



Department of Environment, Land, Water & Planning

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Chairperson
Gunaikurnai Land and Waters Aboriginal Corporation
27 Scriveners Road
Kalimna West Victoria 3909

Email: reception@glawac.com.au

Date: 3 October 2022
Our Reference: 1510284

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT) PROPOSED INSTALLATION OF BEACON MONUMENT – PORT ALBERT PUBLIC PURPOSES RESERVE

The Proposal

Port Albert Mechanics Institute Hall Committee in partnership with Wellington Shire Council propose to install a monument to Seafarers on a section of the Port Albert Public Purposes Reserve managed by Wellington Shire Council.

The Port Albert Beacon Project aims to create a network of attractions that connect visitors to the maritime heritage of the town and region. In consultation with Council, an appropriate location on the reserve has been identified along with installation methodology to ensure minimal impact to the land and surrounding open space for the installation of 1 Beacon. The beacon would include a circular foundation slab (4 metres in diameter) with the Beacon secured to the slab. The beacon is approximately 4.5 metres tall and 2.7 metres in diameter.

The location of the area subject to the proposal is outlined in the following attachments:

- Cadastral plan showing Crown allotment descriptions.
- Aerial Photo
- Works Drawing

Description of The Native Title Land and Waters Affected

Part Crown allotment Crown 4, Section A, Parish of Alberton East (P364772).
Crown land temporarily reserved for public purposes by notice published in the Victorian Government Gazette in 1997, page 1896, managed by the Wellington Shire Council as committee of management.

Privacy Statement

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The above area is subject to a recommendation from the Land Conservation Council (predecessor to the now Victorian Environmental Assessment Council) that the lands be used to provide opportunities for recreation and education associated with the enjoyment and understanding of natural environments under the South Gippsland District 2 Area study. *South Gippsland Study Area District 2 (1982) – A8 – Nooramunga Marine and Wildlife Reserve*

Seeking Your Comments

The *Native Title Act 1993* (NTA) requires DELWP to consult and seek comments from the Traditional Owners of Native Title lands and incorporate appropriate conditions into consent to use and develop the land.

We understand that the proponent may also be obliged under Cultural Heritage legislation to contact the Gunaikurnai RAP body concerning this project and we will advise them of those responsibilities as a matter of standard process. However, if you would also like DELWP to raise some specific conditions on cultural heritage protection matters in the exercise of your native title right to protect cultural heritage as part of this formal commentary and approvals process, we will be happy to do so at your direction.

Further, your comments on how this proposal might affect your other native title rights and interests, and how that can be managed or addressed as part of this approvals process are also keenly sought.

These recognised rights and interests include the:

- right to have access to or enter and remain on the land and waters;
- right to use and enjoy the land and waters;
- right to take the resources of the land and waters for the purposes of satisfying personal, domestic or communal needs, but not for any commercial purposes;
- right to protect and maintain places and areas on the land and waters which are of importance according to Gunaikurnai traditional laws and customs;
- right to camp
- right to engage in cultural activities;
- right to engage in rituals and ceremonies;
- right to hold meetings and gatherings;
- right to teaching and learning about the physical, spiritual and cultural attributes of places and areas of importance.

Please note that the 'non-extinguishment' principle applies to these works and your native title rights will continue to exist over the site.

The Department intends to advise the proponent that the project can proceed after 40 days from the date of this notification have elapsed. We would appreciate the opportunity to discuss this proposal however in the meantime please contact Angie Hughes at the following details.

Angie Hughes
LBE Program Officer, Gippsland
Department of Environment, Land, Water and Planning
71 Hotham Street

Traralgon, Victoria, 3844

Email: angenita.hughes@delwp.vic.gov.au

Phone: 0436 622 540

Facsimile: (03) 5172 2100

Legislative Basis for this Notice
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The proposed activity is a valid future act pursuant to Section 24 JA of the *Native Title Act 1993*.

Subdivision J of the *Native Title Act 1993* (NTA) allows for acts to be carried out on reserves provided that the act is in good faith with the purpose of the reservation. Where the act involves the construction of a public work, it is necessary that formal procedural notice be given to any Body Corporate and to any registered Representative Body.

This notice is also prepared and issued cognisant of the agreed terms outlined in Section 7.3 of the Indigenous Land Use Agreement between the State of Victoria and the Gunaikurnai Land and Waters Aboriginal Corporation dated 22 October 2010 and registered with the National Native Title Tribunal on 8 February 2011.

Despite the proposed works being carried out over land reserved after 23/12/1996 the proposed activity is still validated under Subdivision J of the *Native Title Act 1993* as there is in place a recommendation made by the Land Conservation Council (now Victorian Environmental Assessment Council) that the area including the area along the coast be permanently reserved under the Crown Land (Reserves) Act 1978 (*South Gippsland Study Area District 2 (1982) – A8 – Nooramunga Marine and Wildlife Reserve*). This recommendation constitutes a valid reservation for the purposes of Subdivision J of the *Native Title Act 1993*.

The proposed works are considered “a structure (memorial) that is a fixture” which constitutes the establishment of public works under Part 15, Division 4, Section 253 of the *Native Title Act 1993*.

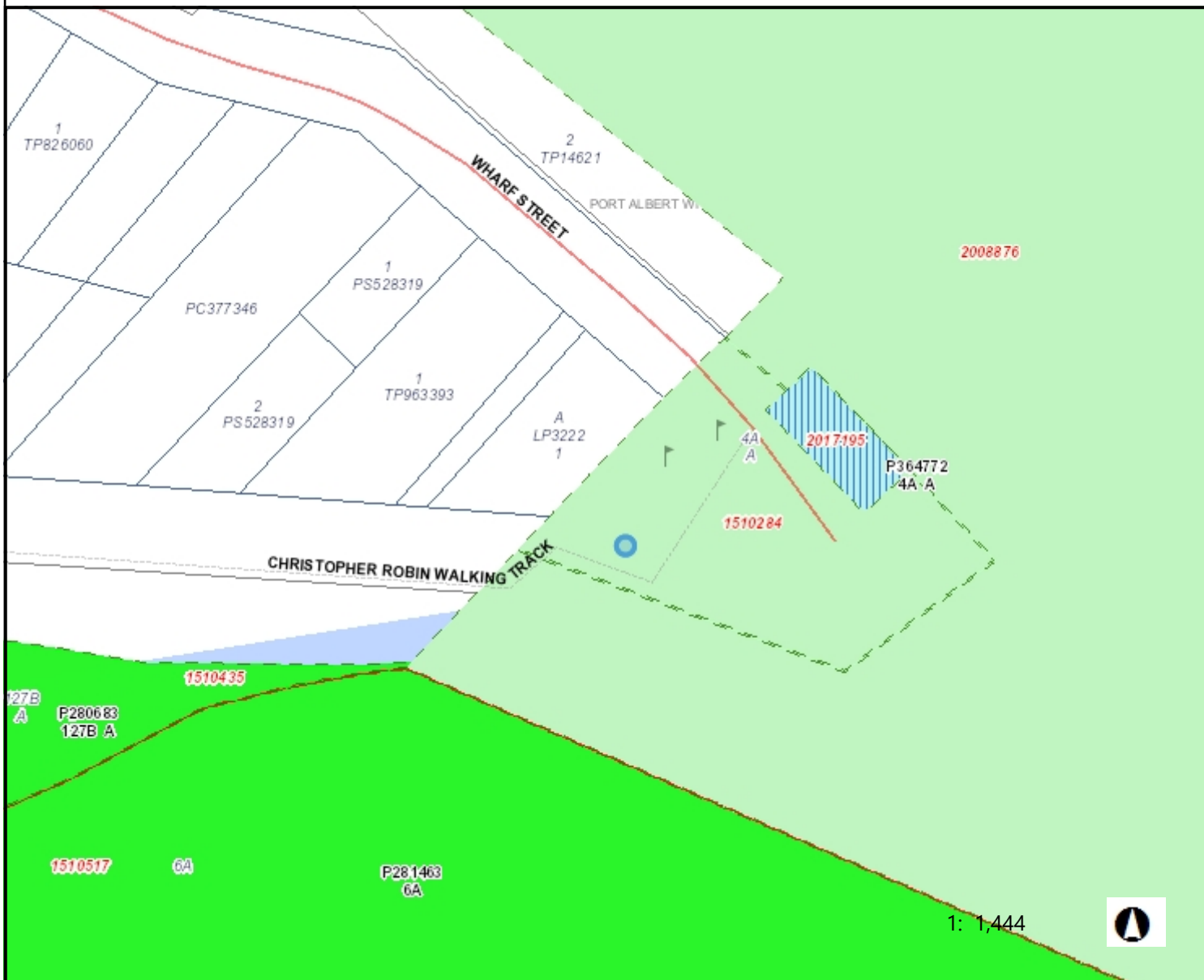
The non-extinguishment principle applies.

Angenita Hughes

Angenita Hughes
LBE Program Officer, Gippsland
Department of Environment, Land, Water and Planning

Date of Notice: 3 October 2022

Port Albert Beacon Project Map



73	0	37	73 Meters
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GDA_1994_VICGRID94

Map Created on 14-Sep-2022

Legend

- Area_hydro_label_10K

 - Township
 - Delegated Lease
 - Plan Noting
 - Other Pipelines
 - Recreation Amusement licences
 - Radio TV Telecom site licences
 - Water Supply licences
 - Easements
 - All Tenure Outline
 - General Licence

Area_relief_label_10K

 - Parish
 - Delegated Licence
 - Linear Tenure
 - Industrial Commercial licences
 - Occupancy licences
 - Emergency Services Use licences
 - Miscellaneous General licences
 - Pipe Consents
 - Lease
 - Grazing Licence



Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

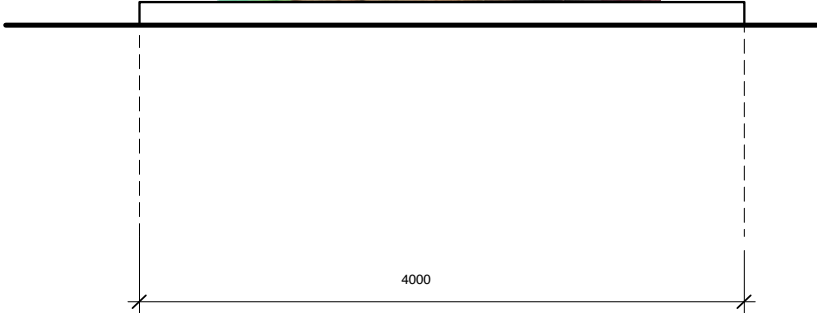


0 20 30 40
Meters

1: 500

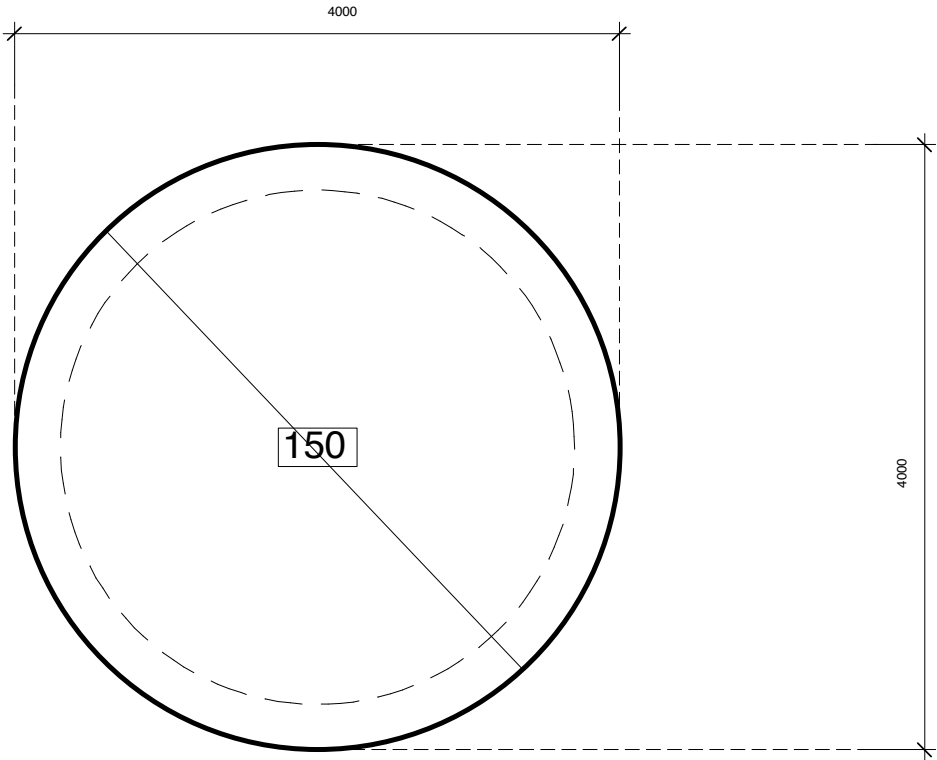
Print Date: 1/09/2022 11:53:12 AM

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Elevation

1:50



Plan

1:50

150

150 THICK CONCRETE SLAB,
SLAB BEAMS TO BE 600 DEEP X 300 WIDE
REO F82 WITH TRENCH MESH.
25 MPA CONCRETE

LEGEND
FCL - FINISHED CEILING LEVEL
FFL - FINISHED FLOOR LEVEL
NGL - NATURAL GROUND LINE
GL - GROUND LINE
NOM - NOMINAL - CHECK ON SITE

Rev Date Item

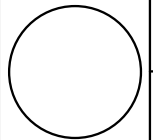
AMENDMENTS:

Slab 1

Scale: 1:50 @ A3

FOR
COUNCIL
APPROVAL

AMEND:



AMEND. DATE:
PRINT DATE:
22 Aug 2022

**WD
01**

Port Albert. Beacon Slab Detail