

OUR REF: OP1819/2016 Daniel Lamond (798144)

12 December 2016

T R Pidgeon
23 Pecten Ave
PORT DOUGLAS QLD 4877

Attention: Mr Tim Pidgeon

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
OPERATIONAL WORKS
52 MUDLO STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 12 December 2016, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you require further information or assistance, please contact Daniel Lamond of Development Assessment and Coordination on telephone 07 4099 9456.

Yours faithfully


Paul Hoyer
Manager Sustainable Communities

Att

APPLICANT DETAILS

T R Pidgeon
23 Pecten Ave
PORT DOUGLAS QLD 4877

ADDRESS

52 Mudlo Street PORT DOUGLAS

REAL PROPERTY DESCRIPTION

Lot 8 on PTD20933

PROPOSAL

Removal of 2 trees

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

12 December 2016

TYPE

Operational Work (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

None Applicable

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Central Tree Services Tree Health and Condition Report	Page 8	31 October 2016

ASSESSMENT MANAGER CONDITIONS

1. The Approval only provides for the removal of the two (2) trees identified on the approved documents.
2. Council is to be notified of the date of the intended vegetation damage at least two business days prior to commencement of any work.
3. All pruning /removal works must conform to AS4373 (2009) and be undertaken by a suitably qualified and experienced contractor having full regard to safety precautions and considerations who is able to demonstrate a comprehensive Occupational Health and Safety Policy specific to tree work with relevant insurances in place.
4. **Flora and Fauna**
 - a. The work authorized by this approval must be carried out in an environmentally sensitive manner in accordance with the conditions of this approval. If in doubt the precautionary principle should be applied. Stop work and contact Council for advice.
 - b. Prior to the removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger.
 - c. Trees and/or vegetation that contain nesting native birds, dens or roosting sites of native animals are not to be removed while the nests, dens or roosting sites are in use as per the requirements of Sect. 332 of the Nature Conservation (Wildlife Management) Regulation 2006 and Sect. 88C of the Nature Conservation Act 1992 without the necessary Ecoaccess Approval.

5. Damaged Vegetation

- a. Damaged vegetation is removed and disposed of at an approved site; and/or
 - b. Damaged vegetation is mulched or chipped and used onsite.
6. No other trees or vegetation are to be removed or damaged, and the removal of the subject trees is to be undertaken in a manner that incurs no damage to nearby vegetation.
7. A clearing permit (protected plants) must be obtained from the Department of Environment and Heritage Protection for the relocation of all specimens of 'Ant Plant' (*Myrmecodia beccarii*) prior to the removal of any host trees. 'Ant Plants' are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*. Information on clearing permits may be obtained at www.ehp.qld.gov.au or by contacting Kerry Walsh, Wildlife Ranger, Wildlife Management Unit, Department of Environment and Heritage Protection, Cairns, on 07 4057 3704.

FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



Image 1: Tree 1 (*Terminalia catappa*)



Image 2: Tree 2 (*Tabebuia rosea*)

