



Department of Energy, Environment and Climate Action

71 Hotham St
Traralgon, VIC
3844
Ph: 51722 111
ABN 90 719 052 204

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

Date: 18/01/2023
Our Reference: 1510517

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT) PROPOSED CAMERA INSTALLATION – MANNS BEACH, TARRA TARRA

The Proposal

Safer Transport Victoria propose to install a pole and solar camera at Manns beach boat ramp as part of Boating Victoria's project to provide a one-stop-shop (including a new 'online platform') for information to assist waterway users heading out on the water and returning home safely.

The impact of the work will be low, with installation usually taking no longer than a week and being performed by experienced contractors that hold all permits and approvals, resulting in limited restriction of public access. Digging machinery will create a hole for a pole to be inserted and concreted in place (approx. 450mm wide and up to 1.9m deep). No native vegetation will be removed.

The ongoing maintenance will be a shared responsibility, as outlined in the relevant Agreement between STV and the Council. STV is seeking to enter into formal agreements with the relevant land managers with approval by the Minister administration the Crown Land (Reserves) Act 1978 or delegate user s.17b of the Crown Land (Reserves) Act 1978.

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

- Cadastral plan
- Aerial Photo
- Site Plan

Description of The Native Title Land and Waters Affected

Crown allotment 2003, in the Parish of Tarra Tarra (P376209).

The above areas are subject to a recommendation from the Land Conservation Council (predecessor to the now Victorian Environmental Assessment Council) that the lands be utilised

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, 3002.



OFFICIAL

as marine and wildlife reserve/ public recreation 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 DEECA 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 DEECA 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 Sarah Moyes at the following details.

Sarah Moyes
Program Manager, East Gippsland
Department of Energy, Environment and Climate Action
71 Hotham Street
Traralgon, Victoria, 3844

Email: sarah.moyes@delwp.vic.gov.au



Legislative Basis for this Notice
--

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.

The proposed works are to be carried out over land that falls under the Land Conservation Council recommendations, South Gippsland Area 2, recommendation A8.

The proposed works are considered the establishment of public works under Part 15, Division 4, Section 253 of the *Native Title Act 1993*.

The non-extinguishment principle applies.

Sarah Moyes
Program Manager, East Gippsland
Department of Energy, Environment and Climate Action

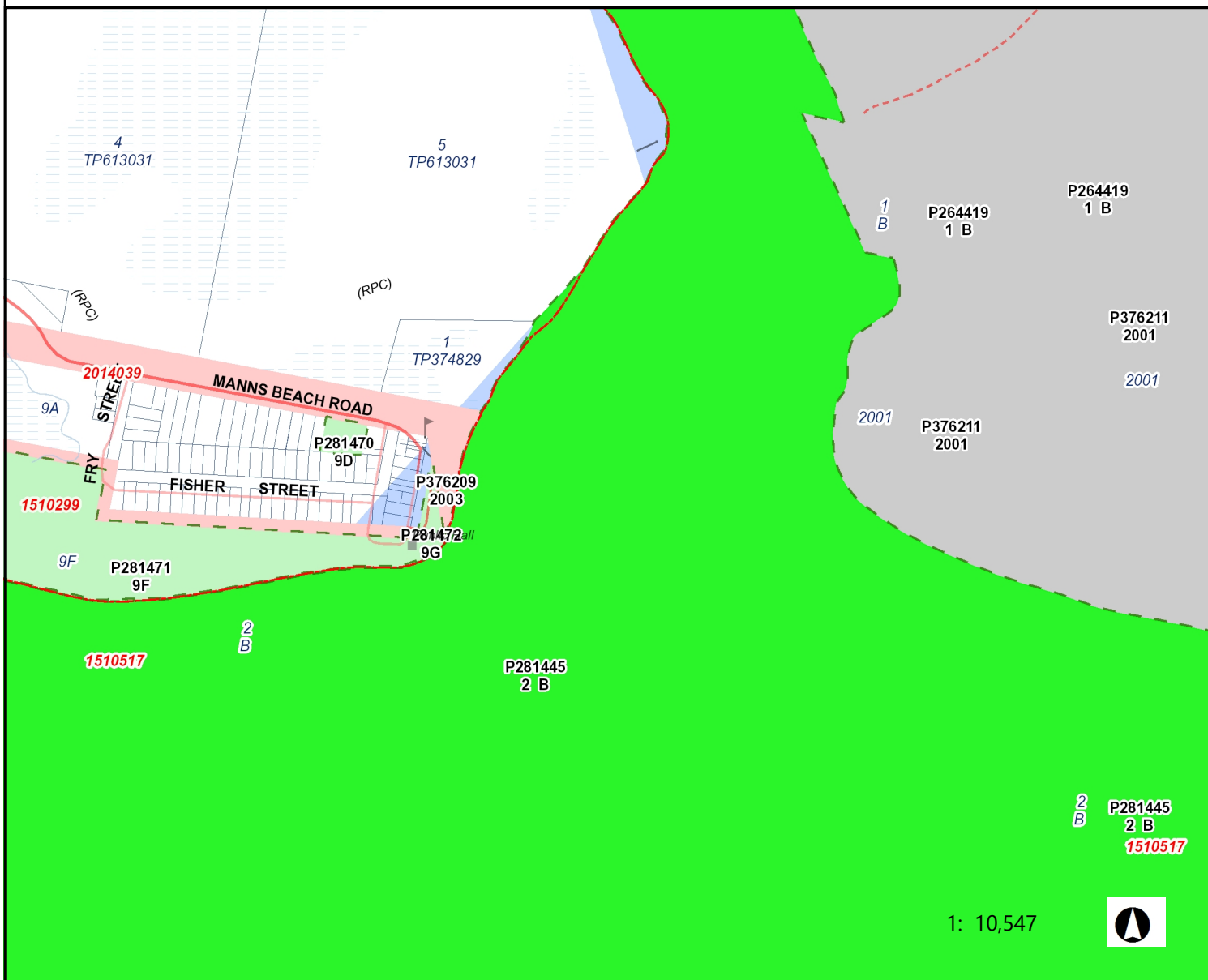
Date of Notice: 18 January 2023

ST MA

Manns

100

Manns Beach Crown Allotment 2003, P376209 Parish of Tarra Tarra



536 0 268 536 Meters

GDA_1994_VICGRID94

Map Created on 18-Jan-2023

Legend

- | | |
|--------------------------------|---------------------------------|
| Area_hydro_label_10K | Area_relief_label_10K |
| Township | Parish |
| Delegated Lease | Delegated License |
| Plan Noting | Linear Tenure |
| Other Pipelines | Industrial Commercial licences |
| Recreation Amusement licences | Occupancy licences |
| Radio TV Telecom site licences | Emergency Services Use licences |
| Water Supply licences | Miscellaneous General licences |
| Easements | Pipe Consents |
| All Tenure Outline | Lease |
| General Licence | 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.

