

21.01.2025

Council Ref: MCUI 2024_5698/1

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4073

Via email: enquiries@douglas.qld.gov.au

Dear Sir,

*Submission against Development Application for Material Change of Use (Impact Assessment) for an Educational Establishment with on-site accommodation (with the enhanced use of travelling House, Animal Husbandry and Cropping)
Daintree River, Upper Daintree
Council Ref: MCUI 2024_5698/1*

I refer to the above and provide the following properly made submission against the proposed development
I hereby make a submission pursuant to Section 59 (6) of the Planning Act 2016.

There are concerns regarding the direct impacts of the development on the scenic amenity, character, community safety, and tourism of the Daintree Village. The development is of a nature and impact that is not across outcomes sought by the Planning Scheme.

The proposed development should not be approved at this location. The following expands on why the site is unsuitable for the proposed development.

Inappropriate Site

The Planning Scheme establishes a balance of Zones. The balance of Zones seeks to ensure that the scale and form of development is appropriate to a location, and that areas throughout the region are able to effectively in order to fulfil and maintain a role.

The subject land remains zoned as Rural under the Douglas Shire Planning Scheme 2018. The Rural Zone Table of Assessment (Table 5.6j). The proposed development is categorised as Impact Assessable development.

The proposed development introduces new use of the land that is inconsistent with the existing character and amenity of the zone and more particularly, intensifying the land use will ultimately impact on the established desirable and attractive character and lifestyle of the Daintree Village.

Daintree Village does not have appropriate level of infrastructure or services to support the proposed development. Emergency services, fire, ambulance and police are located in Mossman, which is half an hour to Daintree Village. Furthermore, emergency services are not manned 24/7 in Mossman delaying response times to the site.

Amenity Impacts

The development conflicts with outcomes sought within the Community Facilities Code, Environmental Performance Code Landscape Values Overlay Code, Environmental and Landscape Values, and Strong Communities And Identity themes of the Strategic Framework.

On the adjacent side of the Daintree River to the Daintree Public Boat Ramp and Daintree Beach/Ledges and Van Park, approximately 100m from subject site. The subject site is within view from both facilities. As this is the main access route for the village, there are concerns that the proposed development will impact on the existing amenity to locals and visitors by way of character, scenic amenity, and light disturbance.

A Visual Impact Assessment has not been included with the application and therefore offers no evidence that the proposed development will not impact on the amenity of the nearby accommodation and commercial business within the heart of the Daintree Village.

The proposed development is not only inconsistent with surrounding properties but moreover the entire Daintree Village locality.

Site Access and Safety

Community wellbeing and safety are core underlying values throughout the Planning Scheme. The proposed development conflicts with several outcomes specifically within the Access, Parking and Servicing Code, Flood and Storm Tide Hazard Code, and Mitigation of Hazards element of the Strategic Framework.

The only access to the site is via the unserviced barge, where operation is restricted by tidal conditions. There is significant risk to safety at this location given the susceptibility to flooding which further limits access to and from an already restricted site. While the site itself is situated above the 100-year ARI flood level, the application seeks to establish accommodation use within an area that is vulnerable to isolation, inherently placing more lives at risk in the event of a flood.

Reliance cannot be placed on the safety and operation of the barge in its current state. Not only does this place residents at risk of harm during disaster events, it also places unnecessary burden on the emergency services and their disaster management response capacity and capabilities.

The proposed car park sited in a location that is prone to frequent flooding and leaves parked vehicles susceptible to inundation.

There is concern that the safety and access has not been fully described or addressed in the application material. While the applicant has suggested there is a need for this development, there are no substantive grounds or other relevant matters to support the development at this location despite the safety conflicts. Approving this development would set a precedent for future development in areas that are vulnerable to natural hazards placing unnecessary risks to residents emergency resources.

Extent of Conflict

Considering the above discussion, the following sections identify specific areas that the development conflicts with the Planning Scheme and relevant legislation.

Conflict with the FNQ Regional Plan

The FNQ Regional Plan states that areas 'including significant areas north of the Daintree River are not intended to grow or increase in density. These communities generally have very low levels of infrastructure provision and significant coastal and environmental constraints.' (pg. 23). In addition to protecting the scenic and environmental values of the area.

The proposed development conflicts this statement by increasing density on the northern side of the Daintree River. Although the proposed subject site is levelled above the flood line, the land immediately surrounding it is subject to frequent flooding, resulting in the subject site becoming isolated during these events. Daintree Village does not have appropriate level of infrastructure or services to support the proposed development.

Tourism is a key economic driver for the Daintree Village locality. The proposed development will detract from established businesses and not in keeping with the identity of the area and ecology.

Conflict with Douglas Shire Planning Scheme - Strategic Framework

THEME 1: SETTLEMENT PATTERN

3.4.1 Strategic Outcomes:

- 7) Natural hazards and the impacts of climate change will determine the location, scale and intensity of land use activities. Development will achieve an acceptable or tolerable level of risk based on a fit for purpose risk assessment.

There is significant risk to safety at this location given the susceptibility to flooding which further limits access to and from an already restricted site. While the site itself is situated above the 100 year ARI flood level, the application seeks to establish accommodation use within an area that is vulnerable to isolation, inherently placing more lives at risk in the event of a flood.

3.4.2 Element - Urban Settlements Strategic Outcomes

- 2) Urban development occurs within the urban area as shown on the Strategic Framework Plan contained in Schedule 2. Expansion beyond this boundary is not facilitated as it does not support the efficient and orderly delivery of urban infrastructure.

The proposed development is for an urban purpose located outside of an urban area. Daintree Village does not have appropriate level of infrastructure or services to support the proposed development.

3.4.7 Element - Mitigation of Hazards: Strategic Outcomes

- 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.

Specific Outcomes

- 1) Development avoids natural hazard areas or mitigates risks to an acceptable or tolerable level.
- 4) Development does not unduly burden disaster management response or recovery capacity and capabilities.

There is significant risk to safety at this location given the susceptibility to flooding which further limits access to and from an already restricted site. While the site itself is situated above the 100 year ARI flood level, the application seeks to establish accommodation use within an area that is vulnerable to isolation, inherently placing more lives at risk in the event of a flood.

Reliance cannot be placed on the safety and operation of the barge in its current state. Not only does this place residents at risk of harm during disaster events, it also places unnecessary burden on the emergency services and their disaster management response capacity and capabilities.

THEME 2: ENVIRONMENTAL AND LANDSCAPE VALUES

3.5.1 Strategic Outcomes:

- 7) Development north of the Daintree River is restricted to achieve low key, sustainable and self sufficient outcomes and is carefully planned to conserve the scenic and ecological World Heritage values of the area.

The proposed development introduces urban development within rural zoned land. The establishment of the proposed/future structures is not low key taking into consideration the established landscapes within the locality. The establishment of the proposed development will detract from the amenity to the Daintree Village locality.

3.5.5 Element - Scenic Amenity:

1) Douglas Shire is located on a narrow coastal plain between the Great Dividing Range and the Coral Sea. The lush green backdrop provides a dramatic green frame to the Shire's diverse tourist areas, townships, rural lands and rural communities. This green frame adds significantly to the Shire's much admired high quality scenic amenity. In addition, the sugar cane fields contribute significantly to the Shire's scenic amenity and sense of place on the plains below the green frame. Great care is required to protect the Shire's natural and rural settings given the vital contribution they make to the Shire's identity and to the everyday experiences of residents and visitors alike.

Specific Outcomes

- 1) Development protects, maintains and enhances the region's Landscape values as shown on the Landscape values overlay maps contained in Schedule 2.
- 3) Rural and inter-urban breaks are protected from negative visual intrusion.

The proposed development introduces urban development within rural zoned land. The establishment of the proposed/future structures is not low key taking into consideration the surrounding landuses. The establishment of the proposed structure will detract from the amenity to the Daintree Village locality.

THEME 4: STRONG COMMUNITIES AND IDENTITY

3.7.1 Strategic Outcomes

- 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.
- 8) Residents have access to appropriate social infrastructure, community services and adequate housing, including a greater variety of housing choice.

The only access to the site is via the unsurveyed barge, where operation is restricted by tidal conditions. There is significant risk to safety at this location given the susceptibility to flooding which further limits access to and from an already restricted site. Reliance cannot be placed on the safety and operation of the barge in its current state. Not only does this place residents at risk of harm during disaster events, it also places unnecessary burden on the emergency services and their disaster management response capacity and capabilities.

Furthermore emergency services, fire, ambulance and police are located in Mossman, which is half an hour to Daintree Village. Note that our emergency services are not manned 24/7 in Mossman.

Return to Country Local Plan

While the proposal makes reference to the Return to Country Local Plan, the subject site is not contained within the boundaries of Precinct 8 - 'Daintree' within the Return to Country Local Plan code, suggesting the proposed location may not be the most suitable for the development.

Conflict with Zone Code

Rural Zone Code

PO5: Uses and other development include those that:

- (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or
- (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or
- (c) are compatible with rural activities.

The subject land remains zoned as Rural under the Douglas Shire Planning Scheme 2018. The Rural Zone Code of Assessment (Table 5.6.j). The "Daintree River Station" Educational Establishment is categorised as Impact Assessable development.

The proposed development introduces new use of the land that is inconsistent with the existing character and amenity of the zone and more particularly, intensifying the land use will ultimately impact on the desirable and attractive character and lifestyle of the Daintree Village.

Conflict with Assessment Codes

Community facilities code:

PO2: Development is designed to protect nearby sensitive land uses from adverse impacts on the existing levels of amenity, including by way of light, noise, odour or other nuisance.

PO6: Development does not impose adverse visual amenity impacts on any land associated with Accommodation activity group.

A Visual Impact Assessment has not been included with the application and therefore offers no evidence that the proposed development will not impact on the amenity of the surrounding locality.

Access, parking and servicing code:

PO1: Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:

- (a) the desired character of the area;
- (b) the nature of the particular use and its specific characteristics and scale;
- (c) the number of employees and the likely number of visitors to the site;
- (d) the level of local accessibility;
- (e) the nature and frequency of any public transport serving the area;
- (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building;
- (g) whether or not the use involves a heritage building or place of local significance;
- (h) whether or not the proposed use involves the retention of significant vegetation.

PO3: Access points are designed and constructed:

- (a) to operate safely and efficiently;
- (b) to accommodate the anticipated type and volume of vehicles;
- (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;
- (d) so that they do not impede traffic or pedestrian movement on the adjacent road area;
- (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;
- (f) so that they do not adversely impact current and future on-street parking arrangements;
- (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;
- (h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).

The only access to the site is via the unsurveyed barge, where operation is restricted by tidal conditions. There is significant risk to safety at this location given the susceptibility to flooding which further limits access to and from an already restricted site.

Reliance cannot be placed on the safety and operation of the barge in its current state. Not only does this place residents at risk of harm during disaster events, it also places unnecessary burden on the emergency services and their disaster management response capacity and capabilities. Transport by unsurveyed vessels and unqualified operators is not fit for emergency services, government employees and contractors.

The proposed car park sited in a location that is prone to frequent flooding and leaves parked vehicles susceptible to inundation. There is concern that the safety and access has not been fully described or addressed in the application material.

Environmental performance code:

PO1: *Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.*

Lighting at night will be visible from a lot of the Village and surrounding properties. The outlook from the Caravan Park and the RV Park is directly across at the development, not fitting with an eco-tourism destination.

A Visual Impact Assessment has not been included with the application and therefore offers no evidence that the proposed development will not impact on the amenity of surrounding landuses.

Flood and storm tide hazard overlay code:

PO1: *Development is located and designed to:*

- a) *ensure the safety of all persons;*
- b) *minimise damage to the development and contents of buildings;*
- c) *provide suitable amenity;*
- d) *minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.*

AO1.3: *New buildings are:*

- (a) *not located within the overlay area;*
- (b) *located on the highest part of the site to minimise entrance of flood waters;*
- (c) *provided with clear and direct pedestrian and vehicle evacuation routes off the site.*

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

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

AO7: *Development does not:*

- (a) *increase the number of people calculated to be at risk of flooding;*
- (b) *increase the number of people likely to need evacuation;*
- (c) *shorten flood warning times; and*
- (d) *impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.*

The only access to the site is via the unsurveyed barge, where operation is restricted by tidal conditions. There is significant risk to safety at this location given the susceptibility to flooding which further limits access to and from an already restricted site. While the site itself is situated above the 100 year ARI flood level, the application seeks to establish accommodation use within an area that is vulnerable to isolation, inherently placing more lives at risk in the event of a flood.

Reliance cannot be placed on the safety and operation of the barge in its current state. Not only does this places residents at risk of harm during disaster events, it also places unnecessary burden on the emergency services and their disaster management response capacity and capabilities.

Landscape values overlay code:

PO1: *Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:*

- a) *avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;*

- b) is effectively screened from view from a road, lookout or other public place by an existing natural landmark or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;
- c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;
- d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;
- e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;
- f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;
- g) extractive industry operations are avoided.

A Visual Impact Assessment has not been included with the application and therefore offers no evidence that the proposed development will not impact on the amenity of surrounding landuses.

Conclusion

The proposed land use is incompatible with the subject site due to access, safety, and amenity impacts. While the concept of the development is appreciated, and there is a need for such facilities, the proposed location introduces uses and impacts that are inconsistent with the character and amenity of the Daintree Village. Values of community safety and wellbeing are directly conflicted due to the restricted and vulnerable nature of the site.

As identified above, the proposed development is in considerable conflict with Scheme and undermines deliberate strategies set by it and relied upon by the community in making investment and lifestyle decisions at this locality.

Based on the above grounds, I hereby make a submission against the Daintree River Educational Establishment.

Yours faithfully

