

OUR REF: OP1559/2016 (787407)

7 September 2016

Melaleuca Of Port Douglas Body Corporate CTS-28516
C/- Body Corporate Services
PO Box 1
PORT DOUGLAS QLD 4877

Attention: Fran Wennerbom

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 1A TI-TREE STREET, PORT DOUGLAS**

With reference to the above mentioned Development Application, which was determined under Instrument of Delegation on 7/9/2016, 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 Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Att

APPLICANT DETAILS

Melaleuca Of Port Douglas Body Corporate CTS-28516
C/- Body Corporate Services
PO Box 1
PORT DOUGLAS QLD 4877

ADDRESS

1A Ti-Tree Street, PORT DOUGLAS

REAL PROPERTY DESCRIPTION

Lot 0 on SP134761

PROPOSAL

tree removal

DECISION

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

DECISION DATE

7 September 2016

TYPE

Operational Work (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work

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

ASSESSMENT MANAGER CONDITIONS:

- 1. The Approval only provides for the removal of the melaleuca adjacent to the bin storage building.**
- 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. Within two months after the removal of the nominated melaleuca 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 having regard to the overhead power line.

Within one month of the approval of the landscape design for replacement

planting, as approved above, must be provided to the satisfaction of the Chief Executive Officer.

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. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.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 PLAN(S) AND DOCUMENT(S)

