

Kubirriwarra Yalanji Aboriginal Corporation ICN: 9206



Yundu binal yundu wanjabu janay—kaki yundu ngujakuramunbu janay

To the Assessment Manager,

Douglas Shire Council,

64-66 Front Street,

MOSSMAN QLD 4877

Monday, 16th December 2024

Sent by email:

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

OBJECTION TO DA LODGED BY:

[REDACTED] Mossman 4873 Mossman

E: [REDACTED]

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 Ms [REDACTED],

I am Eastern Kuku Yalanji Traditional Owner and common law native title holder.

I self-identify as a Kubirriwarra individual, Kubirri being the Southernmost clan of the wider Eastern Kuku Yalanji tribe. My native title rights and interests were recognised in the native title determination of *Walker on behalf of the Eastern Kuku Yalanji People v State of Queensland* [2007] FCA 1907 ('EKY Determination') and the current registered EKY #2 claim for Mossman and surrounding areas of which there are two Kubirriwarra applicants noted on the claim.

The Kubirriwarra and more broadly, the Eastern Kuku Yalanji People have maintained continuous cultural connection to Cooya Beach (Kuyu Kuyu) and the

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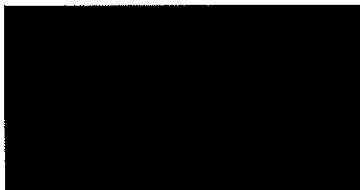
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Killaloe area. The proposed mining site adjoins a wetland area of significant importance to the Eastern Kuku Yalanji People.

As required by the Extractive industry code, the sand mining operation will not be adequately separated from sensitive land uses and if approved it will have significant ecological impact on the mangroves that adjoin the eastern boundary of Lot 1. On 27 February 2023 Traditional Owners registered a claim with the Native Title Tribunal (file No QC2022/007; QLD 356/2022) (EKY #2 Claim).

Further, there has been no future act notice received by Kubirriwarra Yalanji as required by the native title act regarding the proposed development nor, has a request to provide a Cultural heritage assessment and audit of the proposed mining development area by the Kubirri Traditional Owners which Kubirriwarra Yalanji believe is inconsistent with the Aboriginal cultural heritage act.

Sincerely,



Chairperson KYAC – ICN 9206