



To: The Assessment Manager,

Douglas Shire Council

64-66 Front Street,

Mossman. Qld 4877

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

OBJECTION TO DA LODGED BY:

[REDACTED]
[REDACTED] Cooya Beach, 4873, QLD.

17 December 2024.

Dear Ms. Elphinstone,

RE: Objection to Council Development Application Number MCUI 2024_5682/1

Sand Extraction Proposal on Lot 1 on RP893855, Bonnie Doon Road, Killaloe

I, [REDACTED] and [REDACTED] are the owners of Kuku Yalanji Cultural Habitat Tours Pty. Ltd. We have operated this business for 26 years.

Our cultural educational tours are carried out into the mangroves and shoreline from the southern end of Cooya Beach right up to the mangrove area that is next to Lot 1 on RP 893855 and further on to Muddy Creek which is next to the Killaloe Transfer Station. Our business is very successful with both domestic and international tourists, and we rely 100% on the mangroves and wetland along this part of the coast for not only educating people about the environment but also as our staple food source. Our daily tours mean visitors walk around 7 to 8 kilometres learning about the ocean and the vast ecosystem as a whole. The noise generated by heavy machinery and trucks from a sand quarry would significantly harm our guests' experience and, in turn, our business. It would completely disrupt the ambiance and tranquillity that our customers cherish, which is intrinsically tied to the serene mangrove systems surrounding us.

I know from Traditional teachings that there are underground freshwater springs that are potted around both the Southern side of Cooya Beach and Killaloe towards

and around the proposed sand quarry. These are quite substantial in terms of size and influence on the biodiversity of environment especially the mangroves to the east of the proposed quarry site.

We have maintained a high cultural continued use and access connection to this land from the old times. Old People occupied these areas, in particular during ceremony seasons and the wealth and abundance of the Cooya Beach/Killaloe area as a rich food resource is widely known and provided well for the People.

Estuaries and watercourses in the area and these areas around the Cooya Beach/Killaloe area and proposed sand quarry site are significant as spawning sites for various sea animals. The moderate waterway to the north of the proposed quarry along the boundary with the unnamed road and Nagan family home at Lot 54 on SP292874 Bonnie Doon Rd holds, crocodile, barramundi, mangrove jack and is tidal. The 2 farm drains that run from close to the Killaloe waste station to the west of the proposed site along the adjoining block are also tidal with the aforementioned animals being found in them as well as mullet. The whole of the proposed quarry site is surrounded by tidal waters.

The mudflats, estuaries, coastal water south of Cooya Beach towards Killaloe including Morey Reef are all significant for ecological reasons. The water also contains significant beds of seagrass which is a primary food source for green sea turtles and dugong. Culturally, in an Indigenous sense, the hunting and consumption of green sea turtles and dugong is a major practice and is still practised today.

Furthermore, Morey Reef is a listed Conservation Park Zone area within the wider Great Barrier Reef Marine Park. It is therefore, a World Heritage listed area and an area of National Environmental Significance.

In Kuku Yalanji language, the name for mangrove is "mangurru", and is a major source of sustenance of life. Waterways in general are a significant part of Kubirriwarra cultural as "Kurriyala" (rainbow serpent) travels along them, along with other significant creation stories surrounding the Cooya Beach/Killaloe area. This forms cultural lore and imparts knowledge and decision-making responsibilities which are the basis of traditional management.

Bookending the proposed sand quarry site is also a vast mangrove system which is also nesting area for the Pied Imperial Pigeon among other species of birds. These nesting birds are especially sensitive to noise. This vast mangrove ecosystem provides an abundance of food which include but are not limited to muscles, periwinkles, mud crab, blue swimmer crab and crayfish that us and our families still use as a daily food source and as a source of income for our businesses. Disruption of the natural ecological environment and naturally occurring phenomena would spoil this natural resource that holds significant cultural importance and in a literal sense, sustains life, particular for the more impoverished who live in the area;

The proposed sand quarry and the adjacent mangroves which border it are low-lying coastal shoreline. Knowing how prone to storm surges this area is, the mangroves will be vulnerable to cyclonic activity on a low-lying coastal shoreline.

I am also concerned as to the proposed significant earthworks required to construct the NQ Asphalt project, the access road that is intending to be built, and the bridge over the moderate waterway to the north of the site will potentially dam up Bonnie Doon Road which will then prohibit anyone leaving Cooya Beach as when it floods the Junction Bridge (alternate exit) is the first go over. The large scale of this sand quarry will potentially leave the capture of rainwater and overland flow to interfere with natural processes. During the wet seasons and tidal changes there will be an overflow of fresh water from the site into the mangrove wetlands. This overflow of fresh water will kill the mangroves and everything that relies on the mangroves for survival.

I, nor any other Kubirriwarra or Eastern Kuku Yalanji Traditional Owners that I'm aware of, was ever consulted by NQ Asphalt Pty Ltd. In my view, it does not appear that a proper and rigorous assessment of the proposed project and its potential impacts has been undertaken.

This lack of proper assessment affects an area of important significance to First Nations people.

On 27 February 2023 Traditional Owners registered a claim with the Native Title Tribunal (file No QC2022/007; QLD 356/2022) (EKY #2 Claim). This matter is due for determination in the Federal Court during June 2025. There has been no consideration of the Cultural Heritage Laws by the Applicant and these must be considered.

The Aboriginal Cultural Heritage Act 2003:

Provides blanket protection of areas and objects of traditional, customary, and archaeological significance. Recognises the key role of Traditional Owners in cultural heritage matters.

The Cultural Heritage Acts define Aboriginal or Torres Strait Islander cultural heritage as anything that is:

- a significant Aboriginal or Torres Strait Islander area in Queensland, or an area or object is significant because of either or both of the following: Aboriginal or Torres Strait Islander tradition
- the history, including contemporary history, of any Aboriginal or Torres Strait Islander party for the area.

NQ Asphalt has not effected its obligations of consultation either under the *Cultural Heritage Act 1993 (Qld)*, *Environmental Protection and Biodiversity Conservation Act [1999] (Cth)*, *Planning Act 2016 (Qld)*, *State Code 9: Great Barrier Reef wetland protection areas* and associated Development Assessment Rules among other statutory and regulatory frameworks.

Every member of community suffers damage and loss when development projects occurring on-country are carried out in manners inconsistent with cultural traditions and law. The Kubirriwarra People's identity, sense of self-esteem and customary responsibilities are guided by their connection and management of country. Kubirriwarra People have held long-standing local associations with governmental and non-governmental organisations in providing advice on the management of World Heritage areas in the Great Barrier Reef, which appears to have been foregone on this occasion.

Yours sincerely,



Owner
Kuku Yalanji Cultural Habitat Tours Pty. Ltd.
Eastern Kuku Yalanji Traditional Owner (Kubirriwarra Clan)