

OUR REF: OP1631_2016 (793251)

26 October 2016

Jagner Investments Pty Ltd
336 Port Douglas Road
PORT DOUGLAS QLD 4877

Attention: Julie McDonald

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION OPERATIONAL WORKS FOR 336 PORT
DOUGLAS ROAD, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 25 October 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 have any enquiries in relation to this Decision Notice, please contact Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Att

APPLICANT DETAILS

Jagner Investments Pty Ltd
336 Port Douglas Road
PORT DOUGLAS QLD 4877

ADDRESS

336 Port Douglas Road PORT DOUGLAS

REAL PROPERTY DESCRIPTION

Lot 13 on RP734535

PROPOSAL

Removal of 3 trees

DECISION

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

DECISION DATE

25 October 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 expression means:

Drawing or Document	Reference	Date
Layout Plan Mark-up	Plan marked up by applicant. Original Plan prepared by Greg Skyring Design and Drafting Pty Ltd. Plan No 503-11.	17 August 2016
Photo Mark-up	Photo marked up by MPDT Arborist Jim Watts, for Tree Health and Condition Report.	31 August 2016

ASSESSMENT MANAGER CONDITIONS:

1. The Approval only provides for the removal of the three trees identified on the approved plans.
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.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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. **Within two months after the removal of the nominated three trees a new landscape design for replacement planting of the affected area must be submitted to Council to the satisfaction of the Chief Executive Officer. The new landscape design must have regard to Planning Scheme Policy 7 Landscaping.**

The Landscape design is to include a plan layout and use of appropriate species to provide shade and visual amenity.
7. **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.**
8. **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.**

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 of the *Sustainable Planning Act 2009*.**
2. **This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**
3. **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 .**

RIGHTS OF APPEAL

Attached

End of Decision Notice

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

LEGEND

- SURFACES**
- C CONCRETE
 - P PAVER
 - W.C. WOOD CHIP
 - G GRASS
- STRUCTURES**
- SURFACES
 - PLAY EQUIP
 - FB (PERMANENT)
 - SP SHED KIT
 - PIENCE - INTERNAL
 - KATE (POLL TOP)
 - SHADDED AREA - PERVIOUS
 - ROOFED AREA - IMPERVIOUS

AREAS

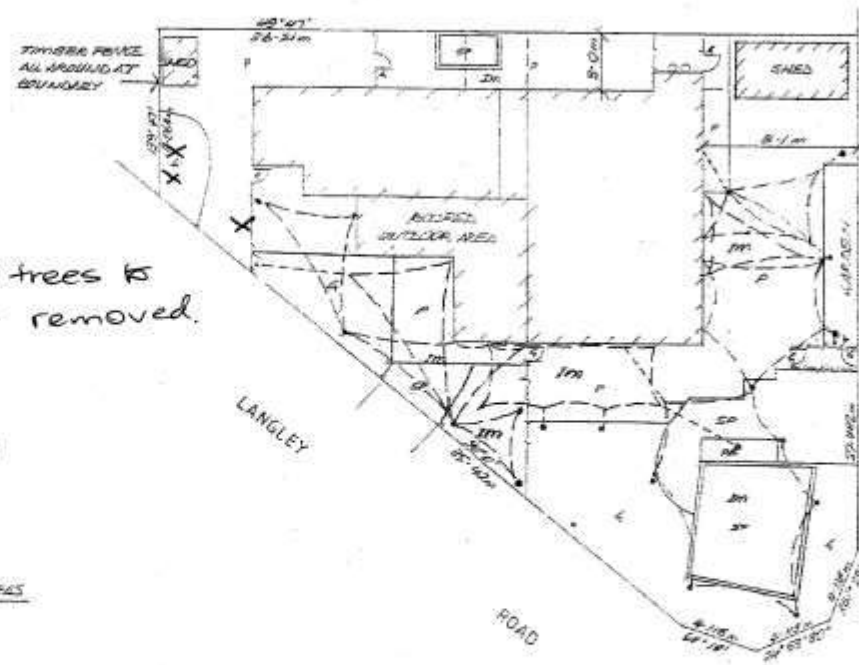
ALLOTMENT	840 m ²
BUILDING	260 m ²
(INCLUDES ROOFED WOOD PLAY AREA OF 41 m ²)	
STAFF ACCESS ONLY	102 m ²
(INCLUDES SHEDS)	
<u>AVAIL WOOD PLAY AREA</u>	<u>485 m²</u>
	+ 41 m ²
	<u>526 m²</u>

BREAKDOWN OF COVERED WOOD PLAY AREAS

ROOFED	41 m ²
IMPERVIOUS COVER	117 m ²
PERVIOUS COVER	51 m ²
(OVERLAPS ARE NOT INCLUDED)	

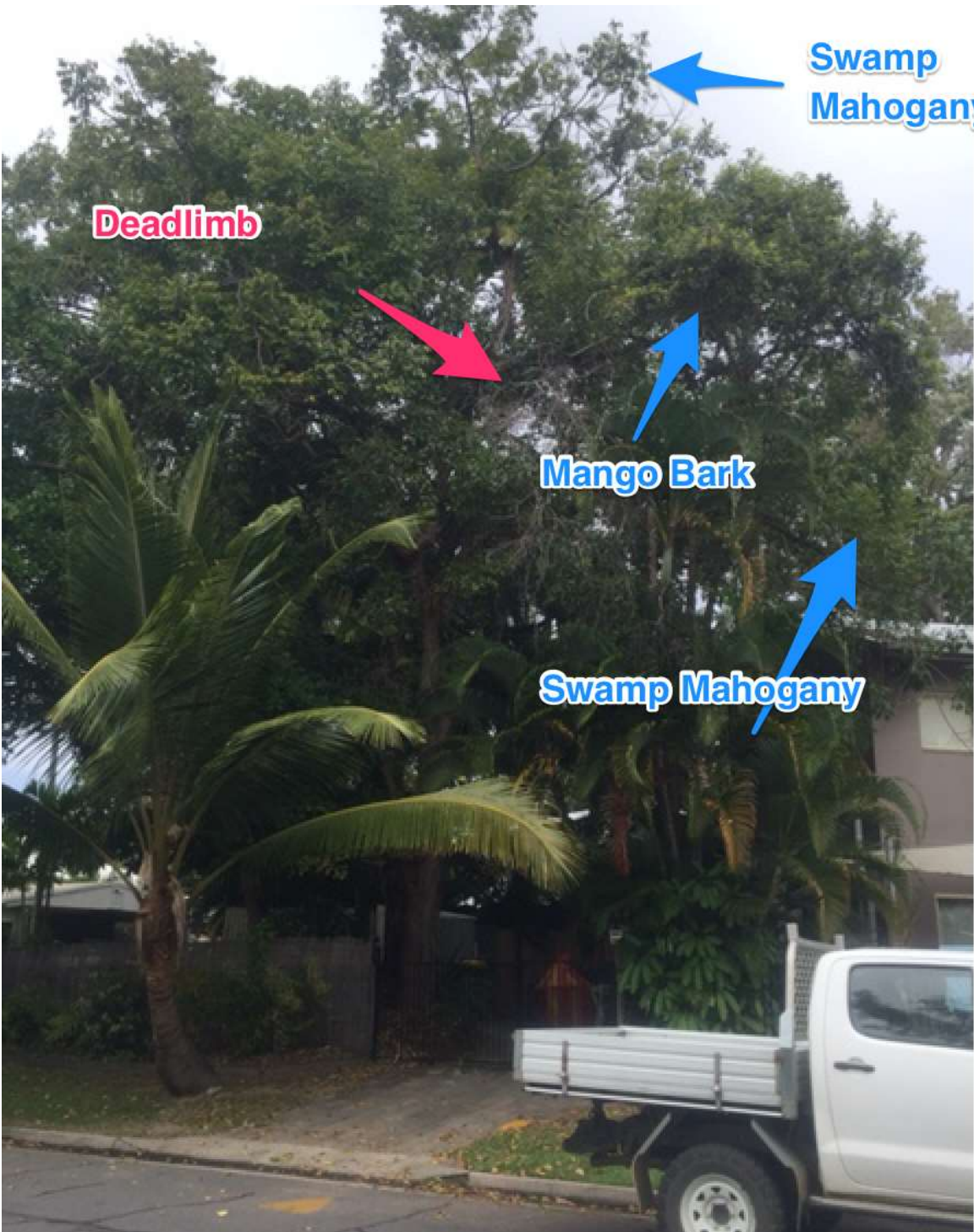
NOTE: DUE TO THE DISTORTED SHAPE OF TRIANGULAR SHED STRUCTURES THE AREAS GIVEN ARE INDICATIVE ONLY, BASED ON APPROXIMATE SHAPES SHOWN

x 3 trees to be removed.



SITE PLAN 1:200
L13 RP734535

G'GREG SKYRING Design and DRAFTING Pty. Ltd. Lic. Cover: 0254 411 1801 - M: 1942971 11 Nell Close MOBBMAN Q. 4873 Phone/Fax: (07) 40682281 Mobile: 0419 212652	PROJECT LAYOUT PLAN OF CHILD CARE CENTRE 336 PORT DOUGLAS ROAD PORT DOUGLAS	CLIENT	PORT KIDZ CHILDCARE CENTRE	WFO CLASS	C2	PLAN NUMBER	503-11 1 of 3
		SCALE	1:200	PLAN TITLE	SITE PLAN	REV.	A



Deadlimb

Swamp Mahogany

Mango Bark

Swamp Mahogany

