Dear George

Proposal to Dredge the Seabed at Eden under Crown Lands Act 1989

I am writing to advise that the Department of Industry – Lands (the Department) intends to dredge sand and rock from the seabed in Snug Cove, Eden, under an extractive licence (Water Based Extraction). The footprint of the dredging is on Crown Land Lot 111 DP839683 and part of the unsurveyed Crown Land of Twofold Bay, Eden, below Mean High Water Mark adjacent to Lot 111 DP839683 as shown in Attachment A.

The dredging will provide a navigable approach channel for the proposed Eden Breakwater Wharf Extension project which will accommodate cruise ships in excess of 300m in length. Dredging of up to 231,500m³ of material comprising sand and rock will be dredged to create the approach channel to a depth of -10.5m CD. The material will be dumped to sea at an approved offshore spoil ground. It is intended that the dredging will commence in July 2017 and be complete within 6 months depending on the plant used. It is currently expected that the dredging will be completed using either a back-hoe dredge (BHD) alone or a BHD in combination with a Trailer Suction Hopper Dredge (TSHD). Further information is available upon request.

It is the Department's view that such acts will be valid under Subdivision K of the Native Title Act 1993 in the event that native title rights and interests are "affected".

Although neither the Crown Lands Act 1989 nor Subdivision K of the Native Title Act 1993 provide any procedural rights to native title holders where a licence is to be granted under the Crown Lands Act 1989 over "waters" as defined in s. 253 of the Native Title Act 1993, I am writing as a courtesy to inform NTSCORP, being the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales and the Australian Capital Territory, and performing the functions of a Native Title Representative Body under the Native Title Act 1993.

Relevantly, Subdivision K requires that native title holders be provided with the same procedural rights as the holders of freehold to land adjoining or surrounding those waters. In this respect, holders of freehold of land adjoining or surrounding Crown land do not have any procedural rights under the Native Title Act 1993.

Nonetheless, should NTSCORP wish to make any comment with regard to the proposed dredging, I would be grateful if NTSCORP could provide the same within 30 days of the date of this letter.
Any comments should be addressed to:

Mr. Andrew Dooley  
Senior Project Manager, Eden Projects  
Department of Industry – Lands  
PO Box 309,  
Nowra, NSW 2541  
Mobile: 0402 725 627

And should be received by Mr Dooley within 30 calendar days of the date of this letter.

Yours sincerely

Andrew Dooley  
Senior Project Manager – Eden Projects  
Department of Industry - Lands

Date: 19/09/2016