



Ref: WP24 044 JAB DA01
Council Ref: MCUI 2024_5698/1

28 March 2025

The Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Attention: Jenny Elphinstone
Via email: jenny.elphinstone@douglas.qld.gov.au

Dear Jenny,

**RESPONSE TO FURTHER ISSUES CORRESPONDENCE – REGARDING
PROPOSED MATERIAL CHANGE OF USE (EDUCATIONAL ESTABLISHMENT) ON LAND AT
DAINTREE RIVER, UPPER DAINTREE AND 200 UPPER DAINTREE ROAD, UPPER
DAINTREE – LOT 1 AND LOT 2 ON RP702242, LOT 179 ON C157262, LOTS 3-7, 10, 13-
16,18,21,24-90 ON RP702243 AND LOT 10 ON SP304851**

We refer to the Further Issues Notice dated 6 March 2025 in relation to the above-mentioned development application.

Please find herein a response to the matters contained within the Further Advice Notice.

For ease of reference, each item of the Further Issues Notice is replicated below with a separate response provided following.

ITEM / RESPONSE

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.”

Item 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.*

RESPONSE:

The Jabalbina Yalanji Aboriginal Corporation (JYAC) has secured funding from the Queensland Government Department of Youth Justice and Victim Support to deliver the Intensive On Country (IOC) program, with funding allocated until 30 June 2027. The IOC program is a structured, full-time, intensive intervention designed to support groups of six young persons, aged between 14 and 17 years.

Program participants will be engaged as trainees by JYAC undertaking a Certificate I in Agriculture, effectively functioning as on-site farm workers for the duration of their stay. Concurrently, participants will engage in the development of essential life skills, participate in sessions and workshops facilitated by behavioural therapists and other health care professionals, and engage with Traditional Owners. These interactions with Traditional Owners will facilitate cultural reconnection through the sharing of knowledge through yarning regarding Bubu (Country).

The primary objective of the IOC program is to mitigate reoffending by providing young people with a supervised opportunity to reside on Country, removing them from their customary environments.

This specific on Country environment is intended to facilitate the following:

- The development of therapeutic connections, enabling reflection on behaviours
- The cultivation of readiness and motivation for behavioural change, and engagement in programs and services that support this change
- The establishment of sustained support networks to facilitate positive reintegration into the community post-program
- Authentic sense of self by working and residing temporarily on Country.

The overarching goal of the IOC program is to facilitate a long-term and sustainable behavioural change for young people, connecting them with appropriate support services while residing on Country. This intervention aims to divert participants from continued engagement with the justice system providing a structured alternative to detention.

Jabalbina is currently engaged in the active recruitment of young persons referred by Youth Justice. Through community engagement activities Jabalbina has found that there is strong interest from young people in joining the program. A number of potential trainees from both Cairns and Mossman are being considered and a high proportion of these have Eastern Kuku Yalanji heritage and have resided, or have family, in the Douglas Shire.

On-going efforts are being directed towards securing informed consent from these young persons for participation in the IOC program. It is anticipated that the Remote Youth Justice Team will continue to refer eligible young persons from Mossman and the Douglas Shire, as these individuals represent a key stakeholder who would derive significant benefit from the program.

It is important to recognise that trainees will be paid for the duration of their tenure with the program and on this basis will be the equivalent of rural workers, which is entirely consistent with the purpose of the Rural Zone Code.

Item 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.

RESPONSE:

Stage 1 and Stage 2 will include six (6) trainees staying on-site, with two (2) staff members being present on-site at all times, maintaining a 1:3 supervision ratio across the development. Other staff and service providers will not be staying overnight during the first two stages.

As described within the Planning Report, Stage 3 and Stage 4 introduce additional student accommodation and additional overnight accommodation to be utilised by staff, service providers and visiting family members. The funding for Stage 3-4 has not been allocated and may not proceed, subject to funding allocation.

Flood Hazard – 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.

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

RESPONSE:

With respect to Council's concern's and in order to further support the development, a Flood Emergency Management Plan (FEMP) (prepared by a suitable qualified professional) is proposed to be prepared for the subject site. The Applicant is prepared to accept a condition of approval in this regard.

Currently, buildings associated with the Educational Establishment are not proposed on land mapped as being inundated during a 1% AEP flood event. The proposed buildings are situated above the 1% Annual Exceedance Probability (AEP) flood level, as mandated by the relevant planning scheme requirements.

The student and staff population of the proposed development will not comprise elderly individuals and as a result the development does not present any 'at-risk' persons

requiring specialised emergency care. Further, the Far North Queensland (FNQ) community exhibits a high degree of flood resilience noting that flood impacts are a recognised reality affecting the population across the region.

It is relevant to note that barge operation is an existing facility and no works are proposed with respect to the continued operation of barge access to the site. The barge facility has been used for the transfer of persons (including rural workers) and produce for a considerable period of time. Car parking is required to be located proximate to the river where the barge departs.

The car park and/or barge will not be utilised during a flood event and this will be reflected within the FEMP.

Jabalbina has been actively developing contingency plans in respect to access to the site. These contingency plans include:

- The implementation of a protocol for the timely evacuation of staff and students to their respective place residence upon the issuing of pending flood warnings from relevant agencies
- The establishment of an in-principle agreement with tour boat operators for the conveyance of staff and students in instances of barge down-time
- The utilisation of smaller watercraft in lieu of the barge for routine daily transportation
- The scheduling of construction activities outside of the wet season. The existing barge has been assessed as being adequate to meet the transportation requirements for the construction phase.

It is acknowledged that the areas of the subject site are designated as Erosion Prone Areas. However, no development is proposed to occur within the Erosion Prone Area. The existing barge operation represents the continuation of existing access to the site, noting that the Daintree River is road reserve and represents means of lawful access to the site.

Preparation of and adherence to the FEMP will ensure that there are no staff and/or student populations on site in the event of a flood. Therefore, the proposed development is not considered to put at risk property or life in the event of a flood and will not place additional demands on Emergency Services. Council is respectfully requested to apply a condition of approval requiring preparation of an FEMP prior to commencement of use of the proposed Educational Establishment.

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.

Item 4. Please provide a response to these matters.

RESPONSE:

The proposed development and associated program are anticipated to enhance the economic prosperity of the region, mitigating economic and social disadvantage through the creation of employment opportunities for Aboriginal and Torres Strait Islander people.

The proposed facility is anticipated to have beneficial direct and in-direct economic flow-on effects within Daintree Village and the broader region, noting the following project economic inputs:

- Stage 1-2 construction: \$624,0000.00 ex GST¹
- Payroll: \$1.23 M ex GST per annum
- Operating expenses: \$1.63 ex GST per annum.

The selection of the subject site was predicated on:

1. its geographical isolation from residential areas, which is facilitated by the Daintree River;
2. the site's high productive agricultural potential and demonstrated economic returns;
3. agricultural processing infrastructure which provides students with advanced skills associated with post-harvest production.

¹ Stage 3-4 construction not yet priced.

It is envisaged that trainees will engage minimally, or not at all, with Daintree Village itself and will be transported directly from Cairns and/or Mossman to the site and subsequently returned to their respective residences. Young persons who elect to withdraw from the program, or who are unwilling to adhere to the program's code of conduct will be transported directly home and will not be permitted to return.

It is emphasised that the IOC program is a voluntary initiative designed to interrupt the cycle of repeating offences by providing young people with a traineeship on Country whereby they are afforded a tangible career pathway. Participants will be removed from exposure to risk factors including substance abuse and negative peer influences, removing any concerns the local surrounding area may have regarding these influences. Jabalbina maintains confidence that the program incentives will effectively eliminate any risk of trainee misconduct.

The securing of a lease agreement for Daintree River Station, with the prospect of eventual property acquisition, represents a significant source of pride for the Eastern Kuku Yalanji Bama. A recent clan governance meeting has articulated its support for the project and has authorised the commencement of a preliminary Cultural Heritage Clearance Assessment of the development site, which will be undertaken imminently.

Given the program's voluntary nature and the facility's 24-hour structured environment, the potential for adverse community impact is deemed minimal. This proactive intervention focused on rehabilitation and the development of sustainable career pathways is anticipated to significantly reduce crime while also connecting young persons to Country.

We thank Council for their recognition of the social and economic contribution that Jabalbina brings to the Douglas Shire Council Local Government Area, and encourage Council's approval of the proposed development in recognition of Council's support for the prosperity of youth in our region.

We also take the opportunity to identify the high number of positive submissions in support of the proposed development and trust that Council recognise this support, and that Council also recognise the overwhelmingly positive contribution this development will make to the lives of the youth who take part in the program.

We trust that the above provides additional information required for Council's continued assessment.

Please do not hesitate to contact the undersigned, should you wish to discuss the subject application.

Yours sincerely,



DOMINIC HAMMERSLEY

DIRECTOR / PRINCIPAL PLANNER

wildPLAN Pty Ltd | ABN 26 629 367 933

PO Box 8028, Cairns QLD 4870

E dominic@wildplan.com.au | **M** 0487 967 533