



Australian Government

Department of the Environment, Water, Heritage and the Arts

Mr Bruce Green
Dredging Manager
Gippsland Ports
97 Main Street
BAIRNSDALE VICTORIA 3875

Date: 30 January 2008
EPBC Ref: 2007/3852
EPBC contact: Jennifer Pickering
(02) 6274 1268
jennifer.pickering@environment.gov.au

Dear Mr Green

Decision on referral

Lakes Entrance Sand Management Program Trial Dredging, Gippsland, Victoria

This proposed action, to undertake dredging of near-entrance channels and the Bar at Lakes Entrance, East Gippsland, Victoria, has now been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

We have decided that the proposed action is not a controlled action, provided it is taken in accordance with the manner described in the enclosed decision document.

Please note that this decision relates only to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 4 of the EPBC Act.

There may be a need for separate state or local Government environment assessment and approval to address potential impacts on state, regional or local environmental values.

In addition, you may need to seek additional approval under Chapter 5 of the EPBC Act if the action will impact any terrestrial (land) or marine environment owned by or under the control of the Commonwealth. Further information may be obtained by calling 1800 803 772 or visiting the department's web site at www.environment.gov.au/epbc/.

A copy of the document recording this decision is enclosed.

Please notify this department immediately if you are unable to undertake the proposed action in accordance with the measures described. Penalty provisions may apply if the referred action is not undertaken in the manner specified.

Otherwise we would appreciate receiving your written advice:

- within two weeks of the date of this letter - confirming that the action will be undertaken in the manner set out in the enclosed decision, and
- within three months of the date of this letter - reporting on your progress in implementing the measures.

Historic Shipwrecks Act 1976

Certain shipwrecks in Australian waters and waters above the continental shelf, including all wrecks 75 or more years old and their associated relics, are protected by the Historic Shipwrecks Act 1976 (the Act). It is an offence to destroy, damage, cause interference with or the disposal of a historic shipwreck or relic, or cause a historic shipwreck or relic to be removed without a permit issued under the Act. Some historic shipwrecks lie within protected zones with a radius of up to 800 metres. It is an offence to enter a protected zone without a permit. Should any shipwreck or article associated with a shipwreck be discovered, the Act requires the find to be reported. If you need further information, to apply for a permit, or to report a discovery, contact details can be found at: www.environment.gov.au/heritage/shipwrecks.

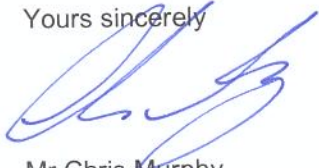
As the proposed action involves contact with the seabed or operations in close proximity to the seabed that has the potential to destroy, damage or interfere with shipwrecks, it is recommended that risk mitigation strategies be employed. Strategies may include detailed sonar or sub bottom profiling of the areas and maritime archaeological surveys by suitably qualified consultants.

Due to the close proximity of the dredging and dumping sites to potential indigenous heritage sites, it is recommended that you consult with the relevant Indigenous organisation and utilise the principles of engagement set out in *Ask First: A guide to respecting Indigenous heritage places and values* (Australian Heritage Commission, 2002). The referral is located within the boundaries of two Native Title Claims (VC 97/4 and VC05/1), and in close proximity to Lake Tyers. As such, consultation with the Native Title claimants, the Lake Tyers Aboriginal Trust, and other Aboriginal stakeholders is highly recommended.

The department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. You should be aware that your project may be selected for audit by the department at any time and all related records and documents may be subject to scrutiny. Information about the department's audit strategy is enclosed.

If you have any questions about the referral process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Mr Chris Murphy
Acting Assistant Secretary
Environment Assessment Branch