

# DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Hilrok Hotel Group Pty Ltd (ABN: 57 001 173 673)
Contact name <i>(only applicable for companies)</i>	Robert De Carlo, General Manager, Court House Hotel Port Douglas
Postal address <i>(P.O. Box or street address)</i>	Corner Macrossan and Wharf Streets
Suburb	Port Douglas
State	Queensland
Postcode	4877
Country	Australia
Contact number	(07) 4099 5181
Email address <i>(non-mandatory)</i>	robertdecarlo@courthousehotelportdouglas.com.au
Mobile number <i>(non-mandatory)</i>	0404 024 866
Fax number <i>(non-mandatory)</i>	(07) 4099 4249
Applicant's reference number(s) <i>(if applicable)</i>	

## 2) Owner's consent

### 2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application  
 No – proceed to 3)

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

**Note:** Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

#### 3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**  
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Corner Macrossan and Wharf Streets	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	0	SP139070	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

- Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

#### 3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application  
 Not required

#### 4) Identify any of the following that apply to the premises and provide any relevant details

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	Name of water body, watercourse or aquifer: <input type="text"/>
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	Lot on plan description of strategic port land: <input type="text"/>
	Name of port authority for the lot: <input type="text"/>
<input type="checkbox"/> In a tidal area	Name of local government for the tidal area (if applicable): <input type="text"/>
	Name of port authority for tidal area (if applicable): <input type="text"/>
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	Name of airport: <input type="text"/>

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**5) Are there any existing easements over the premises?**  
*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

**6.1) Provide details about the first development aspect**

a) What is the type of development? *(tick only one box)*

Material change of use     Reconfiguring a lot     Operational work     Building work

b) What is the approval type? *(tick only one box)*

Development permit     Preliminary approval     Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment     Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Removal of four Mango trees from the Court House Hotel grounds, and within property shared by the body corporate of which the Court House Hotel is a member.

e) Relevant plans  
*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

Relevant plans of the proposed development are attached to the development application

**6.2) Provide details about the second development aspect**

a) What is the type of development? *(tick only one box)*

Material change of use     Reconfiguring a lot     Operational work     Building work

b) What is the approval type? *(tick only one box)*

Development permit     Preliminary approval     Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment     Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans  
*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

Relevant plans of the proposed development are attached to the development application

**6.3) Additional aspects of development**

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input checked="" type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

### Division 1 – Material change of use

**Note:** This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

### Division 2 – Reconfiguring a lot

**Note:** This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

**11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?**

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

**12) Boundary realignment**

**12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

**12.2) What is the reason for the boundary realignment?**

--

**13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)**

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

**Division 3 – Operational work**

*Note: This division is only required to be completed if any part of the development application involves operational work.*

**14.1) What is the nature of the operational work?**

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input checked="" type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

**14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)**

<input type="checkbox"/> Yes – specify number of new lots: _____
<input checked="" type="checkbox"/> No

**14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)**

\$17,500
----------

**PART 4 – ASSESSMENT MANAGER DETAILS**

**15) Identify the assessment manager(s) who will be assessing this development application**

Douglas Shire Council
-----------------------

**16) Has the local government agreed to apply a superseded planning scheme for this development application?**

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

### 17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

#### Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

#### Matters requiring referral to the **local government:**

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the <b>Chief Executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council:</b> <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the <b>Minister responsible for administering the Transport Infrastructure Act 1994:</b> <input type="checkbox"/> Ports – Brisbane core port land ( <i>where inconsistent with the Brisbane port LUP for transport reasons</i> ) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the <b>relevant port operator</b> , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits ( <i>below high-water mark</i> )
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Ports – Land within limits of another port ( <i>below high-water mark</i> )
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works or work in a coastal management district ( <i>in Gold Coast waters</i> )
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works or work in a coastal management district ( <i>involving a marina (more than six vessel berths)</i> )

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application ( <i>if applicable</i> ).		

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
<b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> <li>• that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul>
Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements	
<b>Environmentally relevant activities</b>	
23.1) Is this development application also taken to be an application for an environmental authority for an <b>Environmentally Relevant Activity (ERA)</b> under section 115 of the <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at <a href="http://www.qld.gov.au">www.qld.gov.au</a>. An ERA requires an environmental authority to operate. See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.	
<b>Hazardous chemical facilities</b>	
23.2) Is this development application for a <b>hazardous chemical facility</b> ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information about hazardous chemical notifications.</i>	



### **Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works**?

- Yes – the relevant template is completed and attached to this development application
- No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
 No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
 No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application  
 No

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
- Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - A certificate of title
- No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below  
 No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*  
 No

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)  
 No

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct	
<input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i>	
<i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the DA Rules except where:</p> <ul style="list-style-type: none"> <li>• such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or</li> <li>• required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>• otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

**PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY**

---

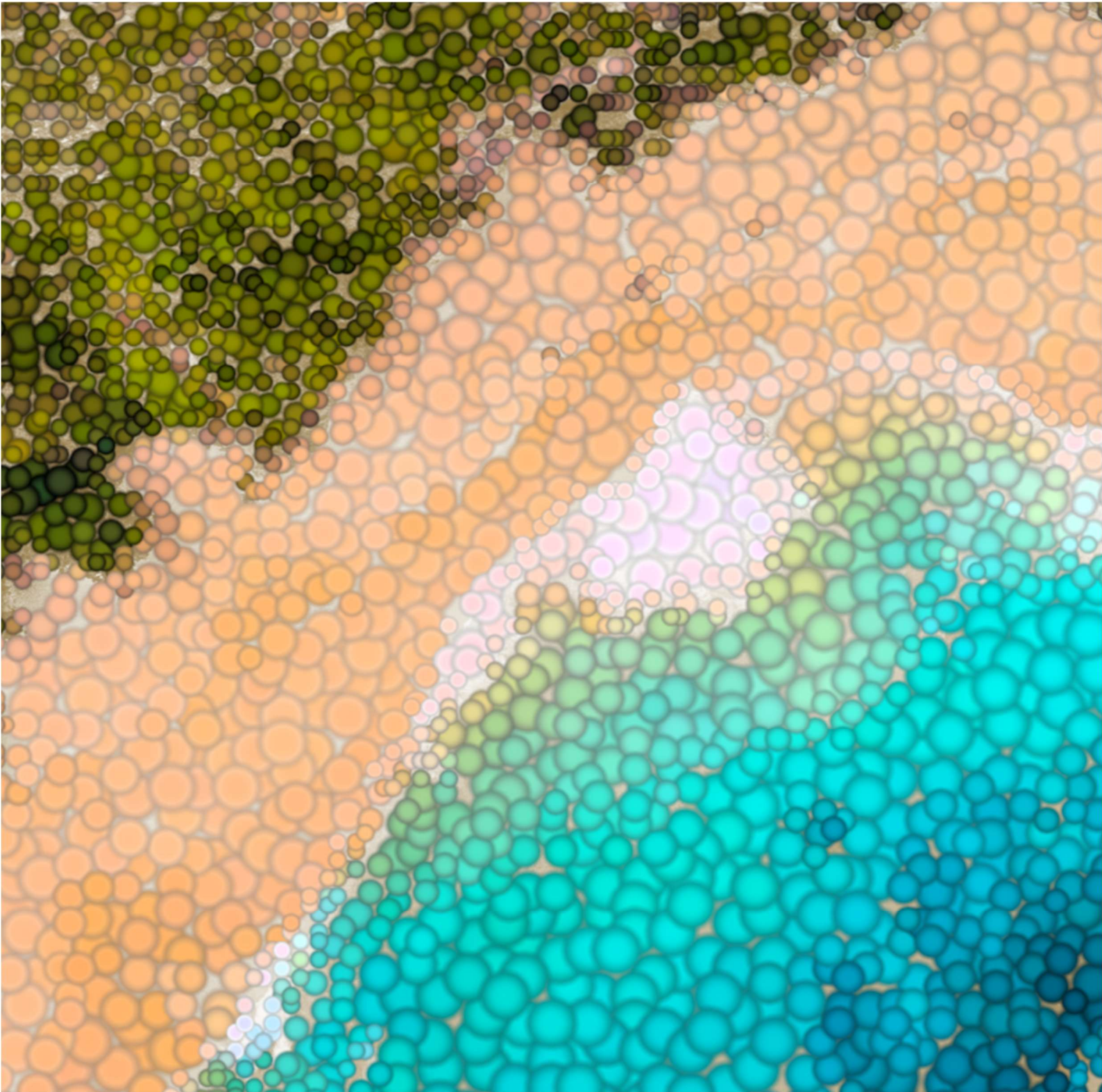
Date received:  Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

# Court House Hotel Port Douglas Mango Tree Removals Environmental Assessment and Impact Management Plan

*Report to Hilrok Hotel Group Pty Ltd*



**ABN:** 54632277546  
**Web:** [beconsultants.com.au](http://beconsultants.com.au)  
**Email:** [admin@beconsultants.com.au](mailto:admin@beconsultants.com.au)  
**Telephone:** 0417 528 527  
**Address:** 9 Merrybrook St, Freshwater, QLD, 4870



## Disclaimer


This disclaimer governs the use of this report, and by using this report Hilrok Hotel Group Pty Ltd (hereafter 'Hilrok') accepts this disclaimer.

The information in this report is for the exclusive use of Hilrok and may only be used for the purpose for which it was commissioned and in accordance with the contract between Biosphere Environmental Consultants (hereafter 'Biosphere') and Hilrok. Biosphere cannot be held liable or responsible for use or reliance on this report or supporting material by a third party.

The information and opinions in this report are based on the technical and practical experience of environmental practitioners. Advice conclusions and recommendations contained in this report should be read and relied on only in the context of the entire document.

The opinions in this document may be affected by changes to legislation and may change if additional information becomes available through further assessments, analysis, and observations, or if new information is published. Readers should obtain up to date information.

Although Biosphere has developed this report with great care, it does not constitute legal advice. Hilrok must not rely on the information in the report as an alternative to legal advice from an appropriately qualified professional.

<b>Author</b>	<b>Technical reviewer/editor</b>	<b>Version</b>	<b>Date</b>	<b>Approved for issue</b>
Damian Marrant BAppSc (Hons) PhD (Zoology)	Sarah Gill BSc (Vet)(Hons) BVSc (Hons) MVS (Cons Med)	F1	26/04/2020	

Cite as: BEC (2020) *Court House Hotel Port Douglas Mango Tree Removals – Environmental Assessment and Impact Management Plan*. Report to Hilrok Hotel Group Pty Ltd. Biosphere Environmental Consultants, Cairns.

## Contents

Introduction .....	1
Flying-foxes in the Wet Tropics.....	2
Spectacled flying-fox ecology, behaviour and distribution.....	3
Metallic starling ecology, behaviour and distribution.....	3
Methods.....	4
Desk-based assessment.....	4
Site visit.....	4
Suitably qualified and experienced person.....	4
Results .....	5
Nature of the problem.....	5
Mango Trees.....	5
Metallic starlings .....	6
Flying-foxes .....	8
Costs of the Mango Trees and associated wildlife use.....	9
Discussion .....	9
State and Commonwealth environment legislation.....	9
Douglas Shire Planning Scheme - Vegetation Management Code .....	10
Impact Mitigation.....	11
References .....	12

## Tables

Table 1. Applicant and location details .....	2
Table 2. Performance and Acceptable outcomes in the Vegetation Management Code .....	10

## Figures

Figure 1. Court House Hotel showing the location of the four mango trees proposed for removal .....	7
Figure 2. Trees 86 & 87 - Council (left) and Hotel (right) staff cleaning. ....	8
Figure 3. Tree 87 - Hotel employee cleaning footpath .....	8
Figure 4. Trees 88 &89 – Wharf St .....	8
Figure 5. Bird excrement on garden plants - Macrossan Street .....	8
Figure 6. Bird excrement on roof and air vents is difficult to access .....	8
Figure 7. Bird excrement on Macrossan Street .....	8

## Introduction

Hilrok Hotel Group Pty Ltd (hereafter ‘Hilrok’; Table 1), trading as ‘Court House Hotel Port Douglas’ (hereafter ‘the Hotel’) propose to remove four mango (*Mangifera indica*) trees (hereafter ‘the Mango Trees’) from its grounds to alleviate a range of concerns associated with falling fruit and limbs, structural damage, and visitation by metallic starlings (*Aplonis metallica*) and flying-foxes (*Pteropus* spp.; most likely spectacled flying-foxes, *P. conspicillatus*<sup>1</sup>).

Hilrok engaged a qualified arborist (Billy Quaid; MPDT Pty Ltd) to assess the current health and condition of the trees (Quaid 2020). MPDT recommended that all four trees should be removed to mitigate their impacts on infrastructure and associated wildlife-related issues.

Biosphere Environmental Consultants (Biosphere) was commissioned by Hilrok to undertake an assessment of the Mango Trees, in consideration of the potential environmental impacts of their removal. Biosphere’s assessments included a breeding places survey pursuant to the *Nature Conservation Act 1994* (NC Act) and subordinate *Nature Conservation (Wildlife Management) Regulation 2006* (NC Regulation). Biosphere assessment also considered whether or not the tree removals will achieve the purposes of the *Douglas Shire Planning Scheme 2018 (9.4.9 Vegetation Management Code)*.

The following document describes the site visit that was undertaken, identifies the potential environmental implications of removing the Mango Trees, addresses the outcomes of the *Vegetation Management Code*, and provides recommendations for impact mitigation.

Biosphere investigated the potential for negative impacts on native fauna via a desk-based review and site visit. Three potential legislative triggers were identified that relate to impacts on wildlife (relevant species in parentheses):

- ***Killing, injuring, or harming a ‘protected animal’*** (metallic starlings and flying-foxes)  
It is an offence under the NC Act and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to kill, injure or harm an animal ‘protected’ under either Act, without a reasonable excuse and/or authorisation.
- ***Tampering with a ‘protected animal’ breeding place*** (metallic starlings and flying-foxes)  
It is an offence, under the NC Act/Regulation, to tamper with an animal breeding place that is being used by a ‘protected animal’ to incubate or rear the animal’s offspring, without a reasonable excuse and/or authorisation. An approved *Species Management Program for tampering with animal breeding places* (SMP) is required where an animal breeding place has been identified, and activities are proposed that would tamper with the breeding place in order to complete the scope of works.
- ***Significant impacts on a species listed under the EPBC Act*** (flying-foxes)  
The spectacled flying-fox is Listed as Endangered under the EPBC Act and is considered a matter of national environmental significance (MNES). A person who proposes to take an action that will have, or is likely to have, a significant impact on a MNES must refer that action to the minister for a decision on whether assessment and approval is required under the EPBC Act.

---

<sup>1</sup> There is a spectacled flying-fox roost approximately 850 m south of the Court House Hotel.



**Table 1. Applicant and location details**

---

	<p><b>Applicant:</b> Hilrok Hotel Group Pty Ltd (ABN: 57 001 173 673)</p> <p><b>Business name:</b> Court House Hotel Port Douglas</p> <p><b>Applicant address:</b> 27 The Corso, Manly, NSW, 2095</p> <p><b>Principal:</b> Tim Peterson, Director</p>
<b>Applicant details</b>	<p><b>Contact person:</b> Robert De Carlo, General Manager, Court House Hotel Port Douglas</p> <p><b>Contact person telephone:</b> (07) 4099 5181 OR 0404 024 866</p> <p><b>Contact person email:</b> <a href="mailto:robertdecarlo@courthousehotelportheadouglas.com.au">robertdecarlo@courthousehotelportheadouglas.com.au</a></p> <p><b>Nominated person in charge where the activity is to be undertaken:</b> Robert De Carlo</p> <p><b>Nominated person in charge telephone:</b> 0404 024 866</p> <p><b>Nominated person in charge email:</b> <a href="mailto:robertdecarlo@courthousehotelportheadouglas.com.au">robertdecarlo@courthousehotelportheadouglas.com.au</a></p>
<b>Location details</b>	<p>The Court House Hotel is situated is on Lot 0 on SP139070, Port Douglas, Queensland (Latitude -16.481°, Longitude 145.462°; Figure 1). It is located within the highly-developed Port Douglas Central Business District and is not connected to any natural area.</p>
<b>Approved agents</b>	<p>Hilrok Hotel Group Pty Ltd, including employees, consultants, contractors and sub-contractors. Work will be undertaken following advice from a 'suitably qualified and experienced person', as defined in the <i>Species management program for tampering with animal breeding places (high risk of impacts)</i> and/or with such a person present</p>

---

## Flying-foxes in the Wet Tropics

It is not clear which species of flying-fox visit the Mango Trees and it is therefore appropriate to consider the possibilities. Three flying-fox species occur in the Wet Tropics:

- Black flying-fox (*Pteropus alecto*) - Least Concern under the NC Act
- Little-red flying-fox (*Pteropus scapulatus*) - Least Concern under the NC Act
- Spectacled flying-fox (*Pteropus conspicillatus*) - Vulnerable under the NC Act and Endangered under the EPBC Act

The black flying-fox is uncommon in the lowland Wet Tropics north of Ingham, although small numbers of individuals are occasionally observed within spectacled flying-fox (SFF) camps further north, for example in Cairns (pers. obs. D. Marrant). The little-red flying-fox is highly mobile and nomadic, moving around the landscape in response to seasonal availability of food resources, primarily nectar and pollen (Birt et al. 2008, Churchill 2008). LRFF are sporadic and transient visitors to the Wet Tropics and can travel in groups of up to 1 million individuals (Birt et al. 2008).

Spectacled flying-foxes are likely to be the species that visits in the Mango Trees during the fruiting season. The considerations under the NC Act for undertaking activities affecting flying-fox roosts are the same for all three species mentioned above. However, SFF also receive additional protection under the EPBC Act. For the following reasons, and for the purposes of this assessment, it is assumed that SFF are the flying-fox species of relevance to the proposed tree removals:

- SFF roost nearby and are therefore the most likely visitors to the Hotel
- SFF roosts are afforded the same protections under the NC Act as roosts used by the other species
- SFF receive additional legal protection under the EPBC Act

## **Spectacled flying-fox ecology, behaviour and distribution**

The spectacled flying-fox is black over most of its body, generally with a prominent yellow neck ruff and straw-coloured fur on its muzzle and around its eyes (hence the name ‘spectacled’). SFF primarily eat fruit, including mangoes and, to a lesser extent, nectar and pollen. They source their food in a broad range of habitats, including from fruit trees in suburban backyards and orchards (Richards *et al.* 2008).

SFF occur in Indonesia, New Guinea and north Queensland, Australia (Helgen *et al.* 2008). The global population is not considered to be declining at a rate required to qualify for listing in a threatened category by the IUCN (Helgen *et al.* 2008). However, the Australian SFF population is considered to be threatened with extinction and is listed as Endangered under the EPBC Act and Vulnerable under the NC Act.

The SFF is generally associated with rainforests, with most colonial camps occurring in or within several kilometres of rainforests (Richards *et al.*, TSSC 2019). They frequently move between camps, and adult SFF can disperse up to 50 km in a night to feed (Fox 2011 cited in TSSC 2019). The average GPS-tagged individual<sup>2</sup>, tracked by Westcott *et al.* (2015), used 25 distinct roosts, either temporarily or permanently occupied by SFF.

The peak mating season for the SFF is between March and May, although sexual activity tends to be continuous from January to June. Most pups are born between October and December (Richards *et al.* 2008). Mature females<sup>3</sup> devote most of their time to various stages of reproduction, and juveniles are nursed for 3-5 months. From 3-5 months they begin to become independent of their mothers; however, they receive some parental care for a number of months afterward (Richards *et al.* 2008). Generation length is estimated to be 7-8 years (Woinarski *et al.* 2014).

The National Flying-fox Monitoring Viewer (DoE 2020) identifies a Nationally Important [Spectacled] Flying-fox Camp approximately 850 m south of the Hotel (Name of camp: Port Douglas Sports), as well as three smaller camps in the local region (Port Douglas, Downing Street; Port Douglas, Crees Creek; Newell Beach, Mossman River). The flying-foxes that visit the Hotel to feed are likely to come from one or more of these roosts.

A *Flying-fox Roost Management Permit* would be warranted if management activities were being considered that have the potential to destroy or disturb a flying-fox roost or to drive away or attempt to drive away a flying-fox.

## **Metallic starling ecology, behaviour and distribution**

Metallic starlings are highly-social birds native to the Moluccas, New Guinea, the Solomon Islands, and Australia (Queensland; Pizzey & Knight 2007). They are listed as Least Concern under the NC Act and are therefore ‘protected animals’ under Queensland legislation. They are listed as Marine under the EPBC Act; however, this has little relevance to the current project.

Adults have oily-green/purple, glossy feathers, with a bulging, bright-red eye and a long, pointed tail. Juveniles have a white belly with dark brown striations (Simpson & Day 2000; Pizzey & Knight 2007). Metallic starlings feed on fruit, seeds and nectar in rainforests and nearby areas (Simpson & Day 2000; Bell 2016).

---

<sup>2</sup> Westcott *et al.* (2015) GPS tracked 51 males and 12 females.

<sup>3</sup> Females do not usually produce offspring until they are three years old, although some reproduce when they are two (Richards *et al.* 2008, TSSC 2019)

Large numbers of metallic starlings migrate annually from New Guinea to the rainforests of north-eastern Australia. They arrive in Queensland from November where they form large colonies of up to 1,000 birds. They construct pendulous, bulky nests of fibrous materials such as grass, bark and small vines (Natusch *et al* 2016; Natusch 2017), 10-20 m high in tall, emergent trees (Magarry 1987; Simpson & Day 2000; Pizzey & Knight 2007; Natusch 2017). Metallic starlings can tolerate human activity and disturbance, and they sometimes nest in urban areas (Pizzey & Knight 2007; pers. obs., D. Marrant). Birds return to the same nest trees over many seasons and have been recorded using the same tree for up to 15 years (Natusch 2017). Metallic starlings return to New Guinea around April after the last fledglings have left their nests (Natusch *et al* 2016; Natusch 2017).

Because metallic starlings are colonial breeders, a Queensland *Species Management Program for tampering with animal breeding places (high risk of impacts)* would be required for any activity that would “damage, destroy, mark, or move” their nests.

## Methods

Biosphere undertook a desk-based review of relevant information and a site visit.

### Desk-based assessment

The results of a desk-based review informed reporting. The following information sources were considered.

- Relevant information, photographs and video footage provided by Court House Hotel and discussed during the site visit (pers. com. Robert De Carlo, General Manager, Court House Hotel, 20 and 23 April 2020)
- Literature relevant to metallic starling and flying-fox ecology
- Legislative requirements and listings (Local, State and Federal Governments)
- Aerial imagery and other spatial data available via Google Earth and Queensland Globe

### Site visit

One site visit was undertaken by Biosphere’s Principal Ecologist, Dr Damian Marrant, on 23 April 2020, between 8-9 am. Dr Marrant was guided by Robert De Carlo, General Manager. Dr Marrant inspected the Mango Trees and surrounding areas from a range of vantage points, at ground level and from the balcony of the Court House Hotel.

### Suitably qualified and experienced person

Dr Marrant meets the criteria for a ‘suitably qualified and experienced person’ to undertake animal breeding places surveys. Dr Marrant holds a Bachelor of Applied Science (Hons)(Biodiversity, Environmental and Park Management) and a PhD (Zoology), is employed as an zoological consultant, and has broad experience conducting surveys for animal breeding places. He has broad experience in wildlife research and management, including birds and flying-fox ecology and management. For example, he prepared Central Highlands Regional Council’s Flying-fox Management Plan (Marrant 2016), and recently prepared a *Species Management Program (high risk of impact)*, Breeding Places Survey Report, and Impact Management Plan for disturbance of an osprey nest during telecommunications tower upgrades at Wangetti, Queensland (Marrant 2019). Dr Marrant has also provided wildlife management advice to Cairns Regional Council since 2015, particularly relating to flying-foxes.

## Results

The site visit was undertaken at the end of the metallic starling breeding season and was therefore timed appropriately to investigate whether or not metallic starlings use of the tree for breeding and chick rearing. No sign of metallic starlings or their nests was seen during the site visit and no nests have been seen since the birds commenced use of the trees in February (pers. com. De Carlo, 23 April 2020), suggesting that the trees may be spillover roosts from a nearby breeding colony.

Robert De Carlo played Dr Marrant video footage of the metallic starlings occupying one of the trees at dusk. Based on the audio recording and Dr Marrant's personal experience with metallic starlings, it was evident that considerable noise was being generated by the birds.

Flying-foxes reportedly feed in the Mango Trees during the fruiting season from (approx.) July to September each year (pers. com. De Carlo, 20 and 23 April 2020). They are not known to visit the trees at other times of the year and were not seen during the site visit.

None of the Mango Trees contained an 'animal breeding place' as defined in the Queensland *Nature Conservation (Wildlife Management) Regulation 2006*. No wildlife, including metallic starlings and flying-foxes, were seen in any of the Mango Trees.

### Nature of the problem

Robert De Carlo identified a broad range of issues relating to the Mango Trees and the impacts of wildlife visitation. The human impacts and sources of conflict include (relevant species in parentheses):

- Noise (metallic starlings and flying-foxes)
- Odour (metallic starlings and flying-foxes)
- Faeces and urine (metallic starlings and flying-foxes)
- Reduced amenity (metallic starlings and flying-foxes)
- Public health risk – perceived and real (metallic starlings and flying-foxes)
- Damage to infrastructure (Mango Trees)
- Economic loss from cleaning and maintenance (Mango Trees, metallic starlings and flying-foxes)
- Economic loss from tree/wildlife management (Mango Trees, metallic starlings and flying-foxes)
- Economic loss from customer avoidance (Mango Trees, metallic starlings and flying-foxes)

### Mango Trees

Mangoes are an introduced species and are not protected under State or Commonwealth environmental management legislation. The Mango Trees pose a number of problems for the Hotel.

- *The Mango Trees are used/occupied by large numbers of animals throughout much of the year*
  - Wildlife use brings additional problems (see below).
- *The Mango Trees drop fruit and limbs onto pedestrian areas*
  - Mangoes can, and sometimes do, drop onto guests.
  - Mango fruit is a slip hazard - e.g. a Hotel employee who is responsible for cleaning its external areas observed a "young girl [vicinity of Evert Fine Jewellery] slip on a mango skin and fall onto the concrete" (pers.com., Shane O'Hanlon, 23 April 2020).
  - Daily cleaning of fallen fruit is necessary during the fruiting season. Mess is exacerbated by flying-foxes dropping half-eaten fruit and spitting out fruit pulp.
- *The Mango Trees drop fruit and limbs onto roofs*
  - Falling mangoes create loud noise when they strike the roof of the Hotel, which frightens patrons and staff and can disturb the sleep of guests in the adjacent Mantra on the Inlet.

- *Mango Tree roots are causing structural damage to the Hotel*
  - The roots of Tree 87 have entered water pipes, and the paving surrounding it has been deformed (pers.com., De Carlo, 20 April 2020).
  - All four of the trees are likely to cause damage in the long term to surrounding infrastructure including roofs, footpaths, and buildings (Quaid 2020).

### **Metallic starlings**

Metallic starlings reportedly began visiting the two Mango Trees on Macrossan Street (Tree 87 and Tree 88; Fig 1) in February 2020 and have since occupied the trees each evening at dusk, departing early the next morning ( $\approx$  6:30pm - 5:30am). They reportedly began to use the trees following Council's installation of the fairy lighting in Macrossan Street. The lights are not working in the top half of one of the lit trees, situated in Macrossan Street adjacent to the Hotel, and this tree has also become a bird roost (pers.com., De Carlo, 20 April 2020). No nests have been constructed in the Mango Trees and there is no evidence that the trees meet the criteria for an 'animal breeding place'. Whilst the metallic starlings are likely to migrate to New Guinea within the next few weeks, thus ceasing to use the trees, it is possible that they will use the trees in subsequent years. Metallic starlings cause a number of problems for the Hotel.

- *Public health risks (real and perceived)* – Metallic starlings excrete waste all over the areas under their roost trees.
  - Wild birds, including metallic starlings, carry a range of pathogens that pose a risk to human health, perhaps most notably avian influenza virus.
  - Regardless of the actual magnitude of the risk, many people feel revulsion toward animal excrement and will actively avoid it (Curtis 2001).
- *Feathers* - Metallic starlings shed feathers throughout the night
  - The birds shed/groom feathers while they are roosting, which are carried by the wind.
  - The feathers are difficult to clean up and occasionally land in drinks and on meals.
  - This poses a public health risk.
- *Noise* – Metallic starlings are highly social animals that communicate vocally.
  - Noise is made in response to a range of triggers and tends to be constant.
  - Current noise levels do/have made it difficult for Hotel patrons and clientele of surrounding businesses to relax, converse, and/or sleep.
- *Excrement* - Metallic starlings drop excrement throughout the night
  - All flat surfaces, including surrounding garden plants, lawns, footpath, walls, and canvas shades, are covered in excrement, which leaves stains on some surfaces (Figures 2, 3, and 4) and can be slippery.
  - Faeces and urine contain microorganisms that pose a serious threat to humans and domestic animal health, such as Salmonella, and Leptospirosis (QGov 2016).
  - At the time of the site visit, personnel from Douglas Shire Council and the Hotel were cleaning bird excrement from the road and footpaths. Despite having been cleaning for over one hour, the area smelled strongly of excrement which covered many surfaces and formed a slurry as it was washed onto the road and into drains. In a more-natural setting the excrement would decompose into the soil but in the Port Douglas CBD it flows into stormwater drains and then, presumably, the ocean. The increased nutrient levels and turbidity from the runoff have the potential to exert negative impacts on local aquatic ecosystems.

An excerpt from a hotel manager's report on 10 March 2020 describes a typical evening: "The birds arrived on que [*sic*] at 6.40 pm and filled the mango tree, they stayed there all night. Again, very noisy and smelly. No rain tonight but raining poo and feathers so walkway covered in it. Saw some customers walk on the road to not have to walk through the poo".

# Court House Port Douglas

Map shows the location of the three mango trees proposed for removal

16°28'50"S 145°27'43"E

16°28'50"S 145°27'46"E



16°28'53"S 145°27'43"E

16°28'53"S 145°27'46"E

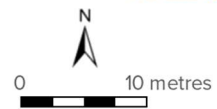


Legend located on next page



Includes material © State of Queensland 2019. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability.

Imagery includes material © CNES reproduced under license from Airbus DS, all rights reserved © 21AT © Earth-i, all rights reserved, 2019



Scale: 1:472

Printed at: A4  
Print date: 24/4/2020

Datum: Geocentric Datum of Australia 1994  
Projection: Web Mercator EPSG 102100

For more information, visit  
<https://qdglobe.information.qld.gov.au/help-info/Contact-us.html>



Figure 1. Court House Hotel showing the location of the four mango trees proposed for removal

### **Flying-foxes**

Flying-foxes visit all four Mango Trees each year to feed on fruit during the fruiting season (pers.com., De Carlo, 20 April 2020). They cause a number of problems for the Hotel, which are similar to those posed by metallic starlings.

- *Public health risks (real and perceived)* - Flying-foxes, and their faeces and urine contain pathogens, and there is potential for a bat to scratch or bite a person (albeit not likely).
  - Flying-foxes carry a range of pathogens that can cause illness and death in people, including Hendra virus, Australian bat lyssavirus, and Menangle virus (QGov 2016).
  - Faeces and urine contain microorganisms that pose a serious threat to humans, such as Salmonella, and Leptospirosis (QGov 2016).
  - Although most of the above pathogens are unlikely to be transmitted to humans, the seriousness of the diseases mean that anyone who comes into contact with a bat (i.e. bite or scratch) should assume that the bat is infected (DES 2020).
  - Some tourists and members of the public are afraid of flying-fox diseases (*sensu* Westcott *et al* 2011) which may lead them to avoiding the Hotel and/or adjacent businesses.
- *Odour* - Flying-fox excrement is pungent.
  - Flying-fox urine and faeces contains volatile chemicals with a pungent, characteristic odour.
  - In some cases the smell can induce nausea in local residents (GeoLINK 2002).
  - Residents may feel compelled to close doors and windows to minimise odours, leading to discomfort and increased financial loss from running air-conditioners (GeoLINK 2002).
- *Noise* - Flying-foxes are highly social animals that communicate vocally.
  - Noise is made in response to a range of triggers.
  - Impacts can include loss of sleep and an inability to relax or concentrate (GeoLINK 2002).
- *Excrement* - Flying-foxes defecate and urinate whilst feeding
  - Flat surfaces, including surrounding gardens, lawns, footpath, walls, and canvas shades, are covered in excrement when the Mango Trees are fruiting.
  - Flying-fox excrement leaves stains on some surfaces, can be slippery, and is corrosive.



Figure 2. Trees 86 & 87 - Council (left) and Hotel (right) staff cleaning



Figure 3. Tree 87 - Hotel employee cleaning footpath



Figure 4. Trees 88 & 89 – Wharf St



Figure 5. Bird excrement on garden plants - Macrossan Street

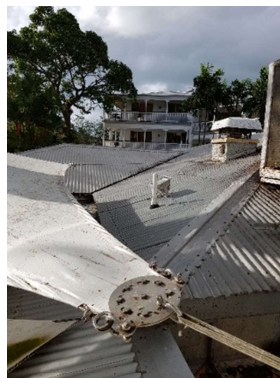


Figure 6. Bird excrement on roof and air vents is difficult to access



Figure 7. Bird excrement on Macrossan Street

## Costs of the Mango Trees and associated wildlife use

The costs to residents of the Mango Trees and associated wildlife issues include financial expenses, loss of revenue, damage to the reputation of local businesses and Port Douglas in general, and emotional distress.

There is also a risk to human health, particularly as a result of the large volume of excrement in places where people congregate, and food and drinks are served.

As mentioned above, the increased nutrient levels and turbidity from the large volumes of excrement runoff during cleaning has the potential to negatively impact aquatic ecosystems 'downstream'.

Court House Hotel has incurred significant direct financial costs associated with managing the Mango Trees and wildlife. Other costs such as reputation damage and customer avoidance/rejection are harder to quantify but are likely to be significant. Examples of the direct financial expenses incurred by the Hotel include (pers.com., De Carlo, 23 April 2020):

- Cost of high-pressure cleaning equipment = **\$2,000**
- Cost of attempts to deter birds using lighting = **\$2,500**
- Annual de-fruiting & Mango Tree trimming
  - \$1200 per tree, per year - **\$3,600 per annum**
- Daily TAB/beer garden/TAB sail cleaning due to falling leaves & bird droppings (excluding current metallic starling occupation)
  - 1hr/day x 360 days = 360 hrs @ \$55/hr = **\$19,800 per annum**
- Estimate of extra cleaning as a result of dropping fruit (July to September) on footpaths, bistro deck roof, TAB sail, and TAB/pokie roof
  - 2 hr/day x 10 weeks = 140 hrs @ \$55/hr = **\$7,700 per annum**
- Current sail/footpath and general area cleaning due to metallic starlings
  - 4 hrs/day x 7 days a week @ \$55 p/hr = **\$1,540 per week**

Douglas Shire Council also incurs costs from the Mango Trees, particularly relating to cleaning of wildlife excrement each weekday by 2-3 Council employees.

## Discussion

### State and Commonwealth environment legislation

If work is undertaken during daylight hours and impact mitigation measures are implemented it is unlikely that any protected animal would be killed, injured or otherwise harmed. Although the trees provide food and roost resources, their removal is not likely to have significant long-term impacts on wildlife.

Given the low likelihood of adverse impacts on native fauna or their breeding places, and assuming impact mitigation measures will be implemented, Biosphere does not consider State and Commonwealth flora & fauna permits/approvals to be warranted.



## Douglas Shire Planning Scheme - Vegetation Management Code

The Mangoes are tall, impressive trees which provide shade, and food resources and roosts for wildlife. However, Biosphere believes that the social and economic costs of wildlife use of the Mango Trees outweighs the benefits of the trees for local resident and the broader community. Removal of the trees is likely to be the only reasonable solution the problem.

Quaid (2020) made similar observations and also observed that the trees would likely cause ongoing damage to surrounding infrastructure if left *in situ*.

Whilst the proposed tree removals do not exactly meet any of the Acceptable Outcomes for PO1 in Douglas Shire Council's *Vegetation Management Code*, the Performance Outcomes for PO1 will be met (Table 2).

**Table 2. Performance and Acceptable outcomes in the *Vegetation Management Code***

Performance outcomes	Assessment
The character and amenity of the local area will be maintained	<ul style="list-style-type: none"> <li>• The Mango Trees are tall, impressive trees which provide shade. However, the overall character and amenity of the local area is negatively affected by them, primarily because of the impacts of the noise/smell/excrement from the birds and flying-foxes that visit the trees throughout much of the year.</li> <li>• Local residents and workers experience emotional distress because of a range of factors that result from the Mango Trees, including lost revenue and reduced amenity.</li> <li>• The Court House Hotel intends to revegetate the areas with smaller and more easily managed tree species and other plants as per <i>SC6.7 Planning scheme policy – Landscaping</i> (Plant species schedule for Port Douglas and Coastal Communities Landscape Zone). Appropriate trees will be determined in consultation with Douglas Shire Council (pers.com., De Carlo, 23 April 2020).</li> </ul>
Vegetation damage will not result in fragmentation of habitats	<ul style="list-style-type: none"> <li>• The Mango Trees are isolated and not connected to natural habitats. The Port Douglas area contains many other isolated trees, including Mango Trees, in which wildlife could feed and/or roost.</li> </ul>
Vegetation damage will be undertaken in a sustainable manner	<ul style="list-style-type: none"> <li>• The Mango Trees are isolated and not connected to natural habitats.</li> <li>• The Mango Trees will be completely removed and replaced with smaller and more easily managed tree species and other plants as per <i>SC6.7 Planning scheme policy – Landscaping</i> (Plant species schedule for Port Douglas and Coastal Communities Landscape Zone). Appropriate trees will be determined in consultation with Douglas Shire Council (pers.com., De Carlo, 23 April 2020).</li> </ul>
The Shire's biodiversity and ecological values will be maintained and protected	<ul style="list-style-type: none"> <li>• Mangoes are not native to Australia.</li> <li>• There is no evidence that native fauna use the Mango Trees for breeding or rearing young.</li> <li>• The Mango Trees do provide roosting space and food for native fauna; however, there are numerous trees throughout the Port Douglas area and beyond that could potentially provide alternative roosts and food resources.</li> </ul>
Vegetation of historical, cultural and/or visual significance is retained	<ul style="list-style-type: none"> <li>• Biosphere is not aware of the Mango Trees having historical or cultural significance.</li> <li>• The Mango Trees are large and impressive; however, their visual appeal is offset by the animal excrement covering large areas beneath them.</li> </ul>

Performance/Acceptable Outcomes of PO2 and PO3 will be met:

- PO2 - Vegetation damaged on a lot does not result in a nuisance.
  - The Mango Trees will be removed and disposed of at an approved site (AO2.1).
- PO3 - Vegetation damage identified on the *Places of significance overlay* lot does not result in a negative impact on the site's heritage values.
  - The Court House Hotel is not mapped as a place of significance on the *Places of significance overlay*.

## Impact Mitigation

Biosphere considers it highly unlikely that the proposed tree removals will have adverse impacts on native fauna or their breeding places if the following recommendations for impact mitigation are considered. However, regular use of the trees by wildlife presents an increased risk that fauna could be inadvertently killed, injured or otherwise harmed during tree removals. There are also potential risks to the public during the removals. Biosphere have recommended the following impact mitigation measures in consideration of the *Information sheet - Species Management Program - Requirements for tampering with a protected animal breeding place in Queensland*.

- The trees should be removed as soon as possible to take advantage of the relative absence of tourists in the area, which has resulted from COVID-19 restrictions. In this way, disruptions to pedestrian and vehicle traffic may be minimised.
- The proposed work must be undertaken at a time when the tree is not being used for breeding or raising young by metallic starlings, flying-foxes, or other protected wildlife.
- Potential wildlife-related issues and mitigation measures should be identified for each stage of the proposed work and communicated to relevant personnel.
- A pre-clearing inspection should be undertaken by a ‘suitably qualified and experienced person’ immediately prior to removal of each tree, to ensure that no native fauna or breeding places will be disturbed.
- If the ‘suitably qualified and experienced person’ will not be present during clearing (i.e. depart after pre-clearing inspections), their contact details should be provided to personnel undertaking tree removals and they should be on-call to provide advice in case of unforeseen events.
- Consider having an authorised spotter-catcher present during clearing<sup>4</sup>.
- The duration of the tree removal work should be minimised.

---

<sup>4</sup> A spotter catcher is a person licensed under the Queensland *Nature Conservation Act 1992* to detect, capture, care for, assess, and release wildlife disturbed by vegetation clearance activities. Biosphere holds a current spotter catcher permit (WA0016562) and is available to undertake the work if required.

## References

- Bell, H.L. (2016) New or confirmatory information on some species of New Guinean Birds. *Australian Field Ornithology* **10**: 209-228.
- BirdLife International (2018) *Aplonis metallica*. The IUCN Red List of Threatened Species 2018: URL: <https://dx.doi.org/10.2305/IUCN.UK.2018-2.RLTS.T22710553A131958945.en>. Accessed: 23 April 2020.
- Birt, P., McCoy, M. & Palmer, C. (2008) Little red flying-fox *Pteropus scapulatus*, in *The Mammals of Australia* (eds. S. Van Dyck and R. Strahan). Reed New Holland, Sydney.
- Churchill, S. (2008) *Australian bats*. Allen & Unwin, Crows Nest.
- Curtis, V. & Biran, A. (2001) Dirt, disgust, and disease: Is hygiene in our genes? *Perspectives in Biology and Medicine* **44**: 17-31.
- DES (2020) *Viruses carried by flying-foxes*. Department of Environment and Science, Brisbane. URL: <https://environment.des.qld.gov.au/wildlife/animals/living-with/bats/flying-foxes/viruses>. Accessed: 23 April 2020.
- DoEE (2020) National Flying-fox monitoring viewer. Department of the Environment and Energy, Canberra. URL: <http://www.environment.gov.au/webgis-framework/apps/ffc-wide/ffc-wide.jsf>. Accessed: 23 April 2020.
- Fujita, M.S. & Tuttle, M.D. (1991) Flying foxes (Chiroptera: Pteropidae): Threatened animals of key ecological and economic importance. *Conservation Biology* **5**: 455-463.
- GeoLINK (2002) Lorn flying-fox management strategy. Report to Maitland City Council, Maitland.
- Helgen, K., Salas, L. & Bonaccorso, F. (2008) *Pteropus conspicillatus*. The IUCN Red List of Threatened Species 2008. URL: <http://dx.doi.org/10.2305/IUCN.UK.2008.RLTS.T18721A8510243.en>. Accessed: 23 April 2020.
- Magarry, A. (1987) Observations on metallic or shining starlings (*Aplonis metallica*). *The North Queensland Naturalist* **188**: 7.
- Morrant, D.S. (2016) *Central Highlands Regional Council Flying Fox Management Plan*. Report to Central Highlands Regional Council. NRA Environmental Consultants, Cairns.
- Morrant, D.S. (2019) Species Management Program (high risk of impact) for disturbance of an osprey nest during telecommunications tower upgrades at Wangetti, Queensland - Breeding Places Survey Report and Impact Management Plan. Report to Kordia Solutions Australia. Biosphere Environmental Consultants, Cairns.
- Natusch, D.J.A. (2017) Ecological impacts of metallic starling colonies in tropical Queensland, Australia. PhD Thesis. University of Sydney.
- Natusch, D.J.A., Lyons, J.A., Brown, G. & Shine, R. (2016) Communally nesting migratory birds create ecological hot-spots in Tropical Australia. *PLoS One* **11**: e0162651.
- Pizzey, G. & Knight, F. (2007) *The field guide to the birds of Australia*. HarperCollins Publishers, Sydney.
- QGov (2016) Bats and human health. Queensland Government, Brisbane. URL: <http://conditions.health.qld.gov.au/HealthCondition/condition/14/217/14/Bats-human-health>. Accessed: 24 April 2020.

Quaid, B. (2020) *Tree health and condition report – Courthouse Hotel Port Douglas*. MPDT Pty Ltd, Mossman.

Richards, G.C., Spencer, H.J. & Fox, S. (2008) Spectacled flying-fox *Pteropus conspicillatus*, in *The Mammals of Australia* (eds. S. Van Dyck and R. Strahan). Reed New Holland, Sydney.

Simpson, K., Day, N. & Trusler, P. (1996) *Field guide to the birds of Australia* (7<sup>th</sup> edition). Penguin Books, Melbourne.

TSSC (2019) *Conservation advice Pteropus conspicillatus*. Threatened Species Scientific Committee - Department of the Environment and Energy, Canberra.

Westcott, D.A., Heersink, D.K., McKeown, A. & Caley, P. (2015) *Status and trends of Australia's EPBC-listed flying-foxes*. Report to the Commonwealth Department of the Environment. CSIRO, Australia.

Westcott, D.A., McKeown, A., Murphy, H.T. & Fletcher, C.S. (2011) *A monitoring method for the grey-headed flying-fox, Pteropus poliocephalus*. CSIRO published Guidelines.

Woinarski, J.C.Z., Burbidge, A.A., & Harrison, P.L. (2014) *The Action Plan for Australian Mammals 2012*. CSIRO Publishing, Collingwood.



Tree Acq Pty Ltd

PO Box 349, Mossman Queensland 4873

PH: 07 4098 8264 ABN: 92 626 678 635

[www.mpdt.com.au](http://www.mpdt.com.au); [sales@mpdt.com.au](mailto:sales@mpdt.com.au)

## TREE HEALTH AND CONDITION REPORT

### Courthouse Hotel Port Douglas

**Diploma of Arboriculture:**

**Billy Quaid - *MPDT***

**T: 0407860009**

**E: [sales@mpdt.com.au](mailto:sales@mpdt.com.au)**

## Table of Contents

1. Introduction.....	3
2. Objectives.....	3
3. Information and Documentation Provided.....	3
4.1 Site Description.....	4
4.2 Location of Assessed Trees.....	4
5. Materials & Methodology.....	10
6. Collection of Data.....	10
7. Survey Schedule.....	11
8. Recommendations and Observations.....	14
Appendix 1: Index of Arboricultural terms used.....	16

## 1. Introduction

MPDT Pty Ltd has been commissioned by Robert Decarlo on behalf of The Courthouse Hotel Port Douglas. The aim of this survey was to establish the current health and condition of Mango trees in the vicinity of The Courthouse Hotel, Port Douglas.

These trees were assessed from ground level using accepted modern arboricultural techniques - no aerial or underground inspections were made.

The information and recommendations contained within this report are relevant to the survey date only. This report is relevant to our latest site visit 7/04/20. It must be remembered that trees/palms are dynamic organisms, being subject to continuous change, and reassessment should therefore be carried out on a regular basis (recommended 6 monthly) if the recommendations are carried out.

## 2. Objectives

The objectives of this report are:

- To provide a conditional assessment report on tree health and management for several Mango trees located in the Courthouse Hotel. The owners are concerned with the safety of patrons as the fruiting tree drops mangoes, and attracts disease carrying fruit bats and metallic starlings, which land in the tree and defecate on the Patrons, and the surrounding walking areas. Also, the rooting fruit is causing damage to shade sail and guttering.

## 3. Information and Documentation Provided

At the time of the actual site inspection for assessment and health condition report Billy Quaid was provided with a site address and pictures of concerning trees.

Also, further information was supplied on the Courthouses attempts at mitigating issues by crown reduction over the last 7 years, and the health and safety issues recorded due to these trees.

### **4.1 Site Description**

The tree inspected are located on the corner of Wharf and Macrossan Streets. It is a historic pub that is well visited by locals and tourists and has a large outdoor dining area that overlooks the sugar wharf and park areas.

### **4.2 Location of Assessed Trees**

The Mango tree in question in place at the front of Macrossan st, situated in the flooring of the deck and next to the TAB and Gambling areas. Its canopy covers both the roof and the outdoor eating area. Trees, 88, 89, 90 are either built around or overhanging walking and eating areas. 87 is placed over walkway near grassed area. Trees have been tagged and photos attached.





Tree 87 – Mango Tree

*TREE ACQ Pty Ltd – MPDT*

*© Commercial in confidence*



Above images are the result of birds and bats visiting the trees.

TREE ACQ Pty Ltd – MPDT

© Commercial in confidence



Tree 88– Mango tree

*TREE ACQ Pty Ltd – MPDT*

*© Commercial in confidence*



Above pictures are of Tree 88 and its trunk, its location to building and eating areas, and result of bird and bat droppings.

*TREE ACQ Pty Ltd – MPDT*

*© Commercial in confidence*



Tree 89 and 90 – Mango Tree and its location.

*TREE ACQ Pty Ltd – MPDT*

*© Commercial in confidence*

## 5. Materials & Methodology

The following is a description of elements included in the tree assessment.

- Species: the tree's botanical or common name as is most appropriate.
- Age: an estimation of the tree's age
  - Young (Y): from establishment up to one third expected life span
  - Semi-mature (SM): between one and two thirds expected life span
  - Mature (M): between two thirds expected life span up to full maturity
  - Over mature (OM): trees older than expected life span or veteran trees
- Condition: the tree's overall health and condition
  - Good: good form, typical of species with no major defects present. Long safe useful life expectancy
  - Reasonable: Good or reasonable form. Any defects are easily rectifiable or can be managed
  - Poor: Poor form. Major defects present.
  - Dead
- DBH: the diameter of the tree in centimetres, measure at a height of approximately 1.5m. Used as a means of identification and gauge of future growth.
- Height: the height of the tree in metres, estimated using surveyor's own judgement (no measuring instruments were used in this survey).
- Spread: the crown spread in one direction only
- Comments: comments relating to the general health and condition of the tree.
- Recommendations: recommendations for remedial work or other relevant advice.
- Priority: Priority of recommended works
  - High (H): action required within one month
  - Medium (M): action advised within 3 months
  - Low (L): action not critical but advisable for longer term health of the tree/amenity value

The process of risk identification and controls have been carried out in accordance with AS/NZS 4360:2004 – Risk Management

## 6. Collection of Data

The data collected for this tree health and condition report was done so of a preliminary nature. All data was collected from visible access points at ground level. No climbing or use of elevated work platforms was utilised. Due to the visual nature of this assessment there may be other issues that remain undetected.

## 7. Survey Schedule

Tree #	Species	Age		Condition	DBH (m)	Height (m)	Spread (m)	Comments	Recommendations	Priority
87	Mango Tree (Mangifera indica)	SM		Reasonable	0.66	15	9	This tree is located outside the jewellery store near grassed area and overhangs the footpath. It has had its crown thinned over the last 5 years to reduce fruiting and bat/bird faeces covering the footpath and grassed area.	It is recommended for removal due to its location and long term; the tree will cause damage to the footpath and roof. Also, large efforts have been taken to reduce the canopy to mitigate the risk of disease carrying Flying Foxes and Metallic Starlings that defecate on the eating areas, whilst feeding in the tree. This has still not stopped the problem and the is a continuing health and safety issue.	M
Tree #	Species	Age		Condition	DBH (m)	Height (m)	Spread (m)	Comments	Recommendations	Priority
88	Mango Tree (Mangifera indica)	SM		Reasonable	0.7	15	10	This tree is located in the decking of hotel and overhangs the outdoor eating area. It has had its crown thinned over the last 5 years to reduce fruiting and bat/bird	It is recommended for removal due to its location and long term, its expanding diameter of its trunk will cause structural damage to the building, not to mention the root system. Also, large	M

TREE ACQ Pty Ltd – MPDT

© Commercial in confidence

								faeces covering the outdoor eating area and the shade covers. Build-up of this has been recorded as a WHS risk as it's been a slip hazard for cleaners. Tree is in reasonable condition but will continue to grow and cause infrastructure damage later on.	efforts have been taken to reduce the canopy to mitigate the risk of disease carrying Flying Foxes and Metallic Starlings that defecate on the eating areas, whilst feeding in the tree. This has still not stopped the problem and the is a continuing health and safety issue.	
--	--	--	--	--	--	--	--	---	--	--

Tree #	Species	Age	Condition	DBH (m)	Height (m)	Spread (m)	Comments	Recommendations	Priority
89	Mango Tree (Mangifera indica)	SM	Reasonable	1	14	9	This tree is located at the back garden of the hotel and is located with 300mm of Tree 90. These trees are overhanging footpath also.	It is recommended for removal due to its location and its root system will likely cause damage to footpaths over the longer term. Also, large efforts have been taken to reduce the canopy to mitigate the risk of disease carrying Flying Foxes and Metallic Starlings that defecate on the eating areas, whilst feeding in the tree. This has still not stopped the problem and the is a continuing health and safety issue.	M



Tree #	Species	Age	Condition	DBH (m)	Height (m)	Spread (m)	Comments	Recommendations	Priority
90	Mango Tree (Mangifera indica)	SM	Reasonable	0.7	15	9	This tree is located next to Tree 89 and has same issues. Its crown overhangs the eating areas more. As per the photos, there is clear evidence on how much faecal matter is dropped over patrons in this area.	It is recommended for removal due to its location as the roots system will likely cause structural damage, particularly to footpath long term. Also, large efforts have been taken to reduce the canopy to mitigate the risk of disease carrying Flying Foxes and Metallic Starlings that defecate on the eating areas, whilst feeding in the tree. This has still not stopped the problem and the is a continuing health and safety issue.	M

## 8. Recommendations and Observations

It is recommended that the Mango trees be removed. The client has over the last five years endeavoured to keep these trees, and to trim it to Australian standard to reduce the amount of fruiting. This cannot be further trimmed without reducing much more of the canopy, without much more effect. These trees are also Semi-Mature, will continue to grow and expand into infrastructure, and is not suited for this urban environment. This tree is a Medium Priority.

Contributing factors to this assessment were;

- Clear evidence of crown reduction yet no elimination of Bat Problem
- Obvious sign of faeces and highly acidic fruit debris on roof and shade sails.
- The position of tree in relation to building and the deck

In consultation with the Courthouse the other following findings were made;

- Business interruption, OH&S and Public risks have now increased over the following months:
- Feb – May is the Starling bird issue, July – Oct is the Mango fruit and bat issues

3 major issues with the mango trees on the site over the yearly cycle:

1. When mango fruit is produced it is dangerous and causes cleaning issues
  - fruit drops onto pedestrians on Macrossan St and Wharf St or guests of the hotel
  - fruit drops on the sails and iron roofs or equipment causing damage
  - rotten fruit drops can be a trip hazard
  - above requires significant hygiene and cleaning issues
  
2. When fruit is produced birds and bats are attracted to eat the fruit causing significant hygiene and cleaning issues
  - large quantities of bird and bat feces along council footpath entering Court House Hotel and Mantra accommodation and shops and hotel roofs, walkways and eating and drinking areas, furniture and fixtures
  - half eaten fruit drops onto the ground causing slip hazard and major hygiene hazard,
  - bat & bird droppings over the vast area onto staff and guests (as shown in pictures)

3. Starling Bird use of the trees over summer months causing major issues with regards to health and hygiene due to bird droppings as outlined above. (as per pictures)

Since Council's installation of the Macrossan Street Fairy lighting the starlings have relocated into the mango trees at the Court House. This has resulted in:

- Staff, hotel guests, international tourists, general public can no longer walk down the Macrossan St footpath from the Jewellery shop without being at risk of bird droppings between 6pm – 6am.
- With current health issues like the Coronavirus getting worldwide attention; this situation is a significant hygiene, health and safety issue:
  - Bird / Bat dropping on the footpath and road, creating slip hazards;
  - Bird / Bat feathers blowing into the hotel as well as adjacent Mantra accommodation;
  - Bird/ Bat droppings covering the leaves of the trees and garden areas below;

This report will be followed up by a report from Dr Damian Marrant. Principal Ecologist and Director Biosphere Environmental Consultants Pty Ltd, outlining the Environmental effects of this tree.

If contractors are to be engaged for remedial work, they should be fully qualified and experienced, being able to demonstrate a comprehensive OHS policy specific to tree work, with relevant insurances in place.

## Appendix 1: Index of Arboricultural terms used

Amenity	The quality of being pleasant or agreeable
Arboriculture	The culture and management of trees as groups and individuals, primarily for amenity and other non-forestry purposes
Assessment	In relation to tree hazards, the process of estimating the risk that a tree or group of trees poses to persons or property
Basal Area	Area of tree around stem base, including visible buttress roots
Bifurcated	A tree with two main stems
Biomechanics	Mechanical loading of the tree's structure
Branch collar	A swelling at the base of a branch
Buttress roots	Angled roots at stem base
Cable braces	Branch or stem supporting system
Clean out	Removal process of dead, dying and diseased branches
Crown	The part of the tree comprising of limbs, branches and foliage
Crown lifting	Remove lower branches to a specified height
Crown reduction	Reduce the overall size of the crown proportionally
Crown spread	Distance from stem to crown edge
Crown thinning	The reduction of the volume of a crown without changing the overall height and spread. Often referred to as reducing the "sail area". The extent of thinning is dependent on tree species, tree health and site requirements
D.B.H	Tree diameter measured at breast height (approximately 1.5m)
Dead wood	Dead branches and stubs
Decline	A deterioration of a tree's general condition and vigour
Defect	In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of stress
Dieback	The death of part of a tree, often progressive
D.R.F	Diameter of root flare, diameter measured immediately above root buttress
Epicormic growth	Growth arising on mature stems, often following previous pruning or injury.
Failure	In relation to tree hazards, a partial or total fracture of wood or loss of cohesion between tree and soil
Formative Pruning	Selective pruning to promote good future shape and integrity
Included Bark	Branch union where there is bark to bark contact which results in a structural weakness.
Leader	Dominant Stem
Lopping	Removal of branches, now generally applied to heavy or excessive trimming
Multi stemmed	A tree with many main stems
Phototropic lean	Lean due to a tree's growth towards available light.
Root Plate	The base of the tree stem with major support roots
Slime Flux	Liquid exudation from the tree, bacterial based
S.R.Z	Structural root zone (the woody root growth and soil cohesion in this area for structural stability)
Sucker Growth	Growth from stem base and/or exposed roots
Topping	The removal of all or a large portion of a tree's canopy
T.P.O	Tree Preservation Order
T.P.Z	Tree Protection Zone (specified area for the protection of roots and crown for viability and stability)
Trifurcated	A tree with three main stems

## Appendix 1: Index of Arboricultural terms used

V.T.A	Visual Tree Assessment
Vigour	Ability of a tree to sustain its life processes
Widow maker	Dead unattached branches in tree
Witch's Broom	Foliage disorder resulting in clustered and dense area of twigs
Q.T.R.A	Quantified tree risk assessment
P.O.F	Probability of failure
R.O.H	Risk of acceptable harm

**Company owner's consent to the making of a development application  
under the *Planning Act 2016***

I, Timothy W Peterson

Director of the company mentioned below.

Of Hilrok Hotel Group Pty Ltd 001 173 673

the company being the owner of the premises identified as follows:

Court House Hotel. Corner Macrossan and Wharf Streets, Port Douglas QLD

consent to the making of a development application under the *Planning Act 2016* by:

Robert De Carlo

on the premises described above for:

*Removal of four Mango trees from the Court House Hotel grounds, within property shared by the body corporate of which the Court House Hotel is a member.*

Company seal *[if used]*

Company Name and ACN: .....Hilrok Hotel Group 001 173 673

TW PETERSON.....  
Signature of Director

27/04/20

*[Delete the above where there is a sole director/secretary for the company giving the owner's consent.]*