

DELEGATED REPORT

SUBJECT: CATALYST ONE PTY LTD – MATERIAL CHANGE OF USE – TELECOMMUNICATIONS FACILITY AND RECONFIGURING A LOT – DIVISION OF A LOT INTO 2 PARTS BY WAY OF LEASE FOR A TERM EXCEEDING 10 YEARS – LOT 3 ON SP135027 – 8 COSTIN STREET, MAREEBA – MCU/24/0018

DATE: 25 November 2024

REPORT OFFICER’S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Catalyst One Pty Ltd	ADDRESS	8 Costin Street, Mareeba
DATE LODGED	14 October 2024	RPD	Lot 3 on SP135027
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Telecommunications Facility and Reconfiguring a Lot - Division of a Lot into 2 parts by way of lease for a term exceeding 10 years		

FILE NO	MCU/24/0018	AREA	2.035 ha
LODGED BY	Catalyst One Pty Ltd	OWNER	H & A Sciani
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry Zone (Precinct A – Trades and Services)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A – Code assessment only		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, public notification was not a requirement.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

There are no planning issues. Draft conditions were provided to the Applicant and have been agreed to. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Catalyst One Pty Ltd	ADDRESS	8 Costin Street, Mareeba
DATE LODGED	14 October 2024	RPD	Lot 3 on SP135027
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PROPOSED DEVELOPMENT	Material Change of Use – Telecommunications Facility and Reconfiguring a Lot – Division of a Lot into 2 parts by way of lease for a term exceeding 10 years		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does **not** consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Telecommunications Facility and Reconfiguring a Lot – Division of a Lot into 2 parts by way of lease for a term exceeding 10 years

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24:6609 Drawing No. DA100	Location Plan/Site Plan	Brewster Murray	16/08/24
24:6609 Drawing No. DA101	Floor Plan	Brewster Murray	19/08/24
24:6609 Drawing No. DA102	Elevations	Brewster Murray	19/08/24
24:6609 Drawing No. DA103	Elevation Sections	Brewster Murray	19/08/24
24:6609 Drawing No. DA104	Tree Removal Plan	Brewster Murray	19/08/24

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme**Material Change of Use Component (Telecommunications Facility)**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by the condition(s) of this approval.
 - 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
4. Infrastructure Services and Standards
 - 4.1 Access

An Industrial access crossover must be constructed off Mason Street to access the crushed stone driveway servicing the development (from the edge of the road to the property boundary or 10 metres, whichever is lesser) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

The remaining access driveway servicing the development must be surface treated with a crushed stone finish so as to provide practically all weather, dust free access to the development.
 - 4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.4 Operational Requirements

4.4.1 The radiofrequency field emissions and electromagnetic emissions from the facility shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio frequency and electromagnetic energy transmissions from telecommunication stations at any time, at any location.

4.4.2 Within three (3) months of the site becoming operational, a site compliance inspection is to be carried out by an appropriately qualified person and certificate issued to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the facility becoming operational.tz

4.5 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- (i) All satellite dishes and associated infrastructure are removed from the site; and
- (ii) The site is made suitable for other uses compatible with the locality; and
- (iii) Restores the visual amenity of the site.

Reconfiguring a Lot Component (Subdivision by Lease)

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
 - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the Environmental Protection and Biodiversity Conservation Act 1999 if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au.

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(f) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);
- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

THE SITE

The subject site is situated at 8 Costin Street, Mareeba and is described as Lot 3 on SP135027. The site is generally regular in shape with an area of 2.035 hectares, and is zoned Industry under the Mareeba Shire Council Planning Scheme 2016.

The site contains 144 metres of frontage to Costin Street which I constructed to ultimate formation and a further 122 metres of frontage to an undeveloped section of road reserve at the rear or northern end of the property.

The site is improved by 2 large industrial sheds situated on the southern half of the property and associated sealed car parking and accessways. The rear half of the property remains unimproved and covered in scattered mature vegetation.

Surrounding lots are all zoned Industry and contain a mix of low impact industrial uses including a steel yard, mechanical repair shop and storage sheds.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Telecommunications Facility and Reconfiguring a Lot - Division of a Lot into 2 parts by way of lease for a term exceeding 10 years, in accordance with the plans shown in **Attachment 1**.

The application includes the following details about the development:

“3. The Proposal

The proposal consists of a Low-Earth-Orbit (LEO) ground site to provide network services to regional and remote communities. The purpose of the ground infrastructure is to send and receive the network signal from the LEO satellite constellation to Telstra's terrestrial network.

The proposed installation can be broken down into the following components:

- Clearing and trimming of vegetation to accommodate the built components and to achieve 'viewshed' for the ground station.
- Establishment of a fenced compound within a lease area to accommodate the proposed facility.
- Upgrading of the existing unformed roadway from Mason Street to form safe access to the rear of the lot.
- Provision of fibre connections including a Telstra equipment unit as an interface.
- Installation of a pad footing to cater for a temporary back-up power generator.
- Installation of five (5) array dishes internally within the compound.

Further information on the above components is provided below:

3.1 Proposed clearing of vegetation

The proposal involves the clearing of existing vegetation located within the envelope of the 30 degree viewshed together with any existing ground storey vegetation. The purpose of this clearing is to ensure that an adequate line of sight at a 30-degree horizon view-shed for the array dishes: only those trees which impact the required viewshed would be trimmed or removed. In order to properly document the extent of the clearing / trimming a formal survey has been conducted and is depicted as a schedule "DA 105" and associated plans "DA104" & "DA 103".

Some vegetation within the access road would also be required to be trimmed or removed as part of the access upgrade. A significant portion of existing trees will be retained, and only those trees which are required to be trimmed or removed would be impacted.

Telstra has consulted with the Queensland Department of Resources (Vegetation Hub) which has advised that property "consists wholly of category X area and is freehold land, Schedule 21 Part 2(2)(d) of the Planning regulation 2017 provides an exemption for clearing vegetation on that property within category X area".

3.2 Proposed fenced compound

The proposed fenced compound is to be split into two distinct sections including a demarcation area (measuring 8 metres by 8 metres) and a ground gateway terminal (GGT) equipment area (measuring 17 metres by 24 metres). Each compound will be confined by a 2.4-metre-high chain link fence with two double-gates and one single personnel gate providing access to the facility. The ground cover within the compounds are proposed to consist of a crushed gravel, which will extend to 0.5 metres beyond the compound fence.

3.3 Proposed access

An access route of approximately 130 metres is proposed to connect the facility from Mason Street. The access route will be formed from a compacted gravel fill to form a safe all-weather access track. This would also involve some minor vegetation clearance as detailed above. The access track will be 4.9 metres wide to accommodate the required construction and service vehicles that are likely to access the site.

3.4 Proposed power and fibre connections

The proposal is to draw electrical power pole as located to the north near the proposed access track. The power supply will be designed and certified by the supply authority and installed in accordance with Australia, and Industry Standards. A fibre connection by Telstra will be provided to the site involving an extension from current fibre network in the road corridor: this is supplied to the 'demarcation area' which

is the interface from fibre network to the ground station. 3.5 Proposed temporary generator The compound has been designed to accommodate a temporary generator from time to time in the event of power outages and to ensure power back up. The generator will be located within the demarcation compound.

3.6 Proposed array dishes

The proposal includes an array of five (5) 2.4 metre diameter dishes within the compound spaced at distances of seven metres from each other and 5 metres from the fence. The purpose of the dishes is to send and receive the signal for the terrestrial fibre network – refer to Section 6 of this report. The dishes will top out at approximately 3.4 metres in total height at the fully upright position.

3.7 Proposed ground gateway support equipment cabinet

A ground gateway support equipment (GSWE) cabinet will be located internally within the compound to contain the necessary IT and support infrastructure to ensure the facility operates effectively. Development plans detailing all the above components are attached in Appendix B.”

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Regional Activity Centre in the Regional Plan. The site contains no areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • Industry Area <p>Transport Elements</p> <ul style="list-style-type: none"> • Local Collector Road • Principal Cycle Routes
Zone:	Industry Zone
Precinct:	A – Trades and services
Overlays:	Transport infrastructure overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>Telecommunicat-ions facility</i>	<i>Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.</i>	<i>Telecommunication tower, broadcasting station, television station</i>	<i>Aviation facility, 'low impact telecommunications facility' as defined under the Telecommunicat-ions Act 1997</i>

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016**Relevant Development Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.5 Industry zone code
- 9.3.4 Energy and infrastructure activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Industry zone code	<p>The application complies, or can be conditioned to comply with the applicable acceptable outcomes or higher order performance outcomes (where no acceptable outcome is proposed, or an acceptable outcome cannot be met) contained within the code.</p> <p>Refer to code document for full commentary.</p>
Energy and infrastructure activities code	<p>The application complies or can be conditioned to comply with the applicable acceptable outcomes or higher order performance outcomes (where no acceptable outcome is proposed, or an acceptable outcome cannot be met) contained within the code.</p> <p>Refer to code document for full commentary.</p>
Landscaping code	<p>The application complies, or can be conditioned to comply with the applicable acceptable outcomes or higher order performance outcomes (where no acceptable outcome is proposed, or an acceptable outcome cannot be met) contained within the code.</p>

	Refer to code document for full commentary.
Parking and access code	The application complies, or can be conditioned to comply with the applicable acceptable outcomes or higher order performance outcomes (where no acceptable outcome is proposed, or an acceptable outcome cannot be met) contained within the code. Refer to code document for full commentary.
Reconfiguring a lot code	The application complies, or can be conditioned to comply with the applicable acceptable outcomes or higher order performance outcomes (where no acceptable outcome is proposed, or an acceptable outcome cannot be met) contained within the code. Refer to code document for full commentary.
Works, services and infrastructure code	The application complies, or can be conditioned to comply with the applicable acceptable outcomes or higher order performance outcomes (where no acceptable outcome is proposed or an acceptable outcome cannot be met) contained within the code. Refer to code document for full commentary.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual guidelines.

(f) Adopted Infrastructure Charges Notice

The proposed development is an unmanned, remotely operated telecommunications facility within a leased compound. The development will not unduly impact on Council's trunk infrastructure; therefore infrastructure charges are not applicable in this instance.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services – development engineering.

PLANNING DISCUSSION

Nil

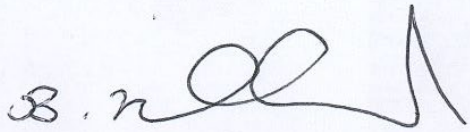
Date Prepared: 25 November 2024

DECISION BY DELEGATE

DECISION

Having considered the Senior Planners report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 25TH day of NOVEMBER 2024



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSED PLANS (ECM DSI # 4423123)

DEVELOPMENT APPLICATION SUBMISSION

SITE NUMBER: WE1501

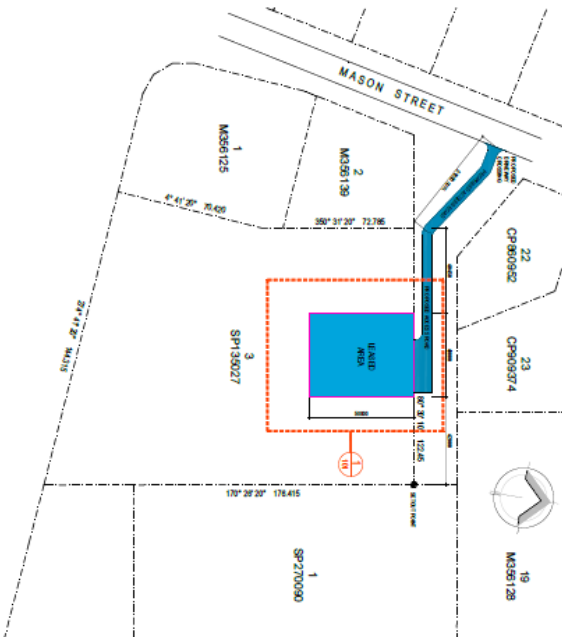
GROUND GATEWAY TERMINAL

8 COSTIN STREET
MAREEBA QLD 4880



1 LOCATION PLAN

- A 100 LOCATION PLAN AND SITE PLAN
- A 101 FLOOR PLAN
- A 102 ELEVATIONS
- A 103 ELEVATION & SECTIONS
- A 104 TREE REMOVAL PLAN
- A 105 TREE SCHEDULE
- T-2024-0328-01 TOPOGRAPHY SURVEY PLAN
- T-2024-0328-02 POINT TABLE TREES
- T-2024-0328-03 LEGEND & NOTES



2 SITE PLAN



Author:
Maree Regional Council
Project Manager
9071 0000
9071 0000
9071 0000
9071 0000
9071 0000



Consultant:
JHA
100 St Johns Street
Maree QLD 4880
08 4933 1111
www.jha.com.au

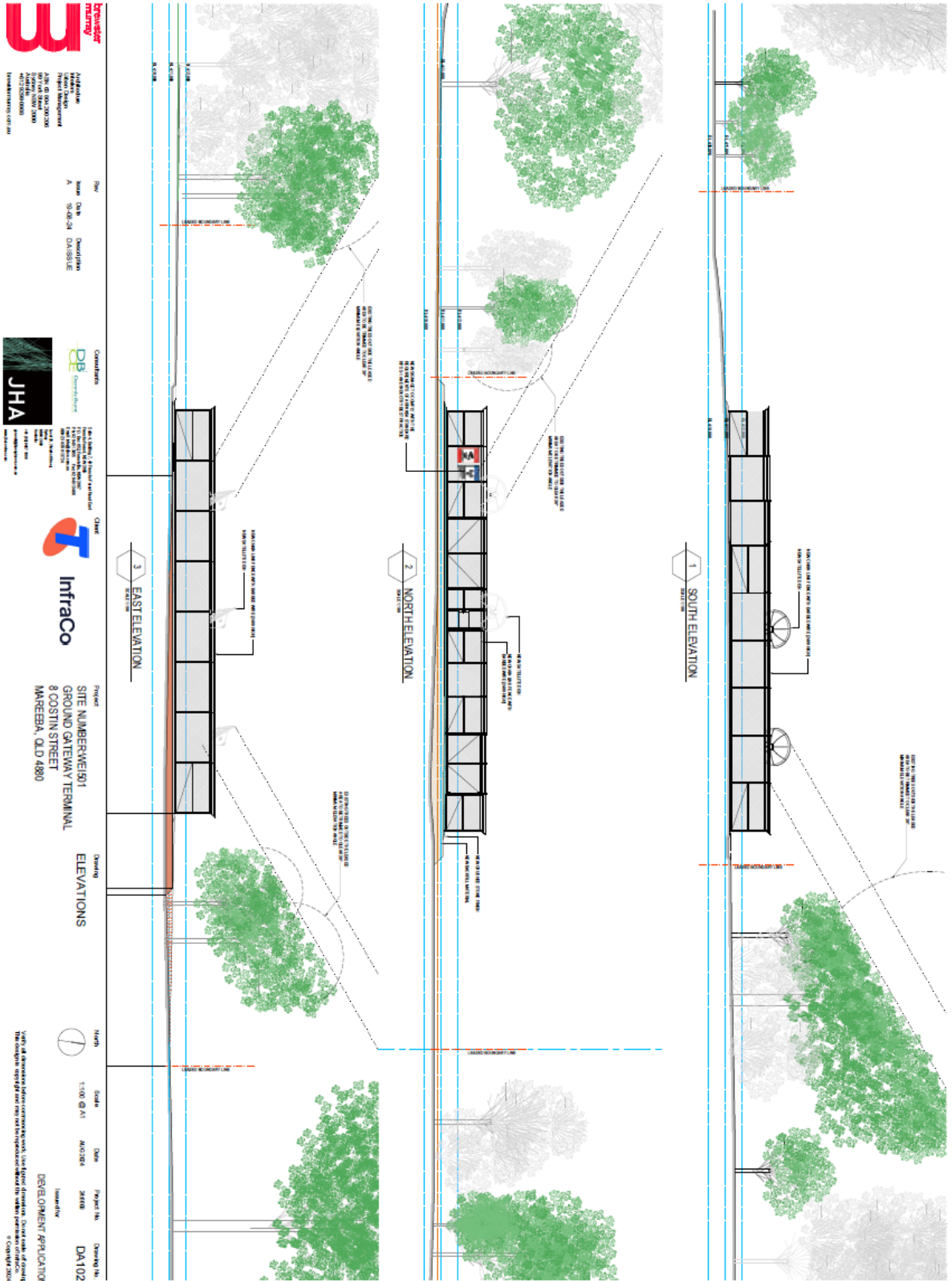


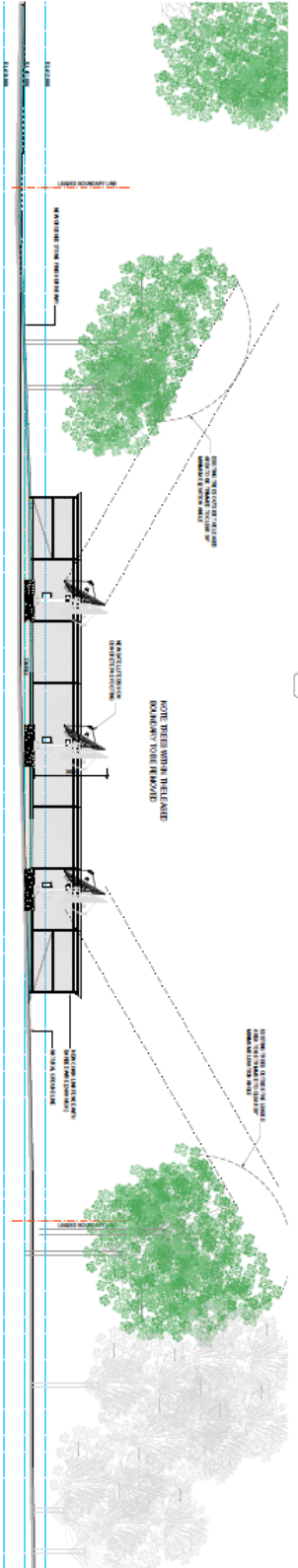
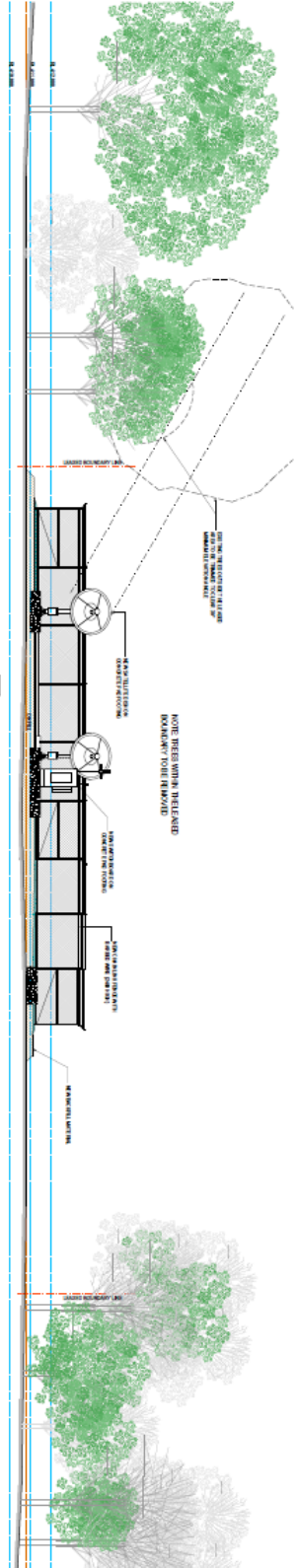
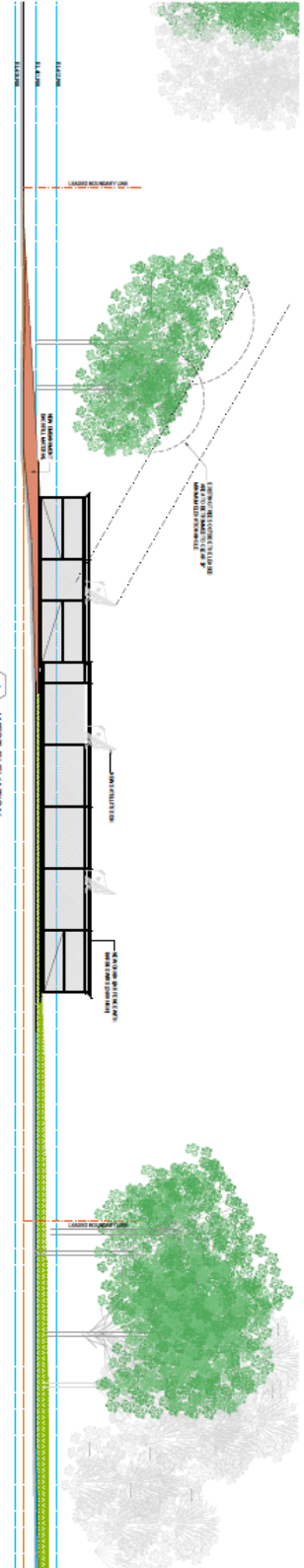
Client:
InfraCo
Project:
SITE NUMBER: WE1501
GROUND GATEWAY TERMINAL
8 COSTIN STREET
MAREEBA, QLD 4880

Drawing:
LOCATION PLAN
SITE PLAN



Scale: 1:100 @ A1
Date: 16/03/24
Project No.: 34106
Drawing No.: DA100
Issue: Issue 01
Development Application:
Maree Regional Council
9071 0000





Prepared by: MAREEBA CONSULTANTS

Client: InfraCo

Project: SITE NUMBER: 5911
GROUND GATEWAY TERMINAL
8 COSTIN STREET
MAREEBA, QLD 4880

Drawing: ELEVATION
SECTIONS

Scale: 1:100 (A3)

Date: 04/10/2018

Project No.: 26368

Drawing No.: DA103

Revision: 1

Development Application

NOTE: ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS. DIMENSIONS OF CURVES ARE GIVEN AS RADIUS UNLESS OTHERWISE SPECIFIED. DIMENSIONS OF STRAIGHT LINES ARE GIVEN AS LENGTH UNLESS OTHERWISE SPECIFIED. DIMENSIONS OF ANGLES ARE GIVEN IN DEGREES UNLESS OTHERWISE SPECIFIED.



Issue No: 1
Issue Date: 15/03/2024
Drawing No: DA104



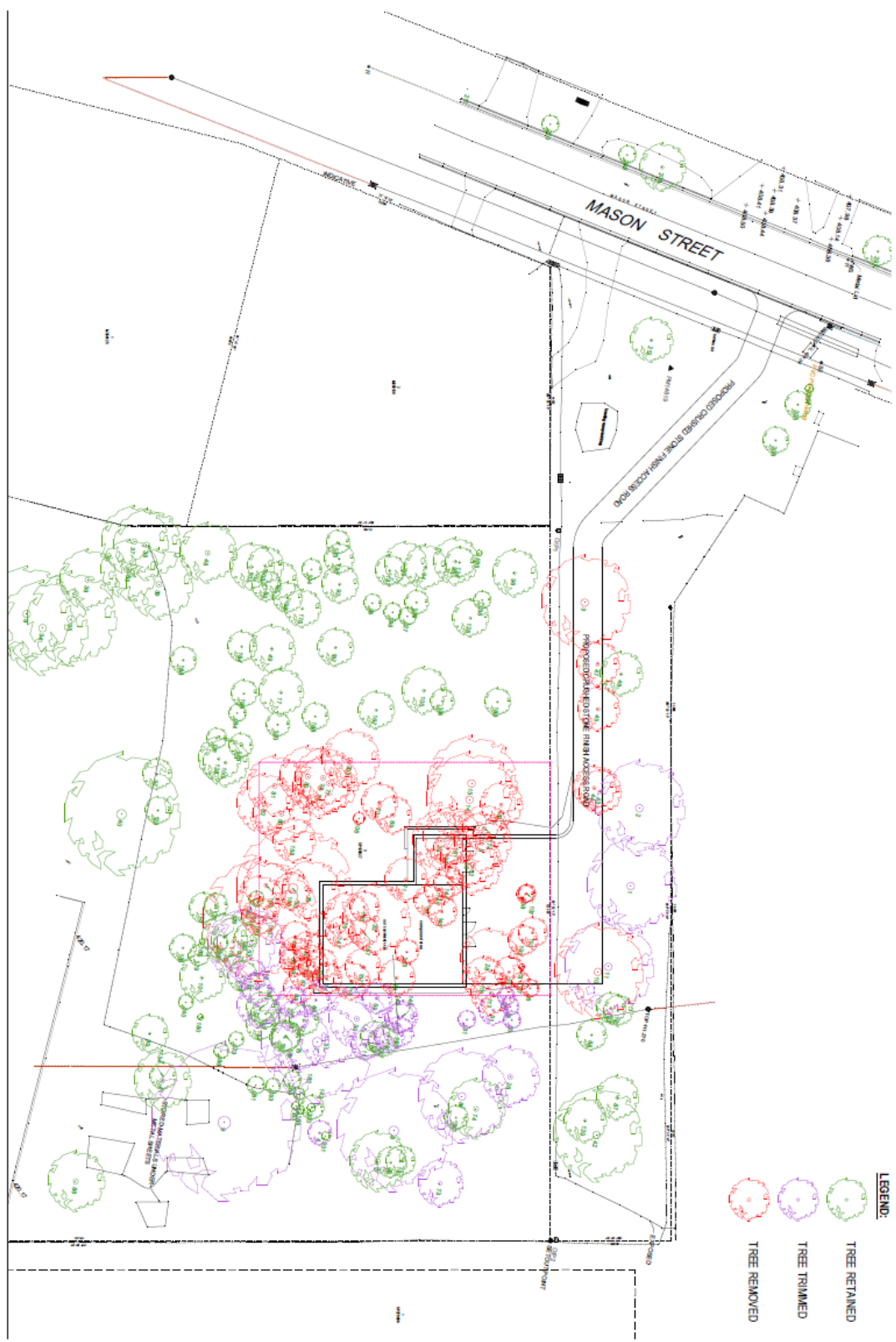
Project: SITE NUMBER 501
GROUND GATEWAY TERMINAL
8 COSTIN STREET
MARRICKVILLE, QLD 4080

Drawing Title: TREE REMOVAL PLAN

Scale: 1:300 (A1)
Date: 15/03/2024
Project No: DA104
Drawing No: DA104

Prepared by: [Name]
Checked by: [Name]
Approved by: [Name]

DEVELOPMENT APPLICATION



- LEGEND:**
- TREE RETAINED
 - TREE TRIMMED
 - TREE REMOVED