

NOTIFICATION OF A FUTURE ACT UNDER DIVISION 3 OF PART 2, *NATIVE TITLE ACT 1993*

OPPORTUNITY TO COMMENT – 28 DAYS

This notice relates to the proposal to construct a public work which is a valid future act under section 24JA of the *Native Title Act 1993*.

GIVEN TO: First Nations Legal and Research Services
PO Box 431
NORTH MELBOURNE VICTORIA 3051
By email: info@fnlrs.com.au

GIVEN BY: Parks Victoria

DATE OF ISSUE: 9 April 2025

The proposed future act

Parks Victoria are proposing to construct an invasive species 'Prom Sanctuary' fence and associated vehicle access tracks across the Yanakie Isthmus – the length of the boundary of Wilsons Promontory National Park and the private land to the north.

Wilson Promontory National Park will become Victoria's largest conservation sanctuary as part of the *Wilson Prom Revitalisation Project*. The project includes delivering a Prom Sanctuary fence to prevent destructive animals like foxes, feral cats and deer from entering the park. The fence will improve conservation programs including invasive species control, large-scale habitat restoration and active threatened species recovery programs.

Vehicle access tracks either side of the fence will restrict vegetation growth that may impede the fence, allow for repairs and maintenance and monitoring of effectiveness of the fence.

The construction design of the fence is being finalised; however, the proposed alignment has been identified, with consideration of minimising impacts on native flora, cultural heritage, topographical constraints and other environmental factors.

The proposed construction of fence and vehicle access tracks are considered to constitute the establishment of public works under Part 15, Division 4, Section 253 of the *Native Title Act 1993*.

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The future act is valid

The proposed activity is a valid future act pursuant to Section 24JA of the *Native Title Act 1993* (NTA).

Subdivision J of the NTA allows for acts to be carried out on reserved land provided that the act is in good faith with the purpose of the reservation, or of no greater impact. Where the act involves the construction of a public work, (which extinguishes native title rights and interests), it is necessary that formal procedural notice be given to any registered claimant and to any registered Representative Body.

The proposed works are to be carried out over land that was validly reserved prior to 23 December 1996. The future act is in accordance with the purpose of the reservation.

The extinguishment principle applies over the footprint of the fence and access tracks.

Description of the land or waters affected:

The boundary of Wilsons Prom and the private land to the north, across the Yanakie Isthmus.

Allotment 4 Parish of Yanakie South – 21A Hellisons Track, Wilsons Promontory
Allotment 25A Parish of Yanakie – 390 Foley Road, Yanakie

The land is reserved under the *National Parks Act 1975* as Wilsons Promontory National Park and subject to approved Land Conservation Council recommendations to be used for a particular purpose (National Park) approved by Government in 1984.

Does not include Lot 1 LP141647 (4305 Meeniyan-Promontory Road, Yanakie) and Lot 3 LP90919 (4351 Meeniyan-Promontory Road, Yanakie) on the eastern side, as the fence is proposed on freehold land, rather than the National Park boundary in this location.

See Attachment 1 below.

Invitation to comment

The State is extending an invitation to comment on the proposed future act described above. Please forward all comments to:

Sharna Foon
Land Use and Statutory Planning Officer
Parks Victoria
Email: sharna.foon@parks.vic.gov.au

All comments received within **28 days** of the date of this notice will be considered.

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Relevant consultation to date

There has been ongoing consultation with Traditional Owners with an interest in Wilsons Prom, regarding several projects that are progressing within the National Park.

Disclaimer

This notification is given to you under the provisions of Division 3 of Part 2 of the NTA. By giving such notice, the State makes no admission or acknowledgment of any kind for the purposes of any pending or future application for a determination of native title, whether made under the NTA or at common law, for the land or waters in respect of which this notice is given.



Sharna Foon
Land Use and Statutory Planning Officer – Eastern Victoria
Parks Victoria

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Attachment 1:

Future Act location

