



Department of Energy, Environment and Climate Action

71 Hotham Street
Traralgon, Victoria 3844
Telephone: 03 5172 2111
deeca.vic.gov.au

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

Date: 05 March 2024

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT) PROPOSED CONSTRUCTION OF WATER MONITORING SYSTEMS

The Proposal

The Regional Water Monitoring Partnership is seeking to install two new water monitoring stations on the Tarra River at Pound Road East and the Agnes River at Agnes River Road to assess the water quality effects of inflows into Corner Inlet.

West Gippsland Catchment Management Authority are investigating what is happening to catchment loads of nutrients and sediment as a result of land practice change in the catchments that flow into Corner Inlet.

The proposed works will include:

- Tarra River – The installation of an instrumentation cabinet with an underground conduit running between the cabinet and the waterway. There will also be a cable installed across the waterway to help collect high flow data which will require a single steel post with a pulley system installed on either side of the waterway above the high-water level and the two posts connected by a steel cable.
- Agnes River - The installation of an instrumentation cabinet with an underground conduit running between the cabinet and the waterway.

Upon completion of the works, these sites will be inspected every two months to ensure the infrastructure is well maintained and that the instrumentation is collecting data of a high quality.

The locations of the areas subject to proposal is outlined in the following attachments:

- Cadastral plans showing Crown allotment descriptions
- Aerial Photos
- Site Plans
- Vic Roads plans

Description of The Native Title Land and Waters Affected

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. 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 authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

Tarra River -

- SPI 2014\PP3899 - Crown allotment 2014, in the Parish of Woranga. This allotment is Crown water frontage reserved for public purposes.
- SPI – 1C\PP3963 - Crown allotment 1C, Section B in the Parish of Woranga. This allotment is Crown water frontage reserved for public purposes
- SPI – 2013\PP3899 Crown allotment 2013, in the Parish of Yarram Yarram. This allotment is Crown water frontage reserved for public purposes.
- SPI – 2054\PP3963 - Crown allotment 2054, in the Parish of Yarram Yarram. This allotment is Crown water frontage reserved for public purposes.

Agnes River -

- SPI – 2051\PP3630 - Crown allotment 2051, in the Parish of Toora. This allotment is Crown water frontage reserved for a public purposes.

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 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 Sarah Brown at the following details.

Sarah Brown
LBE Program Officer, Gippsland
Department of Energy, Environment and Climate Action
71 Hotham Street
Traralgon, Victoria, 3844

Email: sarah.x.brown@deeca.vic.gov.au

Phone: 0436 642 301

Legislative Basis for this Notice

The proposed works are valid under Subdivision H of the *Native Title Act 1993* (NTA) which allows for an 'authority' to be granted which relates to the management of water.

In instances where authority is to be granted in regards to management or regulation of water, it is necessary that formal procedural notice be given to any registered claimant and to any registered Representative Body extending the right to comment.

The non-extinguishment principle applies.

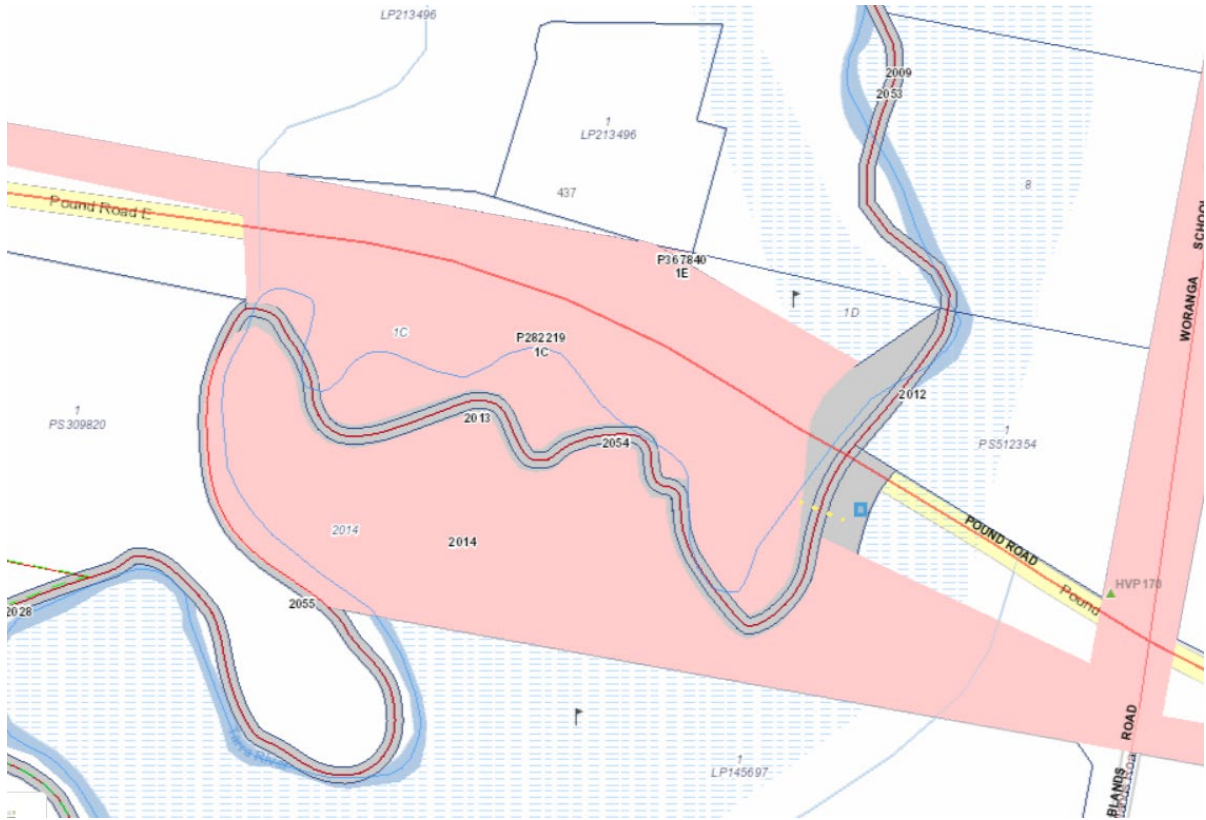


Sarah Brown
LBE Program Officer, Gippsland
Department of Energy, Environment and Climate Action

Cadastral Plan – Tarra River



Cadastral Plan – Agnes River



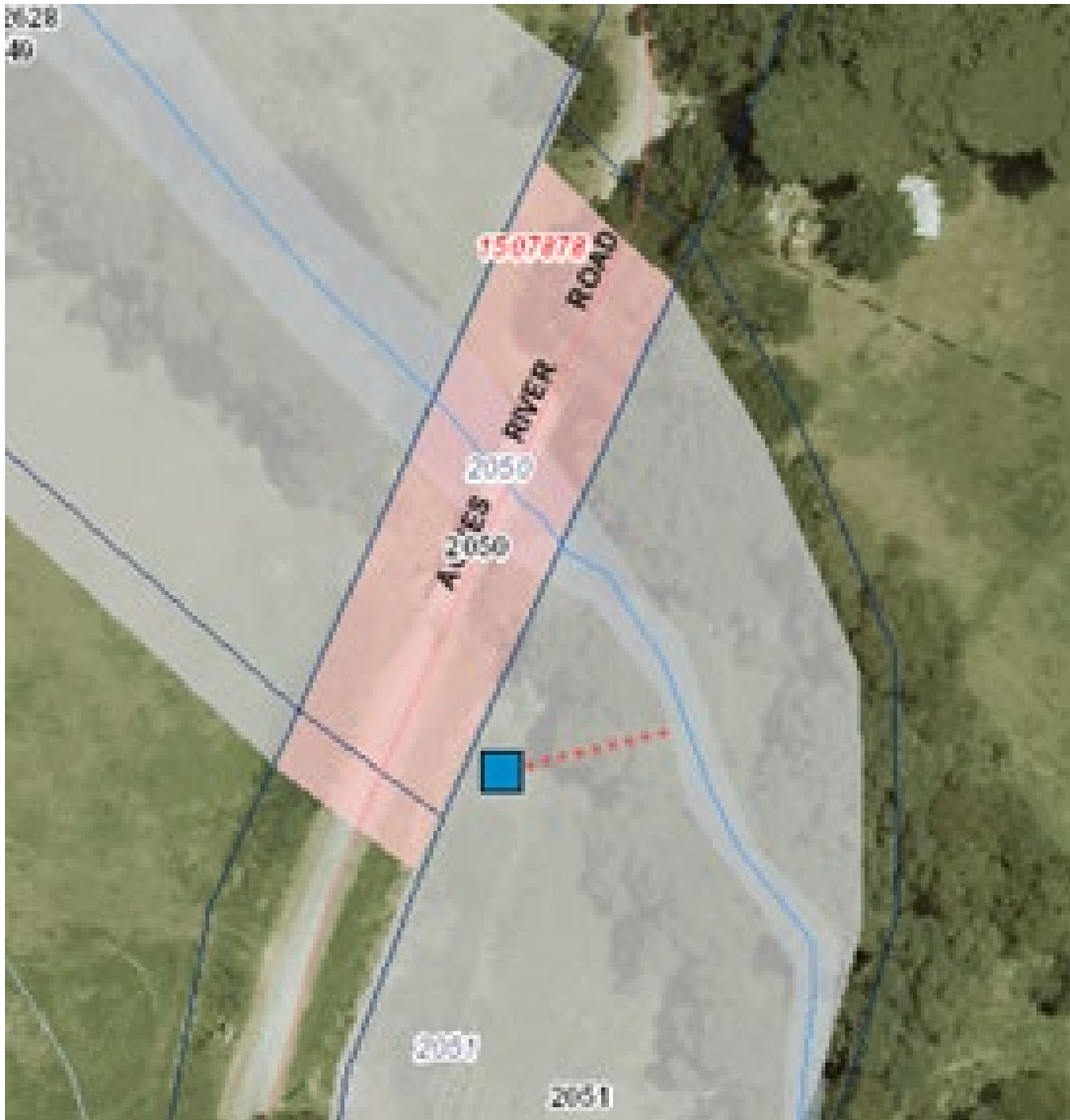
Aerial Plan – Agnes River



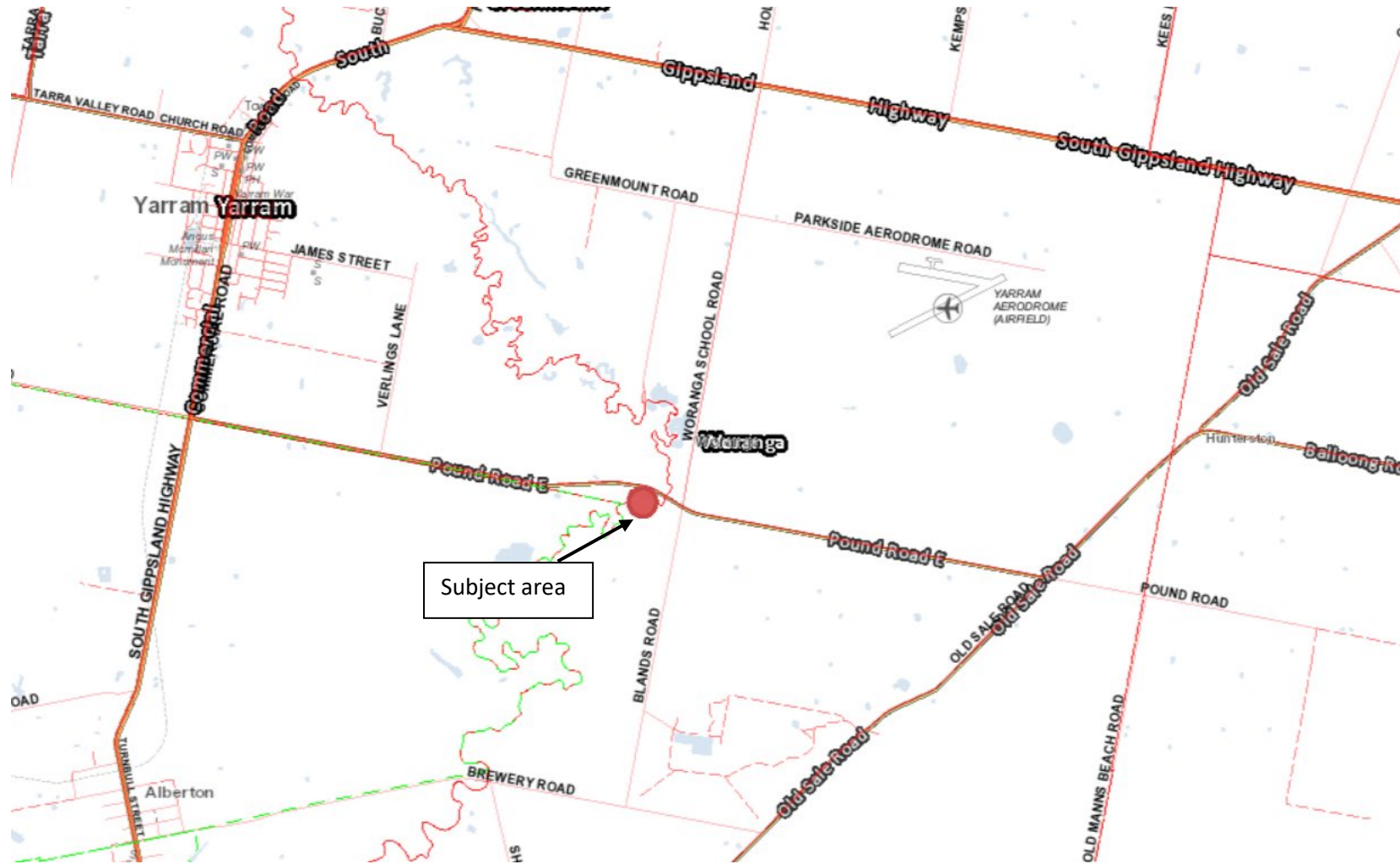
Site Plan – Tarra River



Site Plan – Agnes River



VicRoads Map – Tarra River



VicRoads Map – Agnes River

