vegetation;
6. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - adversely impact on native vegetation;
 - contribute to erosion or sedimentation;
 - facilitate the spread of pest plant and pathogenic material;
7. Any hollows in trees approved for clearance are to be retained if possible and relocated to a nearby suitable area, either on the ground or attached to the limbs of healthy trees remaining on the Land Division. Hollow limbs are to be a minimum of 50 cm long and if placed in trees, at optimum height (>4m) and orientation;
8. Prior to clearance commencing, the applicant must define the area or trees approved for clearance with markings, barriers, pegs, flags or temporary fencing. The markings, barriers, pegs, flags or temporary fencing must remain in place, in good condition and clearly visible, for the period in which clearance is occurring.
9. The Significant Environmental Benefit requirement (equivalent to 108.3 SEB points) is to be achieved by making a payment into the Native Vegetation Fund of \$142,415.54 (\$134,991.04 for clearance GST exclusive and \$7,424.50 for the administration fee GST inclusive) prior to any clearance occurring (Note an invoice will be sent once the attached form 'Decision Notification acknowledgement' form is signed and returned).
10. Members of the NVC or a person who is an authorised officer under the Act 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.
11. Non-compliance with any of the conditions of this approval must be reported to the Native Vegetation Council as soon as practical after the non-compliance being detected, but must be within a maximum of seven days. The report must include details of the nature of the breach, the location and extent of the breach and the actions taken and associated timing for completion of those actions, to address the breach.

12. 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.
13. The applicant must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.

Expiry date of approval

The approval to clear native vegetation in accordance with this decision ceases after 2 years from the decision date.

Signature	
Name	Dr Marilyn Henderson
Position	CHAIR, NATIVE VEGETATION ASSESSMENT PANEL
Date	03/03/2026 (Decision Date)

Notes

1. 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*. Please also note that for applications involving buildings, the consent to clear includes approval to remove native vegetation from the surrounding area under *Native Vegetation Regulations 8(1) and 9(17)*. However, you may choose not to clear all of this area (including scattered trees) if retention can be accommodated or suits your individual circumstances taking into account other legislative requirements (e.g. bushfire safety).

2. 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.

Any conditions of consent are binding on and enforceable against the person granted the approval, any current and future owners of the land, any occupier of the land and any person who acquires the benefit of the clearance.

3. Expiry of approval

This approval will cease to operate 2 years after it is granted, after which time a new approval will be required.

4. 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.

5. 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 be 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*.

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 providing hollows for relocation. 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 for woodcraft or hollow relocation.

DECISION NOTIFICATION ACKNOWLEDGEMENT

Application Number: 2025/3307/580 332 Wellington Road Pty Ltd

The applicant, and all parties to the decision, have received a copy of the Decision Notification (decision date 03/03/2026) are fully aware 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: 

Native Vegetation Clearance Application



DECISION PLAN (1 of 1)

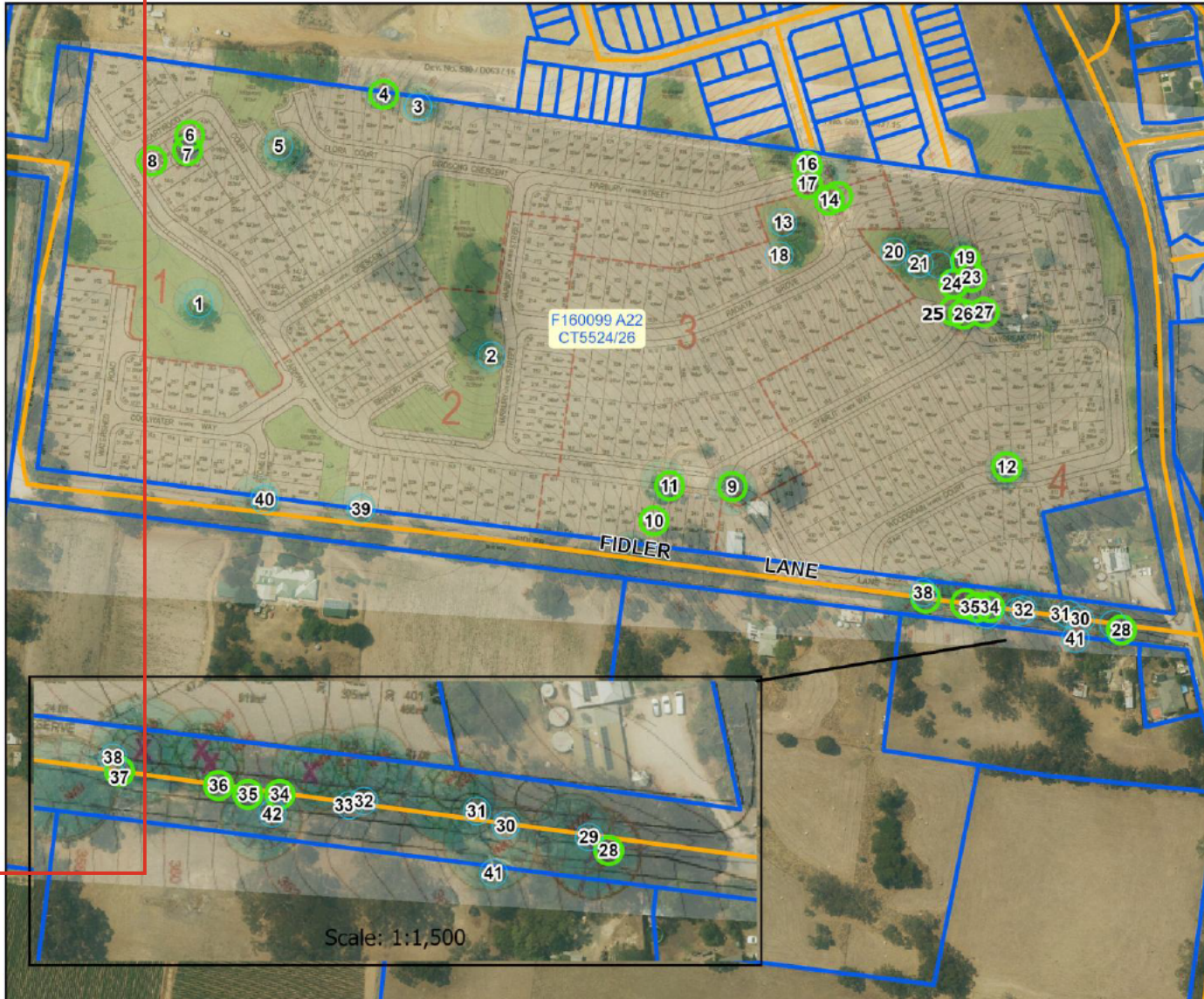
TO FORM PART OF THE DECISION OF THE
NATIVE VEGETATION COUNCIL





APPLICATION NO. 2025/3307/580

HUNDRED of MACCLESFIELD

F160099 A22
and Fidler Lane Road Reserve

Certificate of Title Vol 5524 Fol 26



-  Clearance consent - scattered trees
-  Retained - scattered trees
-  Property/Section Boundary
-  Road

Produced for: Native Vegetation Council
By: Native Vegetation Branch
Department for Environment and Water

Imagery: AdelaideMetro_10Jan-3Feb2025_75mm

Date: 08/12/2025
Version: 01
Datum: GDA2020

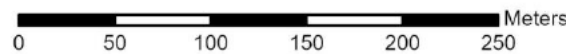


M. Henderson

Chair, Native Vegetation Assessment Panel

Decision Date: 3 March 2026

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