



## Department of Energy, Environment and Climate Action

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

Date: 10 October 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, with various coastal protection structures 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.

An assessment of coastal processes at Loch Sport that identified erosion hotspots along the eastern shores of the town was undertaken in 2022. This assessment outlined that due to a considerable sediment deficit (i.e., less sand arriving than leaving), the eastern shorelines of Loch Sport are eroding where large sand spits are not present. One such location is the base of the high due bluff (opposite Toorak Ave) where a large sand spit/lobe of highly mobile sand is continually migrating west to east.

Further assessment determined the most appropriate use of sand for the nourishment borrow area, estimated volumes and access. The highly mobile sand spit/lobe has been identified as the appropriate borrow area, as it will utilise sand that is already highly disturbed as well as minimising impacts to the established vegetation that is growing on the spit (located closer to the base of the bluff). The assessment identified the aim of the beach nourishment works to place enough sand to provide immediate protection to the western end of the bluff from coastal erosion.

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

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

#### 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.



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## 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 at the base of the High Dune Bluff, adjacent to Toorak Avenue.

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

## 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](mailto:tracey.miller-armstrong@deeca.vic.gov.au)

<b>Legislative Basis for this Notice</b>
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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 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: 10 October 2024

ATTACHMENT A

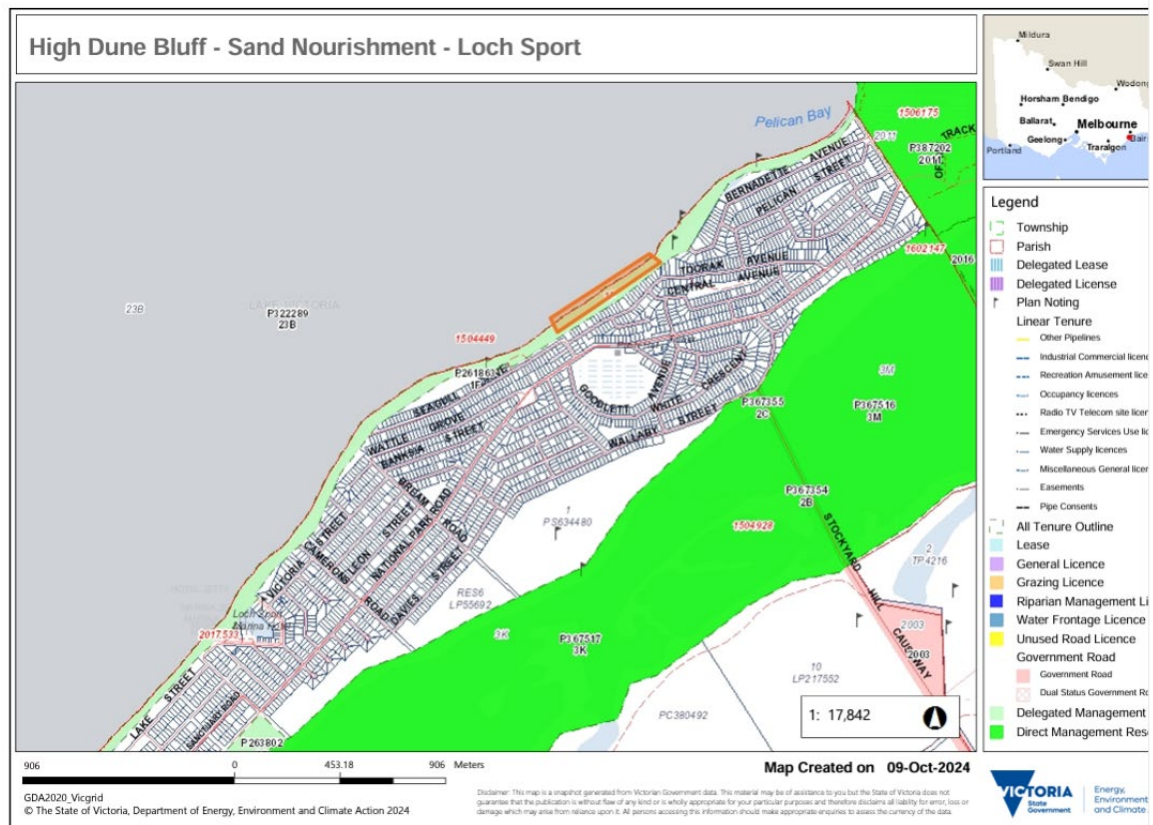


Figure 1.1 Loch Sport Bluff Location Map



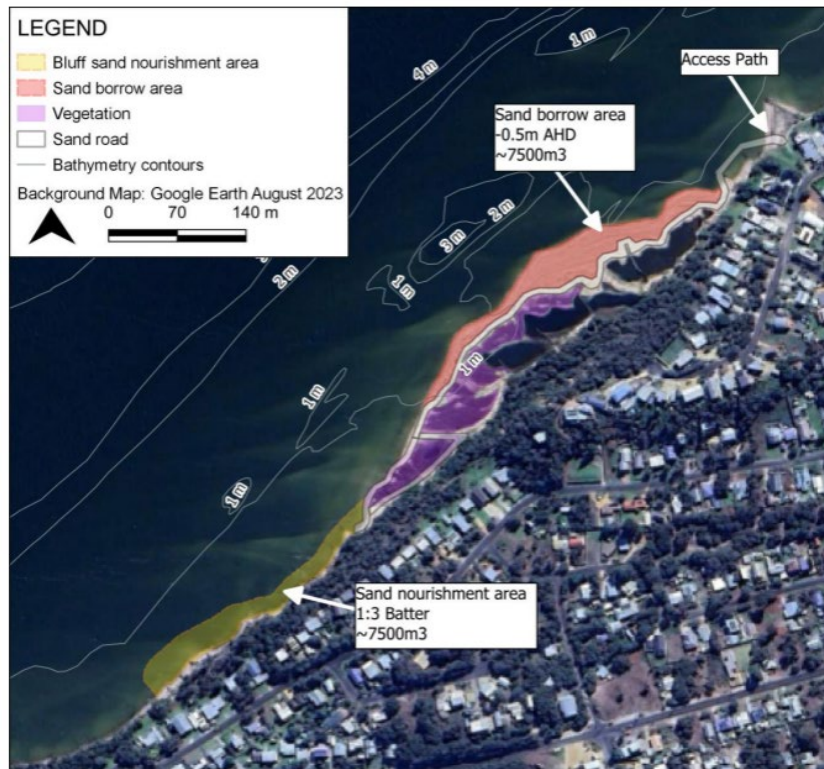


Figure 1.2 Loch Sport Bluff sand nourishment location



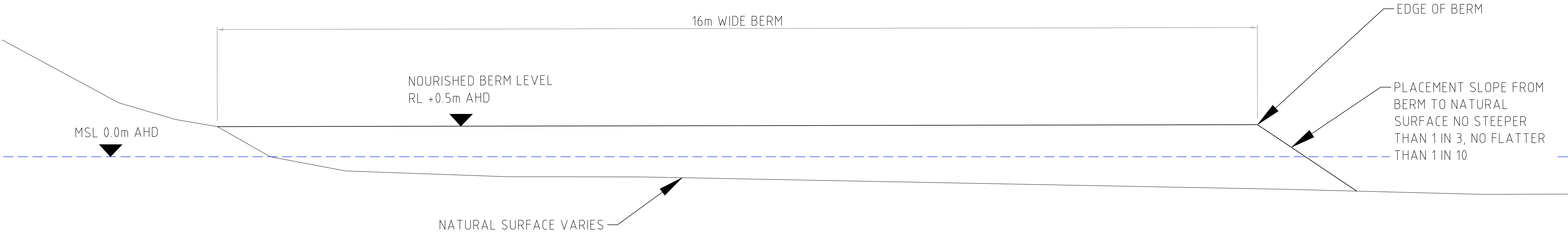
- NOTES:
1. THE BEACH NOURISHMENT DESIGN IS BASED ON AERIAL PHOTOGRAPH TAKEN AUG 2023. CONFIGURATION OF THE SPIT / EXTRACTION AREA WILL BE DIFFERENT AT TIME OF CONSTRUCTION AS THE SPIT IS MOVING EASTWARD.
  2. AN ACCESS TRACK WILL BE ESTABLISHED FROM THE BOULEVARD TO THE WESTERN END OF SAND SPIT WITH MINIMUM WIDTH OF 3 m USING SAND FROM THE SAND SPIT. THE ACCESS TRACK WILL BE POSITIONED AS FAR LANDWARD AS POSSIBLE ON THE SPIT AVOIDING DENSE VEGETATION AND EXISTING STRUCTURES. ALIGNMENT OF THE ACCESS TRACK TO BE APPROVED BY SUPERINTENDENT PRIOR TO CONSTRUCTION.
  3. SAND IS TO BE EXTRACTED FROM THE SPIT AREA, SEAWARD OF THE ACCESS TRACK, TO A MAXIMUM DEPTH OF -0.5 m AHD. THE AVAILABLE SAND VOLUME IS ESTIMATED AT 7500m<sup>3</sup>.
  4. SAND IS TO BE PLACED IN PLACEMENT AREA STARTING AT THE WESTERN END OF THE SPIT, THEN PROCEED IN A WESTERLY DIRECTION THROUGH ZONE A TO ZONE B. ZONE A AND B ARE TO BE FILLED TO 16 m BERM WIDTH WITH A FINISHED SURFACE LEVEL OF +0.5 m AHD. IF ADDITIONAL SAND IS AVAILABLE, SAND SHALL BE PLACED IN ZONE B ON THE SEAWARD SIDE TO INCREASE BERM WIDTH.

SETOUT POINTS

POINT	EASTING	NORTHING
SOP 1	552524.874	5790344.431



NOURISHMENT  
LAYOUT PLAN  
SCALE: 1:1000



NOURISHMENT  
PROFILE FOR ZONE A  
SCALE: 1:30

ISSUE FOR REVIEW  
NOT FOR CONSTRUCTION

- NOTES:
1. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE TECHNICAL SPECIFICATIONS

SCALE:  
AS SHOWN

UNLESS OTHERWISE STATED DIMENSIONS IN METRES

HORIZ: MAP GRID OF AUSTRALIA  
BASED ON GDA94 - ZONE 55

VERT : A.H.D.



ACTION	NAME	DATE
ENGINEER	M. TAJZIEHCHI	27/05/24
DRAWN	A. LIEW	27/05/24
ENGINEERING CHECK	C.TAYLOR	27/05/24
DRAFTING CHECK	M. TAJZIEHCHI	27/05/24
APPROVED PROJECT MGR	C. TAYLOR	27/05/24

CLIENT: DEECA

PROJECT: LOCH SPORT BLUFF BEACH NOURISHMENT

TITLE: BEACH NOURISHMENT DESIGN

DRAWING NUMBER 002819-SD-03-02

REV: -

REV#	DATE	AMENDMENT	ORIGIN	DESIGN APPROVAL
-	27.05.24	ISSUE FOR REVIEW	AL	CT
ORIG SIZE	ARCHIVE	PROJECT No		
A1		002819		