



Department of Energy, Environment and Climate Action

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

Date: 23 May 2024
Our Reference: 1504449

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT) PROPOSED LOCH SPORT EROSION CONTROL WORKS

The Proposal

The Loch Sport foreshore is a dynamic coastline with a history of erosion and various coastal protection structures to in place to protect the foreshore coastal reserve. In 2022, Department of Energy, Environment and Climate Action (the Department) commissioned coastal engineers from BMT to provide an adaption and options assessment and recommendations for future actions.

In 2023-2024 the Department sought further survey works and designs for the immediate and short-term actions to protect the Loch Sport foreshore reserve from erosion and risk to public safety and assets.

A recommendation of the adaptation and options assessment included the realignment of the public walking track, retreated from the lake edge.

The location of the area and design for works subject to proposal are outlined in the attachments:

- Cadastral plan showing Crown allotment descriptions.
- Aerial Photos of each area
- Design from BMT

Description of The Native Title Land and Waters Affected

Crown allotment 1F, Parish of Seacombe (P261863)

Reserve ID 1504449

Specific location:

East of the Seagull Drive Boat ramp, Loch Sport along the foreshore edge. Continuing parallel to Toorak Avenue and ceasing at National Park Road.

These allotments are Crown lands in part reserved for Public Purposes by notice published in the *Victoria Government Gazette* in 1962, page 1566.

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

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 Tracey Miller-Armstrong at the following details.

Tracey Miller-Armstrong
Coastal Projects Officer, Land and Built Environment
Department of Energy, Environment and Climate Action
71 Hotham Street
Traralgon, Victoria, 3844

Email: tracey.miller-armstrong@deeca.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 was validly reserved prior to 23/12/96. The future act is in accordance with the purpose of the reservation (Public Purposes Reserve).

The proposed works are considered “a road” 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.



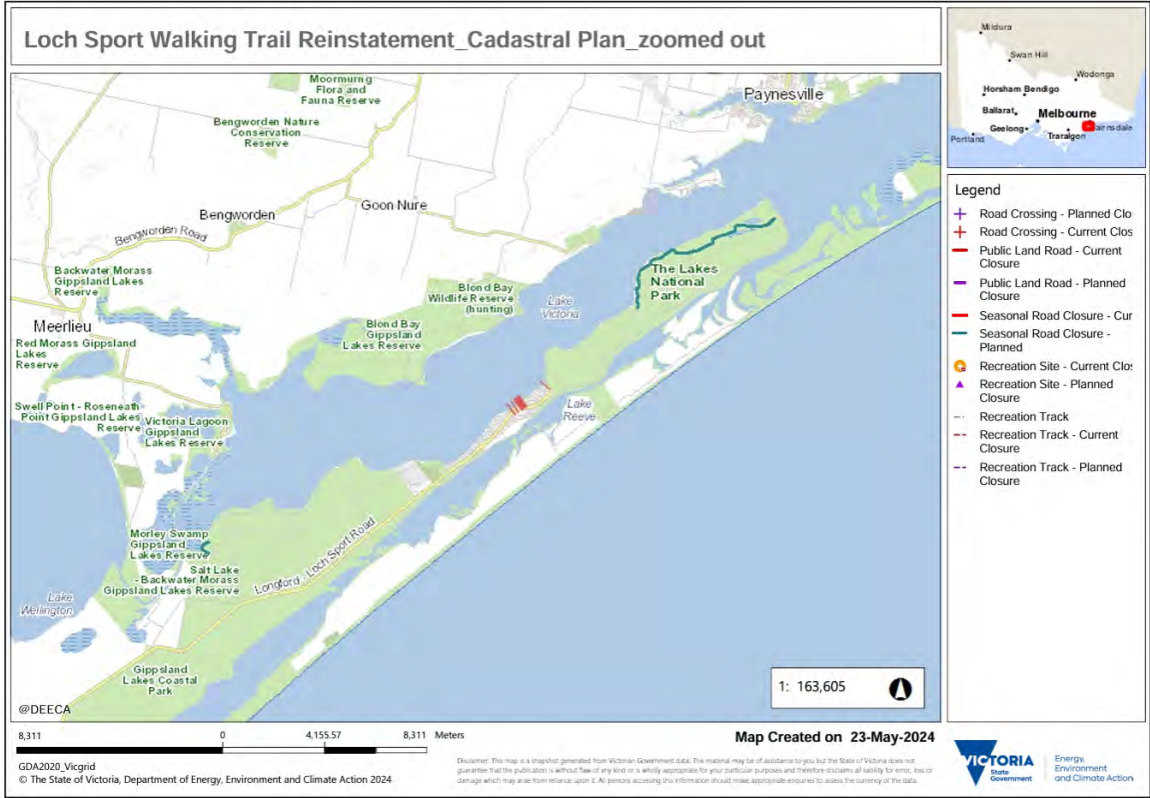
Tracey Miller-Armstrong
Coastal Projects Officer, Land and Built Environment, Gippsland
Department of Energy, Environment and Climate Action

Date of Notice: 23 May 2024

ATTACHMENT A



*please note that the imagery in this photo is several years old and shows sand build up at the site which has now depleted and erosion is impacting the stability of the site.

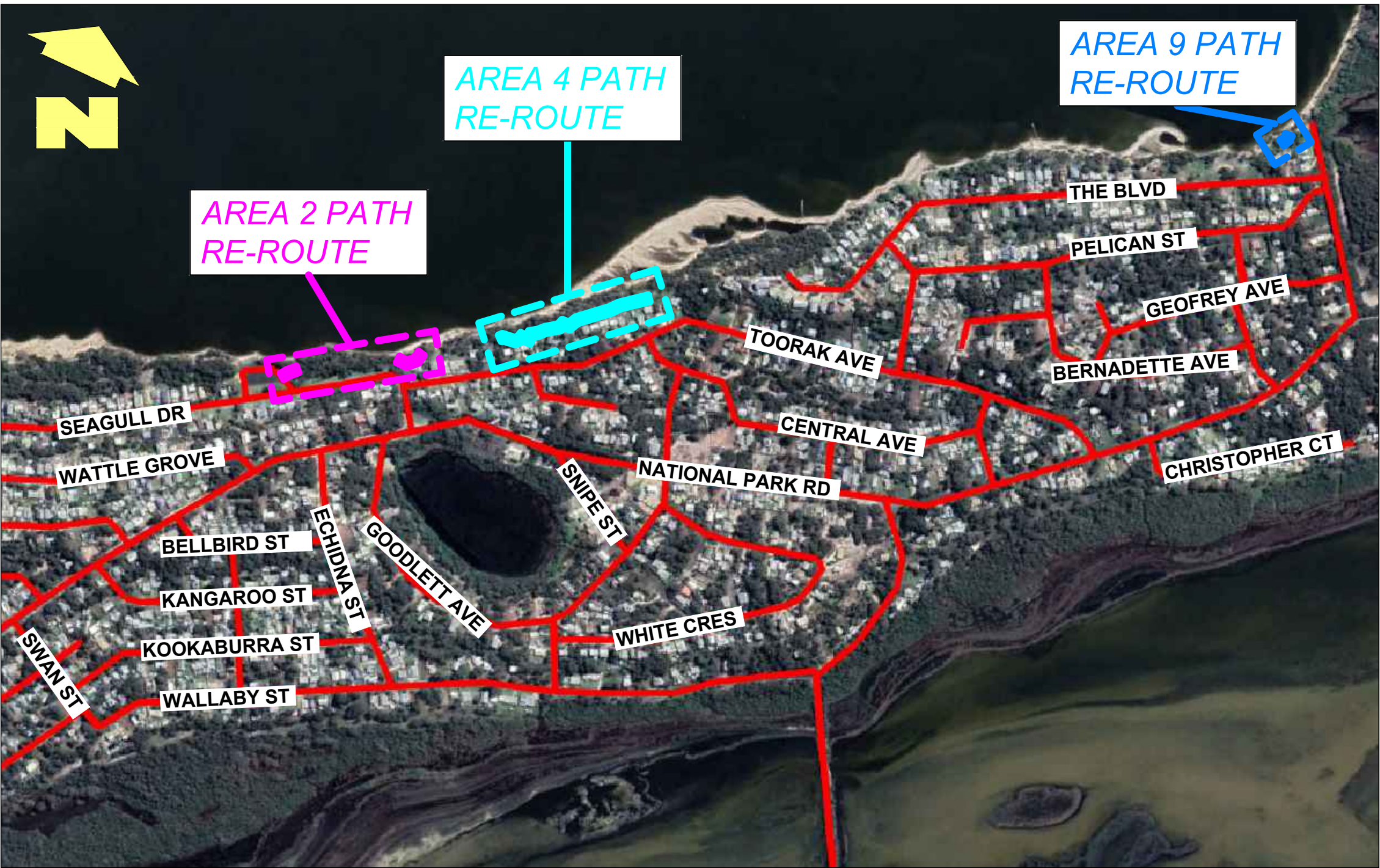




LOCALITY PLAN
SCALE: NTS

DEPARTMENT OF ENERGY, ENVIRONMENT & CLIMATE ACTION (DEECA)

LOCH SPORT COASTAL PROTECTION DESIGN



SITE PLAN
SCALE: NTS

DRAWING TITLE	DRAWING No.	REV.
COVER SHEET AND DRAWING LIST	002819 - 01 - 00	0
GENERAL NOTES	002819 - 02 - 00	0
AREA 2 REROUTE	002819 - 03 - 00	0
AREA 4 REROUTE	002819 - 04 - 00	0
AREA 9 REROUTE	002819 - 05 - 00	0

ISSUE FOR TENDER
NOT FOR CONSTRUCTION

0	24.08.23	ISSUE FOR TENDER		KD	TR
REVW	DATE	AMENDMENT		DRN	DESIGN APPROVAL
ORIG SIZE	ARCHIVE	PROJECT No			
A1	VCAD\002819.dwg	002819			

NOTES:
1. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE
GENERAL NOTES

SCALE:	DIAGRAMMATIC
	UNLESS OTHERWISE STATED DIMENSIONS IN METRES
HORIZ:	MAP GRID OF AUSTRALIA BASED ON GDA94 - ZONE 55
VERT :	A.H.D.
	0 10 20 30 40 50 100 BAR MEASURE INDICATES IF SCALES HAVE BEEN VARIED



ACTION	NAME	DATE
ENGINEER	T. RUBINSTEIN	24/08/23
DRAWN	K. DELAHOY	24/08/23
ENGINEERING CHECK	M. TAJZIEHCHI	24/08/23
DRAFTING CHECK	M. TAJZIEHCHI	24/08/23
APPROVED PROJECT MGR	C. TAYLOR	24/08/23

CLIENT:	DEECA
PROJECT:	LOCH SPORT COASTAL PROTECTION DESIGN
TITLE:	COVER SHEET AND DRAWING LIST
DRAWING NUMBER	002819 - 01 - 00
REVW	0

LOCH SPORT COASTAL PROTECTION DESIGN

CONSTRUCTION OF NEW PATH

1. SECTIONS OF NEW PATH TO BE CONSTRUCTED ALONG THE ALIGNMENT SHOWN AND DEFINED BY THE SET OUT POINTS (SOPS). FINAL POSITION OF THE PATH MAY DEVIATE BY 2-3m FROM THE SPECIFIED ALIGNMENT TO TAKE ADVANTAGE OF NATURAL TOPOGRAPHY VARIATION AND TO AVOID VEGETATION REMOVAL. DEVIATIONS IN THE PATH ALIGNMENT MUST NOT BRING THE PATH WITHIN 10m HORIZONTALLY OF THE EROSION ESCARPMENT.
2. PATHS SHOULD BE CONSTRUCTED ACCORDING TO SPECIFICATIONS OUTLINED IN AS2156.1 AND CONTAINED IN THE TABLES ON THIS PAGE.
3. REQUIRED PATH CLASSES (EITHER CLASS 2 OR 4) FOR EACH NEW PATH TO BE CONSTRUCTED ARE SHOWN IN THE FOLLOWING MAPS.
4. THE SURFACE OF NEW PATHS TO BE CONSTRUCTED MUST BE IN ACCORDANCE WITH THE RELEVANT PATH CLASS, HOWEVER, CONTRACTORS MAY CHOOSE MATERIAL TO BEST MATCH EXISTING PATH.
5. CLEAN SOIL AND PLANT MATERIAL OFF MACHINES, TOOLS AND BOOTS BEFORE AND AFTER WORKS TO AVOID INTRODUCING WEEDS AND DISEASES ON MACHINERY, TOOLS AND PERSONAL EQUIPMENT SUCH AS BOOTS.
6. PREVENT THE SPREAD OF WEEDS AND DISEASES BY ENSURING ALL IMPORTED GRAVEL, SOIL AND MULCH ARE WEED AND DISEASE FREE.
7. EXCAVATION SHOULD BE AVOIDED WHERE POSSIBLE. POTENTIAL ACID SULFATE SOILS ARE KNOWN TO BE PRESENT IN THE AREA. IF WORKS UNCOVER MOTTLED WET MUDDY SOIL, POSSIBLY WITH ROTTEN EGG SMELLS, STOP WORK IMMEDIATELY AND SEEK SPECIALIST ADVICE.
8. NEW CLASS 2 PATHS TO BE CONSTRUCTED SHOULD BE CONSTITUTED OF NO LESS THAN 100mm OF COMPACTED MATERIAL.
9. WHERE REQUIRED VEGETATION REMOVAL PRODUCES STICKS AND BRANCHES, THESE SHOULD BE TRIMMED WHERE REQUIRED AND PLACED TO DEFINE PATH BOUNDARIES.

DECOMMISSIONING OF OLD PATH

1. VEGETATION REMOVED DURING THE CONSTRUCTION OF NEW PATHS (E.G., STICKS OR BRANCHES) SHOULD BE PLACED ACROSS THE OLD PATH WHERE THE NEW AND OLD PATHS DIVERGE, TO BLOCK ACCESS TO THE DECOMMISSIONED PATH.



BRANCHES USED TO BLOCK OFF DECOMMISSIONED PATH AT LOCH SPORT

2. WHERE POSSIBLE, OPTIONS FOR RE-VEGETATION OF PATHS TO BE DECOMMISSIONED WITH NATIVE VEGETATION SPECIES SHOULD BE EXPLORED.

REHABILITATION

1. REHABILITATE ANY DISTURBANCE TO SURROUNDING VEGETATION AS SOON AS POSSIBLE.
2. ASSESS THE NEED FOR RE-VEGETATION. IF THERE IS NO NATURAL VEGETATION NEARBY TO SUPPLY SEED, PLANT THE AREA WITH APPROPRIATE LOCAL NATIVE SPECIES OR USE DIRECT SEEDING ONCE TRACK HAS BEEN CONSTRUCTED.

CLASS 2 PATH - AS2156.1-2001

ITEM	DESCRIPTION
OVERVIEW	OPPORTUNITY FOR LARGE NUMBERS OF VISITORS TO WALK EASILY IN NATURAL ENVIRONMENTS WHICH ARE PROVIDED WITH A MODERATE TO HIGH LEVEL OF INTERPRETATION AND FACILITIES. USERS CAN EXPECT TO LEARN ABOUT THE NATURAL ENVIRONMENT WITH MODERATE TO ABUNDANT OPPORTUNITIES TO LEARN THROUGH INTERPRETIVE SIGNS OR BROCHURES. USERS CAN EXPECT FREQUENT ENCOUNTERS WITH OTHERS.
ELEMENTS FOR CLASSIFICATION; 1. TRACK CONDITIONS 2. GRADIENT 3. SIGNAGE 4. INFRASTRUCTURE 5. TERRAIN 6. WEATHER	1. GENERALLY A MODIFIED OR HARDENED SURFACE. WIDTH 1500mm OR MORE. WELL MAINTAINED WITH MINIMAL INTRUSIONS. 2. GENERALLY NO STEEPER THAN 1:10. MINIMAL USE OF STEPS. 3. SIGNS FOR MANAGEMENT AND INTERPRETATION PURPOSES MAY BE USED FREQUENTLY. ARROW TYPE TRACK MARKERS SHALL BE USED AT INTERSECTIONS. 4. FACILITIES ALONG THE TRACK MAY INCLUDE LOOKOUT PLATFORMS, SEATS AND BARRIER RAILS. CAMPING IS GENERALLY NOT ALLOWED ALONG THE TRACK. 5. USERS NEED NO PREVIOUS EXPERIENCE AND ARE EXPECTED TO EXERCISE NORMAL CARE REGARDING THEIR PERSONAL SAFETY. 6. NOT APPLICABLE.
GUIDANCE FOR MANAGERS; 1. FACILITIES 2. MANAGEMENT INTERVENTION 3. RISK MANAGEMENT 4. TRACK INFORMATION 5. USAGE AND GROUP SIZE 6. PUBLICITY 7. ACTIVITY REGISTRATION 8. ROUTE GUIDES 9. CAMPSITES	1. TRACK HEAD FACILITIES WILL GENERALLY INCLUDE TOILETS, PICNIC FACILITIES, CAR PARKING, DRINKING WATER AND INFORMATION SHELTERS. 2. MODERATE TO HIGH 3. TRACKS AND ADJACENT NATURAL AND BUILT ELEMENTS WILL BE INSPECTED AND MAINTAINED REGULARLY. INSPECTION INTERVAL: 90 DAYS OR LESS. 4. TRACK DETAILS WILL GENERALLY BE SHOWN AT THE TRACK HEAD AND ON LOCAL MAPS AND BROCHURES. ROUTE-GUIDE AUTHORS SHOULD CONSULT WITH THE MANAGING AUTHORITY. 5. NO RESTRICTIONS 6. WILL NORMALLY APPEAR ON MAPS AND BROCHURES PRODUCED BY THE MANAGING AUTHORITY. 7. NOT REQUIRED. 8. NO RESTRICTIONS. 9. NOT APPLICABLE.



EXAMPLE OF CLASS 2 PATH AT LOCH SPORT

CLASS 4 PATH - AS2156.1-2001

ITEM	DESCRIPTION
OVERVIEW	OPPORTUNITY FOR VISITORS TO EXPLORE AND DISCOVER RELATIVELY UNDISTURBED NATURAL ENVIRONMENTS ALONG DEFINED AND DISTINCT TRACKS WITH MINIMAL (IF ANY) FACILITIES. USERS CAN EXPECT OPPORTUNITIES TO OBSERVE AND APPRECIATE THE NATURAL ENVIRONMENT
ELEMENTS FOR CLASSIFICATION; 1. TRACK CONDITIONS 2. GRADIENT 3. SIGNAGE 4. INFRASTRUCTURE 5. TERRAIN 6. WEATHER	1. GENERALLY DISTINCT WITHOUT MAJOR MODIFICATION TO THE GROUND. ENCOUNTERS WITH FALLEN DEBRIS AND OTHER OBSTACLES ARE POSSIBLE. 2. LIMITED TO ENVIRONMENTAL AND MAINTENANCE CONSIDERATIONS. 3. MINIMAL SIGNAGE FOR MANAGEMENT AND DIRECTIONAL PURPOSES. 4. FACILITIES GENERALLY NOT PROVIDED EXCEPT FOR SPECIFIC SAFETY AND ENVIRONMENTAL CONSIDERATIONS. 5. USERS NEED NO PREVIOUS EXPERIENCE AND ARE EXPECTED TO EXERCISE NORMAL CARE REGARDING THEIR PERSONAL SAFETY. 6. NOT APPLICABLE
GUIDANCE FOR MANAGERS; 1. FACILITIES 2. MANAGEMENT INTERVENTION 3. RISK MANAGEMENT 4. TRACK INFORMATION 5. USAGE AND GROUP SIZE 6. PUBLICITY 7. ACTIVITY REGISTRATION 8. ROUTE GUIDES 9. CAMPSITES	1. TRACK HEAD FACILITIES MAY INCLUDE TOILETS, PICNIC FACILITIES, CAR PARKING, DRINKING WATER, CAMP SITES AND INFORMATION SHELTERS. 2. LOW TO MODERATE. 3. TRACKS WILL BE INSPECTED ON A REGULAR BASIS AND AFTER MAJOR NATURAL EVENTS SUCH AS CYCLONES OR FIRES. ANY BUILT FACILITIES WILL BE MANAGED FOR PUBLIC RISK. INSPECTION INTERVAL: 6 TO 12 MONTHS. 4. TRACK DETAILS MAY BE SHOWN ON LOCAL MAPS AND BROCHURES. ROUTE-GUIDE AUTHORS SHOULD SEEK THE APPROVAL OF THE MANAGING AUTHORITY. 5. NO RESTRICTIONS 6. MAY BE SHOWN ON MAPS PRODUCED BY THE MANAGING AUTHORITY. 7. SELF-REGISTRATION MAY BE APPROPRIATE FOR SOME ACTIVITIES. 8. ROUTE-GUIDE AUTHORS ENCOURAGED TO SEEK MANAGING AUTHORITY INPUT AND APPROVAL PRIOR TO PUBLICATION. 9. NOT APPLICABLE



EXAMPLE OF CLASS 4 PATH AT LOCH SPORT

**ISSUE FOR TENDER
NOT FOR CONSTRUCTION**

[illegible]



- LEGEND
- NEW CLASS 2 PATH TO BE CONSTRUCTED
 - EXISTING PATH TO BE RETAINED
 - EXISTING PATH TO BE DECOMMISSIONED
 - CADASTRAL BOUNDARY

SETOUT POINTS

POINT	EASTING	NORTHING
SOP 1	552335.762	5790229.563
SOP 2	552481.927	5790305.972
SOP 3	552513.142	5790325.208

AREA 2 REROUTE
SCALE: 1:200

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NOT FOR CONSTRUCTION

0	24.08.23	ISSUE FOR TENDER	KD	TR
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ORIG SIZE A1	ARCHIVE VCAD\002819.dwg	PROJECT No 002819		

NOTES:
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SCALE:	1:200
UNLESS OTHERWISE STATED DIMENSIONS IN METRES	
HORIZ:	MAP GRID OF AUSTRALIA BASED ON GDA94 - ZONE 55
VERT :	A.H.D.
0 10 20 30 40 50 100 BAR MEASURE INDICATES IF SCALES HAVE BEEN VARIED	



ACTION	NAME	DATE
ENGINEER	T. RUBINSTEIN	24/08/23
DRAWN	K. DELAHAY	24/08/23
ENGINEERING CHECK	M. TAJZIEHCHI	24/08/23
DRAFTING CHECK	M. TAJZIEHCHI	24/08/23
APPROVED PROJECT MGR	C. TAYLOR	24/08/23

CLIENT:	DEECA
PROJECT:	LOCH SPORT COASTAL PROTECTION DESIGN
TITLE:	AREA 2 REROUTE
DRAWING NUMBER	002819 - 03 - 00
REVW	0



LEGEND

- NEW CLASS 4 PATH TO BE CONSTRUCTED
- EXISTING PATH TO BE RETAINED
- EXISTING PATH TO BE DECOMMISSIONED
- CADASTRAL BOUNDARY

SETOUT POINTS					
POINT	EASTING	NORTHING	POINT	EASTING	NORTHING
SOP 4	552630.533	5790417.027	SOP 9	552713.598	5790470.589
SOP 5	552664.196	5790428.287	SOP 10	552724.665	5790470.354
SOP 6	552671.926	5790430.372	SOP 11	552729.160	5790484.057
SOP 7	552673.713	5790438.974	SOP 12	552758.084	5790507.756
SOP 8	552695.476	5790449.362	SOP 13	552813.249	5790558.895

AREA 4 REROUTE
SCALE: 1:200

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NOT FOR CONSTRUCTION

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ORIG SIZE	ARCHIVE	PROJECT No		
A1	VCAD\002819.dwg	002819		

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APPROVED PROJECT MGR	C. TAYLOR	24/08/23

CLIENT:	DEECA
PROJECT:	LOCH SPORT COASTAL PROTECTION DESIGN
TITLE:	AREA 4 REROUTE
DRAWING NUMBER	002819 - 04 - 00
REVW	0



LEGEND

NEW CLASS 2 PATH TO BE CONSTRUCTED

EXISTING PATH TO BE RETAINED

EXISTING PATH TO BE DECOMMISSIONED

CADASTRAL BOUNDARY

SETOUT POINTS		
POINT	EASTING	NORTHING
SOP 14	553701.640	5791206.448
SOP 15	553709.535	5791223.286

AREA 9 REROUTE
SCALE: 1:200

ISSUE FOR TENDER
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0	24.08.23	ISSUE FOR TENDER		KD	TR
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ORIG SIZE A1	ARCHIVE VCAD\002819.dwg	PROJECT No 002819			

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APPROVED PROJECT MGR	C. TAYLOR	24/08/23

CLIENT:	DEECA
PROJECT:	LOCH SPORT COASTAL PROTECTION DESIGN
TITLE:	AREA 9 REROUTE
DRAWING NUMBER	002819 - 05 - 00
REVW	0