



[REDACTED]
COOYA BEACH 4873
[REDACTED]

13 March 2025

To the Assessment Manager,
Douglas Shire Council,
64-66 Front Street,
MOSSMAN QLD 4877

Sent by email: [REDACTED]

c.c. enquiries@douglas.qld.gov.au

Re: Council Application Number MCUI 2024_5682/1

NQ Asphalt P/L seeking a material change of use for Lot 1 on RP 893855
from Rural to Extractive Industry Use – Sand quarry.

Dear Assessment Officer,

I write another formal letter objecting to the approval of material change of
use for Lot 1 on RP 893855 from Rural to Extractive Industry Use – Sand

quarry on the grounds of significant and irreversible harm to Aboriginal cultural heritage.

As a Traditional Owner and a Kuku Yalanji man with cultural responsibilities for protecting my Country, I strongly oppose this application and request its refusal.

Submission Details

- **Council Application Number:** MCUI 2024_5682/1
- **Property Address:** Lot 1 RP 893855, Bonnie Doon Road, Killaloe 4877
- **Applicant Name:** NQ Asphalt Pty Ltd

The destruction of our cultural heritage is not an option. The area is the last ancient relic of a dune in a high use cultural area. This application represents a serious threat to the continued protection of Aboriginal cultural heritage in clear violation of Queensland law.

Our cultural connection to this land encompasses traditional fishing, hunting and gathering practices, which remain central to the identity and livelihood of the Eastern Kuku Yalanji. The mangrove ecosystems adjacent to the proposed sand mining site provide sustenance and a key foundation for cultural tours conducted by my family.

The Applicant, NQ Asphalt Pty Ltd., has not engaged with traditional owners prior to applying to Douglas Shire Council for a material change of land use from Rural to Extractive Industry. – a sand quarry.

The proposal fails to safeguard these ecosystems and the Applicant's lack of engagement with traditional owners reflects a lack of respect for cultural practices and the Applicant's duty of care outlined in the **Aboriginal Cultural Heritage Act 2003 (Qld)**.

1. Presence of Significant Aboriginal Cultural Heritage

The Douglas Shire Council's Further Issues Letter dated 14 February 2025, to NQ Asphalt Pty Ltd (RPS Group) **notes the potential presence of**

middens within the proposed project area. See page 3 para 2 – last sentence.

This wetland area has been an active and culturally significant site since time immemorial. The destruction of this land would be tantamount to cultural genocide, erasing the tangible and intangible heritage of the Kuku Yalanji people.

The wetland (mangroves) abutting lot 1 has been a high use cultural area since the beginning of time. Over thousands of years lot 1 would have been used by my ancestors as a hunting ground and a source of food from the ocean. In my opinion there is no disputing this fact.

Additionally, the Quaid Test Hole Log of 1994 (Attachment B of RPS Letter dated 26 November 2024, see attached) further confirms the presence of potential shell middens at multiple test hole locations, including:

- Test Hole 15
- Test Hole 18
- Test Hole 22
- Test Hole 32

Breach of Legislative Protections

The proposed development directly contravenes multiple sections of the **Aboriginal Cultural Heritage Act 2003 (Qld)**:

- **Section 8** – Defines Aboriginal cultural heritage, including archaeological sites such as middens.
- **Section 9** – Protects significant Aboriginal areas of cultural and historical importance.
- **Section 11** – Extends protection to the surroundings of Aboriginal occupation sites.
- **Section 23** – Establishes a cultural heritage duty of care, requiring measures to avoid harm.

- **Section 24** – Prohibits harm to Aboriginal cultural heritage unless under an approved Cultural Heritage Management Plan.
- **Section 25** – Prohibits excavation, relocation, or removal of Aboriginal cultural heritage without strict legal protections.

The proposal fails to meet the necessary cultural heritage protection requirements and must therefore be rejected to uphold Queensland's legal obligations.

Call for Refusal of the Application

Given the serious and irreversible impacts this project would have on Aboriginal cultural heritage, I formally request that the Douglas Shire Council:

1. **Reject material change of use for Lot 1 on RP 893855 from Rural to Extractive Industry Use – Sand quarry:** due to its failure to meet cultural heritage protection requirements.
2. **Acknowledge the presence of significant Aboriginal cultural heritage** and ensure its protection in line with the Act.
3. **Prevent any approvals that may result in destruction or disturbance** of these culturally significant sites.
4. **Uphold the rights and responsibilities of Traditional Owners** by ensuring no development proceeds without full and informed consent.

Conclusion

As a Traditional Owner and a Kuku Yalanji man, I strongly oppose this development application and request that it be refused.

The destruction of our cultural heritage is not an option, and this application fails to meet the necessary protections under Queensland law.

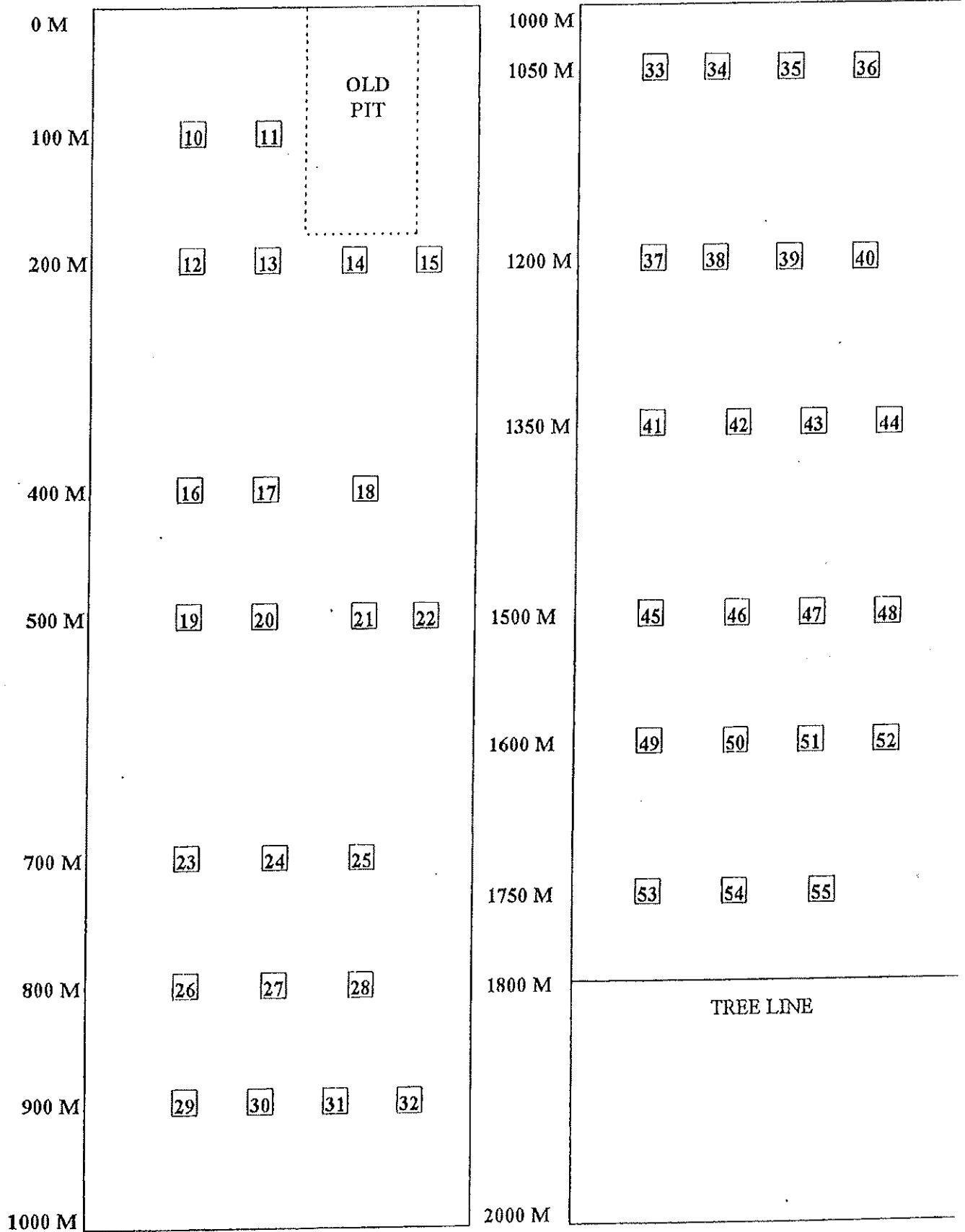
I urge the Douglas Shire Council to reject this application and uphold the obligations under the *Aboriginal Cultural Heritage Act 2003 (Qld)*.

Please add this submission to my previous properly made submission seeking a refusal of the DA. Please also confirm receipt of this letter of objection.

Yours sincerely,

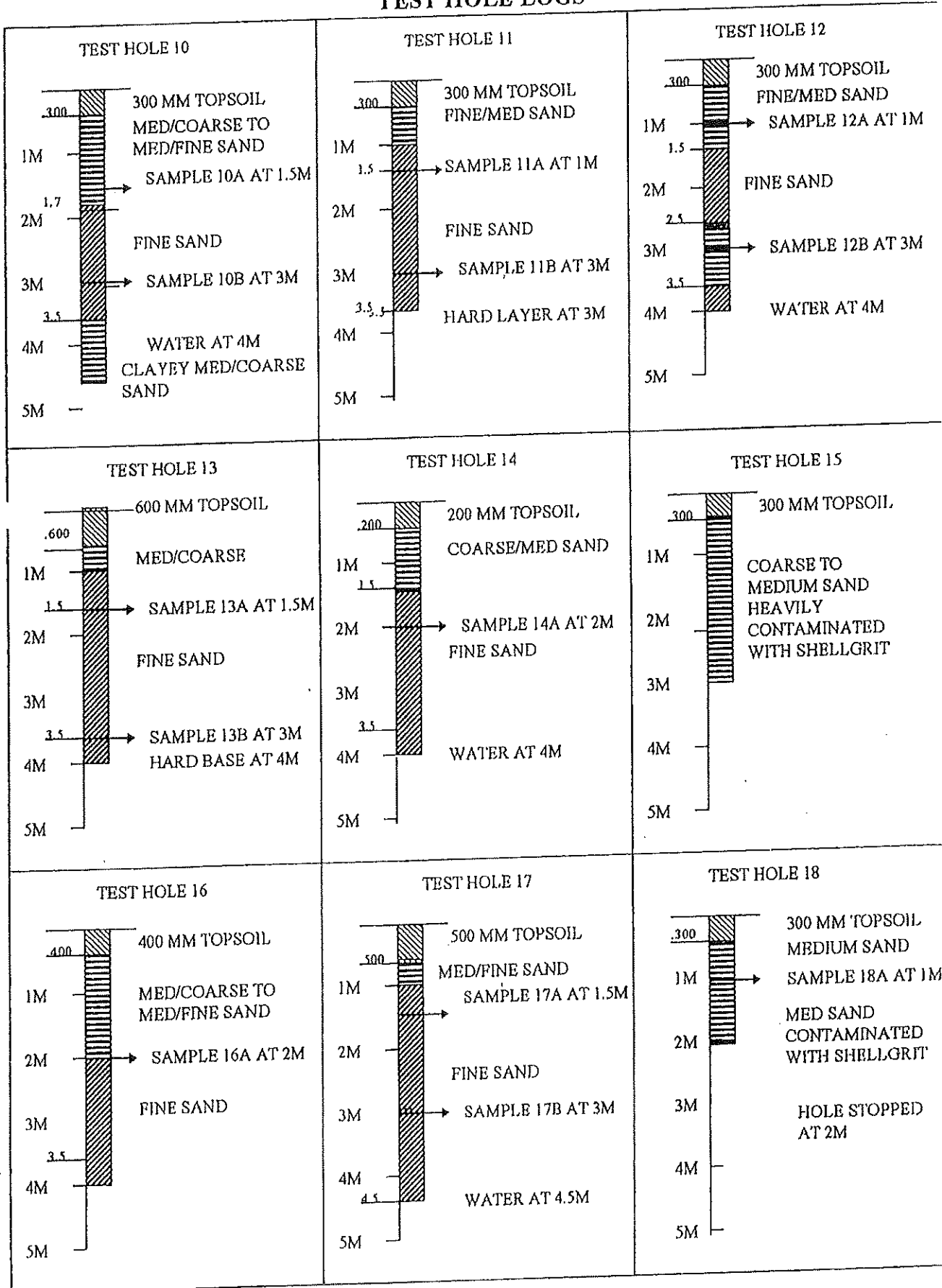


QUAID FARM
TEST HOLE LOCATIONS



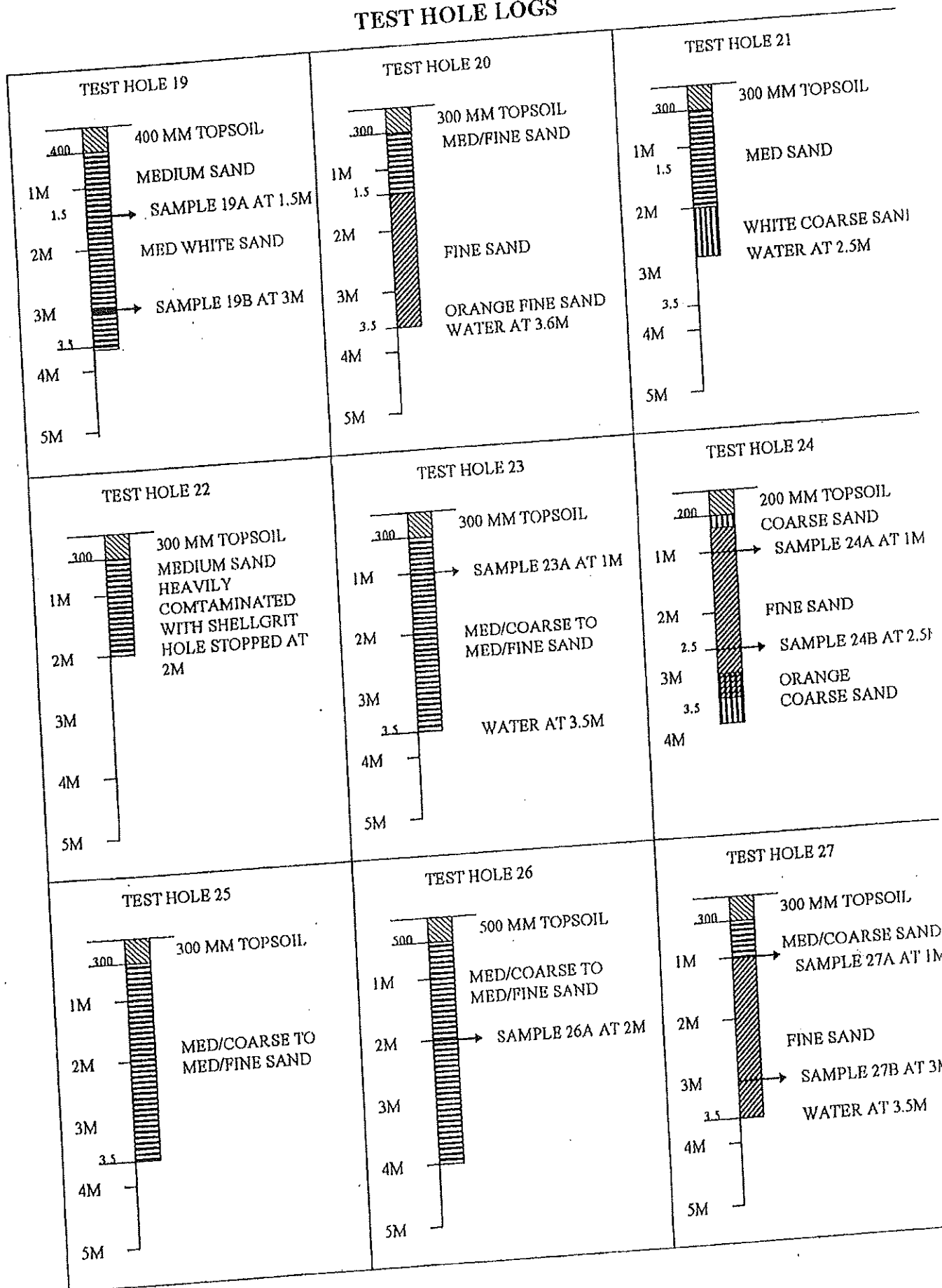
QUAID FARM

TEST HOLE LOGS



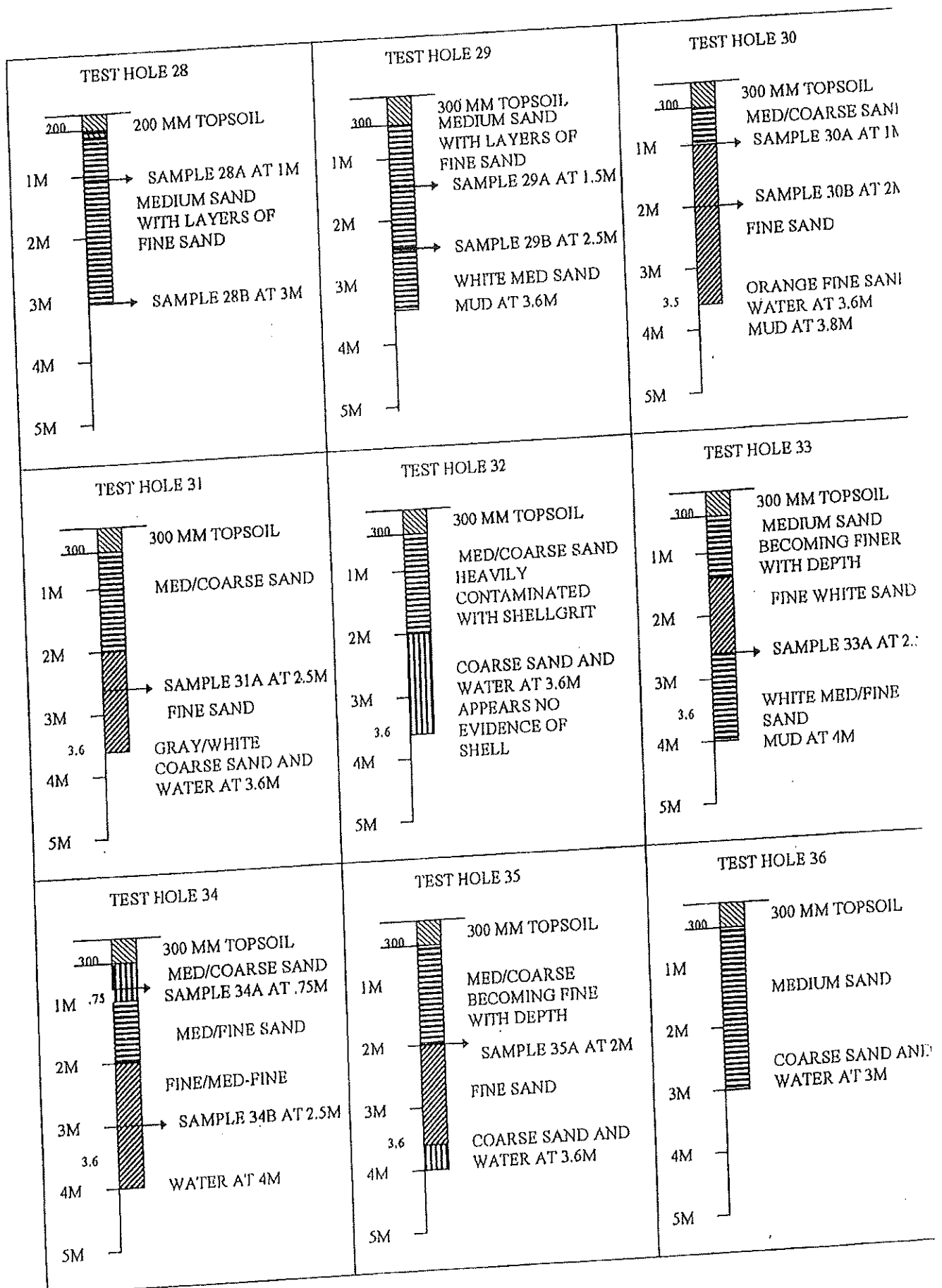
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TEST HOLE LOGS



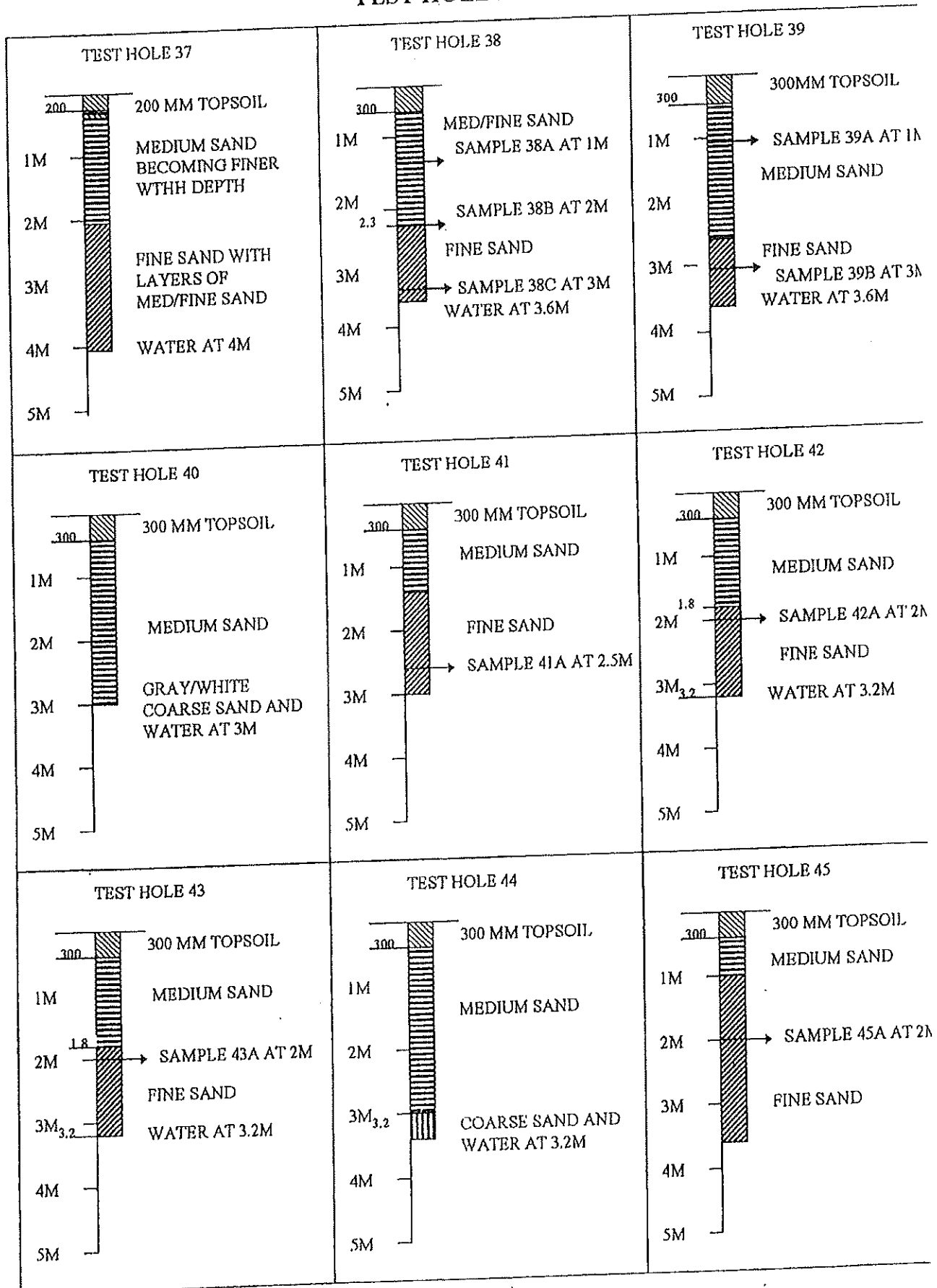
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TEST HOLE LOGS



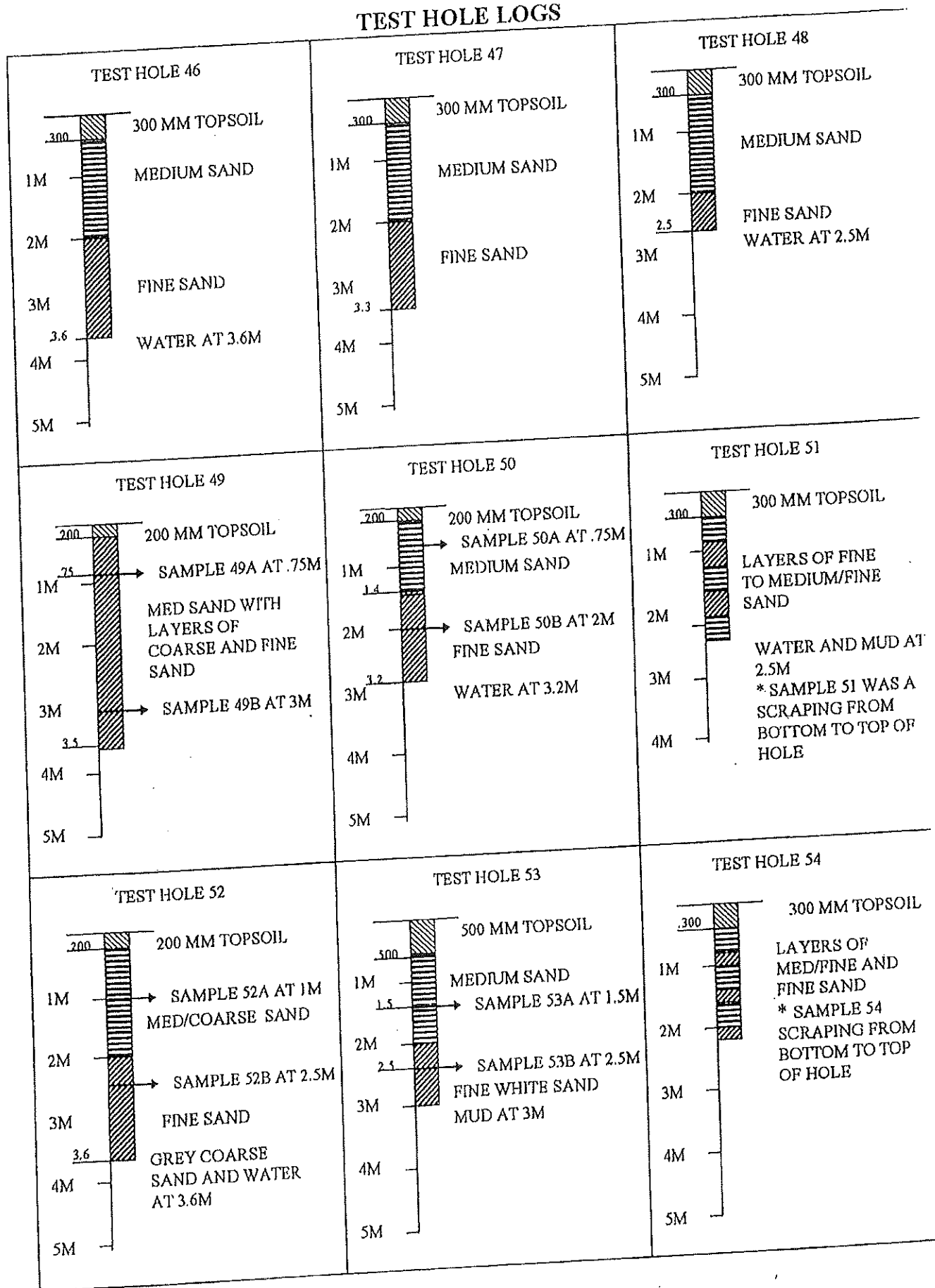
QUAID FARM

TEST HOLE LOGS



QUAID FARM

TEST HOLE LOGS



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