



Department of Energy, Environment and Climate Action

Level 3
8-12 Seymour 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

By email: notifications@glawac.com.au

Date: 1 April 2026
Our Reference: 1510820

Dear Chairperson

**RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT)
PROPOSED DEMOLITION OF OLD PONTOON AND CONSTRUCTION OF NEW ALL-ABILITIES
PONTOON – PORT WELSHPOOL PORT**

The Proposal

Better Boating Victoria proposes to construct a new all-abilities pontoon within the Port Welshpool Port.

The project forms part of the Victorian Government's Recreational Boating Strategy 2021–2030 and involves replacing the existing damaged gangway and pontoon with a new accessible pontoon. The upgraded facility is designed to meet Australian accessibility standards (AS3962 and AS1428), providing safe and equitable boating access for people with disabilities and mobility impairments, including compatibility with a Hansa C hoist.

The proposal is located within the Port Welshpool Port, within a similar footprint to the existing pontoon. The design responds to coastal hazards by improving structural resilience to storm events and sea level rise, while maintaining the existing visual and physical footprint of the site. The project delivers clear public and community benefit by improving safety, inclusivity, and continued access to Corner Inlet.

There is no vegetation removal required for the construction to take place.

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

- Cadastral plan showing Crown allotment descriptions.
- Aerial Photo
- Site Plan

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@deeca.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.



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Description of The Native Title Land and Waters Affected

Crown allotment 35h in the Parish of Welshpool (P367518).

This allotment is Crown land reserved for Public Purposes by notice published in the *Victoria Government Gazette* in 1995 on page 1644.

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 Fiona Munson at the following details.

Fiona Munson
Coastal Planning and Approval Officer
Department of Energy, Environment and Climate Action
8-12 Seymour Street,
Traralgon, Victoria, 3844

Email: fiona.j.munson@deeca.vic.gov.au
Phone: 0436 616 617

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 public work” 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.

Fiona Munson
Coastal Planning and Approval Officer
Department of Energy, Environment and Climate Action

Date of Notice: 1 April 2026