

6 March 2025

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUI 2024\_5698/1(Doc ID 1282797)  
**Your Ref:** WP24 044 JAB

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Attention Mr Dominic Hammersley

Dear Sir

**FURTHER ISSUES LETTER**  
**Material Change of Use-Impact (Educational Establishment)**  
**200 Upper Daintree Road & Other Sites, Upper Daintree**

Council refers to your development application and that was received on 4 December 2025.

An information request was issued on 13 December 2024 to which a response was received on 17 December 2024.

Council wishes to advise that the assessment of your development application has identified some issues remain outstanding and the advice provided to date has uncovered further issues which require attention.

Please note, the information provided to Council to date is inadequate and does not enable the assessment of the application to be completed to a sufficient level of certainty to facilitate determination of the application.

The following matters remain outstanding and are listed as follows.

**Nature of the Educational Establishment**

Considerable concern has been raised by the community regarding the nature of the educational program. The application included very minimal information about the nature of the education establishment as detailed below.

*"The proposed training village by Jabalbina Aboriginal Corporation represents a comprehensive approach to addressing the complex needs of young Aboriginal people and their families. By providing vocational training, cultural programs, and therapeutic support, the village will offer participants the opportunity to rebuild their lives and contribute meaningfully to their communities. The establishment of this village will not only support the immediate needs of the participants but also foster long-term social and economic benefits for the broader community.*

*The training village will support the delivery of the Queensland Government funded 'Intensive on Country' (IOC) program."*

1. Please provide further details on the proposed programs to be provided at the Educational Establishment. In particular, please provide further details on the Queensland Government funded 'Intensive on Country' (IOC) program, whether this is a Department of Youth Justice program, the eligibility for participants, the likely ages of participants and whether participation is voluntary.
2. Please provide information as to how many students and employees are accommodated on the site in each of the four stages of development as mentioned in the report and design plans that form part of the application.

### Flood Overlay – Access Issues

Your attention is drawn to the Strategic Framework and the Flood and Storm Tide Hazard Overlay Code of the Planning Scheme. Refer to the Scheme extracts below (our emphasis in bold).

*"Strategic Framework ...*

#### *3.4.7 Element – Mitigation of hazards*

- (1) ***Douglas Shire is susceptible to a variety of naturally occurring hazards including floods, cyclonic winds, bushfire, landslides, coastal hazards, storm tide and erosion prone areas.*** Reasonable efforts to communicate predicted hazard risks to the community are nominated in this planning scheme. However none of the planning scheme mapping infers that parts of the Shire are entirely free from any particular form of hazard.
- (2) *Some established urban areas are already located in parts of the Shire which are periodically vulnerable to a variety of hazards. A reasonable risk-tolerant approach to development will be taken in existing areas taking into account individual hazard impacts. However as a first principle, further expansion of development into areas subject to hazards should be avoided.*

#### *3.4.7.1 Specific outcomes*

- (1) ***Development avoids natural hazard areas or mitigates risks to an acceptable or tolerable level.***
- (2) ***Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential damage on the site or to other properties.***
- (3) *Locate and design community infrastructure to maintain the required level of functionality during and immediately after a natural hazard event.*
- (4) ***Development does not unduly burden disaster management response or recovery capacity and capabilities.***
- (5) *New development takes into account the latest science with respect to climate change in addition to the avoidance of natural hazards.*

#### *8.2.4 Flood and storm tide hazard overlay code*

##### *8.2.4.2 Purpose*

- (1) *The purpose of the Flood and storm tide hazard overlay code is to:*
  - (b) ***enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.***

- (2) *The purpose of the code will be achieved through the following overall outcomes:*
- (a) *development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;*
  - (b) *development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;*
  - (c) *the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;*
  - (d) *the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;*
  - (e) *the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;*
  - (f) *the development avoids the release of hazardous materials as a result of a natural hazard event;*
  - (g) *natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;*
  - (h) *community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.*

...

**PO1** *Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.*

**PO2** *The development is compatible with the level of risk associated with the natural hazard.*

**PO3** *Development siting and layout responds to flooding potential and maintains personal safety.*

**PO4** *Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.*

**PO5** *Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.*

**PO6** *Development avoids the release of hazardous materials into floodwaters.*

**PO7** *The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.*

The Planning Scheme specifically requires development to be sited outside constrained areas. The Planning Scheme also specifically requires development not to further burden disaster responses and services.

The application states as follows.

*“Access to the development is proposed to occur via Lot 10, upon which a car park will be located providing direct access to an existing barge access point. A barge will convey staff, students and visitors to the site of development on Lot 2 via existing access.”*

While the proposed buildings will be sited on areas outside the mapped floodplain, storm tide inundation and coastal erosion area, the proposed access across, and use of riverbanks either side of the Daintree River for the barge, and the car parking area are well within these mapped constraints.

Significant concern is raised with the limited access to the site for construction of the development, access for users and access for emergency responders. The application makes no alternative provisions where this access is unavailable.

Given the nature of the site location and the lack of connecting, lawful alternative access, concern is raised that the proposal is not consistent with the development outcomes sought by the Planning Scheme. Furthermore, an ability to condition an approval with requirements that would enable the development to meet the Scheme required Outcomes has not as yet been identified.

3. Please provide a response to these matters and concerns.

### Community Safety – Social Considerations

The Planning Scheme Strategic Framework states as follows (our emphasis in bold).

#### *3.7 Theme 4 - Strong communities and identity*

##### *3.7.1 Strategic outcomes*

(1) *Places of cultural and heritage significance, both Indigenous and non-Indigenous, are identified, protected and retained for their significance and importance to the history and identity of the Shire.*

(2) ***The distinctive character and unique sense of place of the Shire's towns, villages and other settlement areas are maintained, promoting community pride and well-being and community safety and prosperity.***

...

(5) ***Progress will be made working with Aboriginal and Torres Strait Islander peoples and the wider community, to help remove social and economic disadvantage.***

...

##### *3.7.4.1 Specific outcomes*

(1) ***The distinctive character and unique sense of place of towns and villages and other communities, including Aboriginal communities, throughout the Shire is maintained, promoting community pride and well-being and community safety and prosperity.***

Council acknowledges the value of Jabalbina's cultural learning initiatives and programs and development that enables this cultural development.

Council acknowledges Jabalbina's programs that foster community safety and developments that enable these programs.

The Daintree Village locale has very limited available community services.

Submissions lodged with Council, by the local community, have raised concern with the development, in particular the community's safety and its prosperity.

The redacted submissions are available on Council's website.

4. Please provide a response to these matters.

**Other matters**

Parts of the development are in the Erosion Prone Area and this matter should be acknowledged. Associated works and actions such as operational work and tidal work are absent from the application. Where the application is to be pursued, comment should be included on these matters.

**Further Discussions and Information**

Given the extent and nature of the issues at hand, Council is open to a technical meeting to discuss the matters at a level to enable a clear understanding that the development is capable of achieving the desired outcomes and can be conditioned. Please advise if you seek such a meeting.

**Other**

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Please quote Council's application number MCUI 2024 5698/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully

**Neil Beck**  
**A/Manager Environment & Planning**

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