



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: 13 September 2024
Our Reference: 1504449

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT)

Proposed excavation of accumulated sand from Loch Sport Marina Jetty to Seagull Drive for shoreline renourishment

The Proposal

With the support for the Department of Energy, Environment and Climate Action (DEECA), Gippsland Ports propose to remove approximately 6,000 cubic meters of accumulated sand using mechanical excavation. The proposed works will take place at Loch Sport Marina Jetty, with the sand then being transported by trucks approximately 2.5km by public road to the Seagull Drive disposal site for a sand renourishment.

The purpose of these works is to assist with the management of erosion issues that are currently impacting Loch Sport. The sand currently at the site where sand is to be extracted from has built up over time due to natural coastal processes and the intention is to relocate this sand back to an area of the foreshore where significant erosion is occurring.

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

- Cadastral plan showing Crown allotment descriptions
- Aerial Photo
- Site Plan
- Vic Roads plan

Description of The Native Title Land and Waters Affected

The proposed works are to take place on part of Crown allotment 23B in the Parish of Boole Poole (P322289) and to be taken to a site within Crown allotment 1F in the Parish of Seacombe (P261863)

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

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 Matt Kelly at the following details.

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

Email: rhyley.shaw@deeca.vic.gov.au
Phone: 0427 441 013



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.

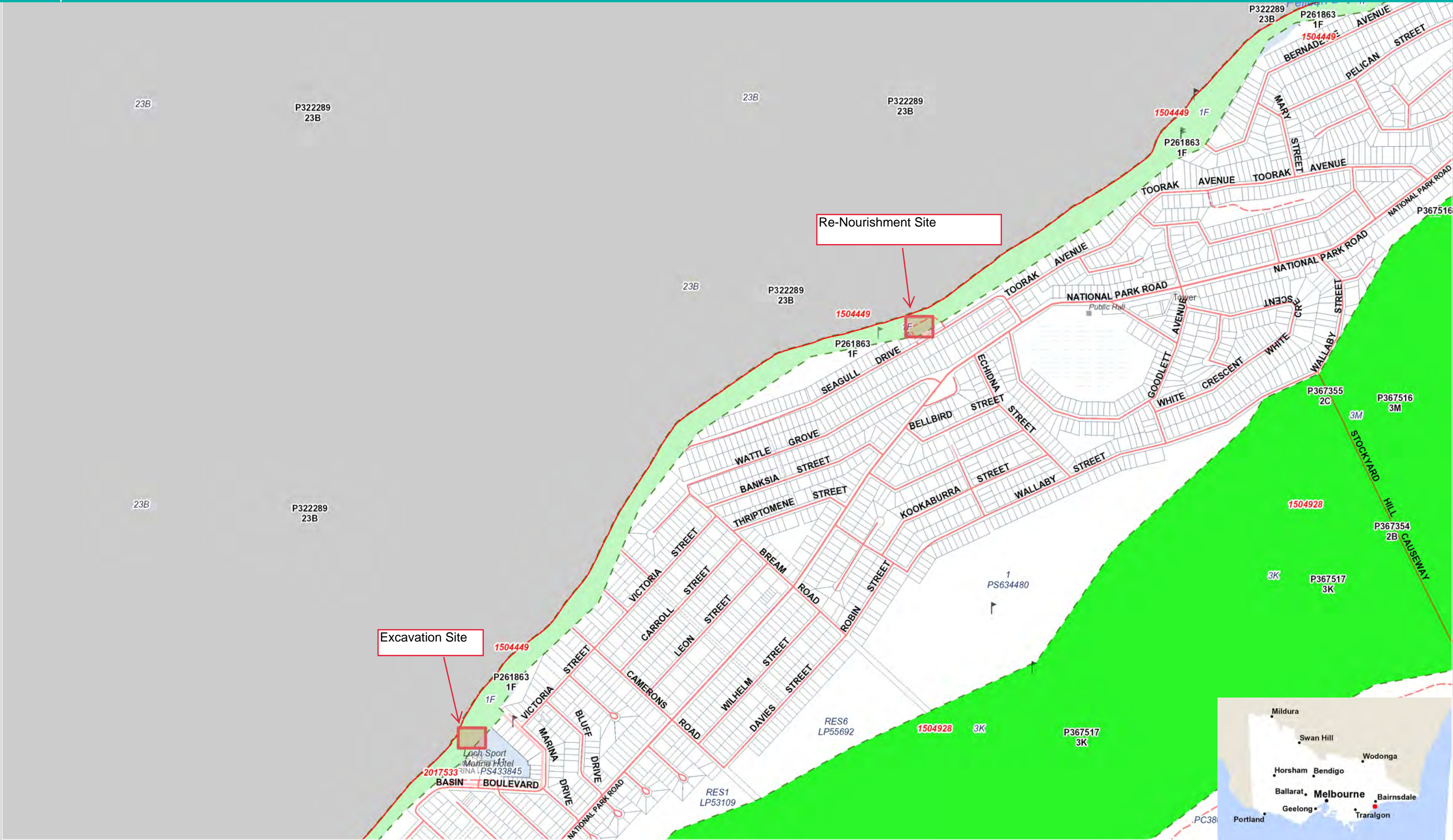
The proposed works are to be carried out over land that was validly reserved prior to 23/12/96. The future act is in accordance with the purpose of the reservation Public Purposes Reserve

The proposed works are considered “a renourishment” 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.

Rhyley Shaw
LBE Program Officer, Gippsland
Department of Energy, Environment and Climate Action

Date of Notice: 13 September 2024



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Scale 1:9,449

Loch Sport



1,200 0 600 1,200 Meters

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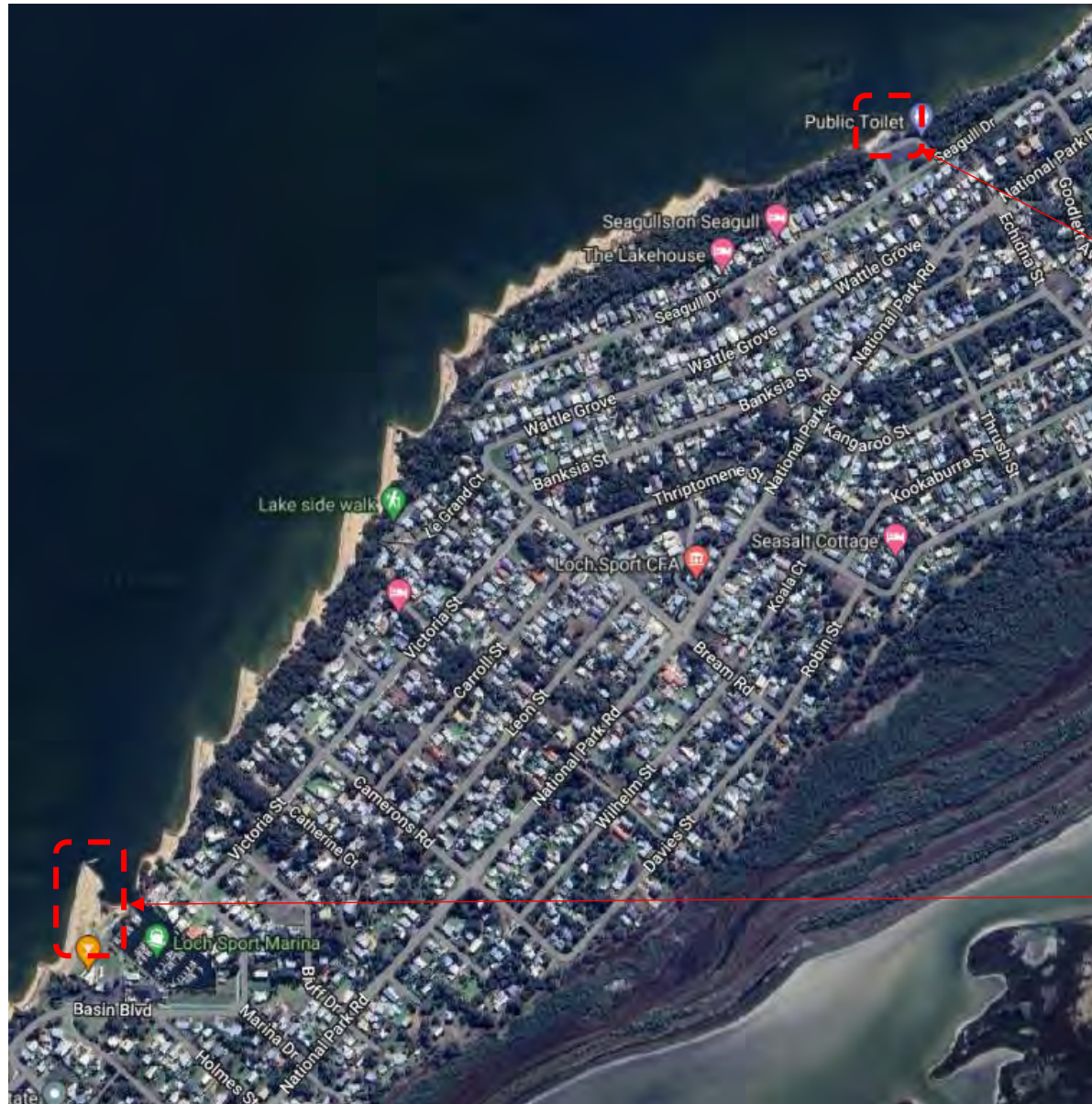
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**SITE PLAN - LOCH SPORT MARINA
JETTY SAND EXCAVATION AND
SEAGULL DRIVE SHORELINE
RENOURISHMENT**



Renourishment site,
shoreline area adjacent to
Seagull Drive Boat Ramp
Car Park, extending approx.
120m east of boat ramp

Excavation site at Loch
Sport Marina Jetty