8-12 Seymour Street Traralgon, Victoria 3844 Telephone: 03 5172 2111 ABN: 90 719 052 204 Deeca.vic.gov.au

Native Title Committee Gunaikurnai Land and Waters Aboriginal Corporation 27 Scriveners Road (Forestec) Kalimna West Victoria 3909 reception@glawac.com.au

> Date: 24 Sept 2025 Our Reference: FAA002086

Dear Chairperson,

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT) PROPOSED CROSSING REPLACEMENT AND ROAD REALIGNMENT – TOOLOME

The Proposal

The Department of Energy, Environment and Climate Action proposes to replace a flood damaged culvert (crossing number C34032) with a new bridge crossing and widen a short section of the approach road at Marathon Road over New Place Creek.

Marathon Road forms a part of the strategic fire road network in the Valencia State Forest.

The existing culvert is flood damaged and is currently causing a load restriction on Marathon Road and requires replacement. The proposed widening of the existing road will provide a safer approach by increasing the swept path for large vehicle access.

The proposed new bridge will be 12.0 meters in length and 4.2 meters in width and built to the current Australian Standards AS5100 with a design load rating of SM1600. Road approaches on either side of the new bridge will also be upgraded to match the existing road pavement into the new bridge footprint, and the southern approach to be slightly widened to safely accommodate the swept path of large vehicles for emergency response.

The works will provide safer access for all road users, including those involved in responding to emergencies and accessing the Alpine National Park area.

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

The proposed works are considered "a road/railway bridge" 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 over the footprint of the works.

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

- Cadastral plan showing Crown allotment descriptions.
- Locality Map

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.



- Aerial Photo
- Photos of site
- Engineering Drawings (Site Plans)

Description of The Native Title Land and Waters Affected

Crown allotment 1 in the Parish of Toolome (P262921), Municipality of WELLINGTON.

This allotment is Unreserved Crown Lands subject to a valid LCC recommendation that the land be utilised as State Forest in the Gippsland Lakes Hinterland Area 1983 Report.

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 Tara Selzler at the following details.

Tara Selzler
Senior Strategic Planning Officer, State Roading and Capital Works
Department of Energy, Environment and Climate Action
8-12 Seymour Street
Traralgon, Victoria, 3844

Email: tara.selzler@deeca.vic.gov.au

Phone: 0428 256 319

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 undertaken on Crown lands subject to a valid reservation or LCC/ VEAC recommendation that was created prior to 23/12/1996. (Gippsland Lakes Hinterland 1983-U1-Hardwood Production).

The proposed works are considered "road/railway bridge" 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.

Tara Selzler Senior Strategic Planning Officer, State Roading and Capital Works Department of Energy, Environment and Climate Action

Date of Notice: 24 Sept 2025

Attachments:

- Locality Map PDF
- Photo Compilation PDF
- Engineering Drawings PDF
- Cadastral Plan Map PDF
- Aerial Image Map PDF

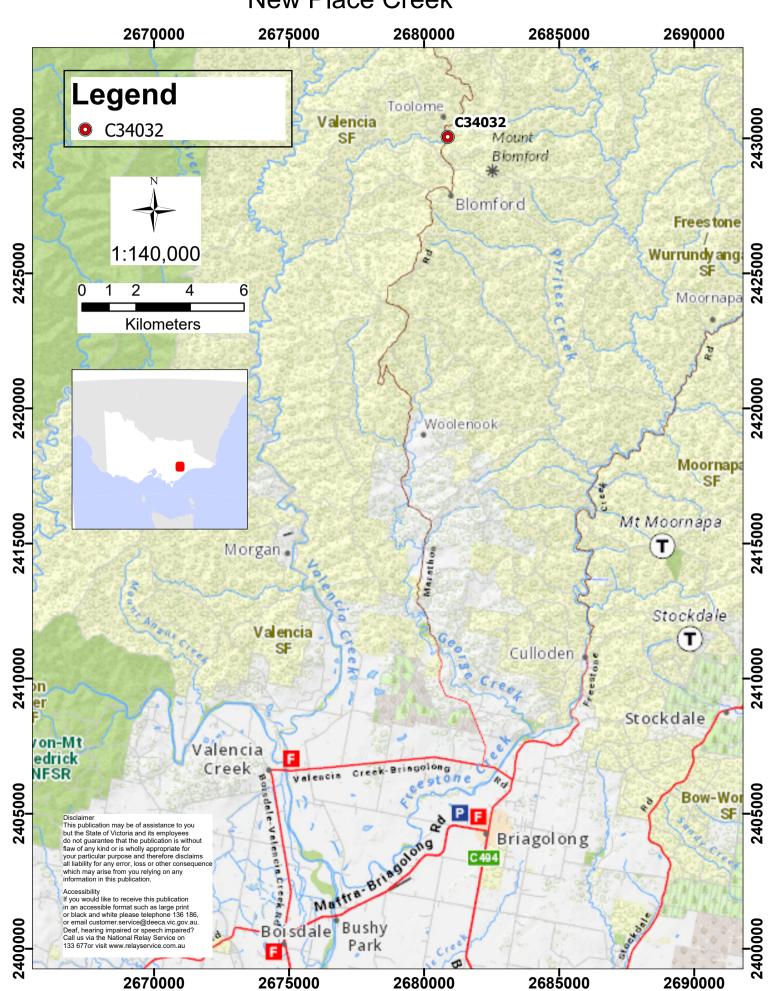


State Roading and Capital Works

Locality Map -C34032 Marathon Road over New Place Creek



Energy, Environment and Climate Action



C34032 - Marathon Road over New Place Creek



Aerial Image taken: Oct 2024



Existing damaged crossing taken: July 2025



Road line at crossing taken: June 2025



Dislodged pipes in existing culvert at C34032 taken: July 2025



Existing cracks in culvert pipe taken: July 2025



Example of void in road taken: July 2025



Example of void in road taken: July 2025



Existing recently used ford crossing taken: August 2025



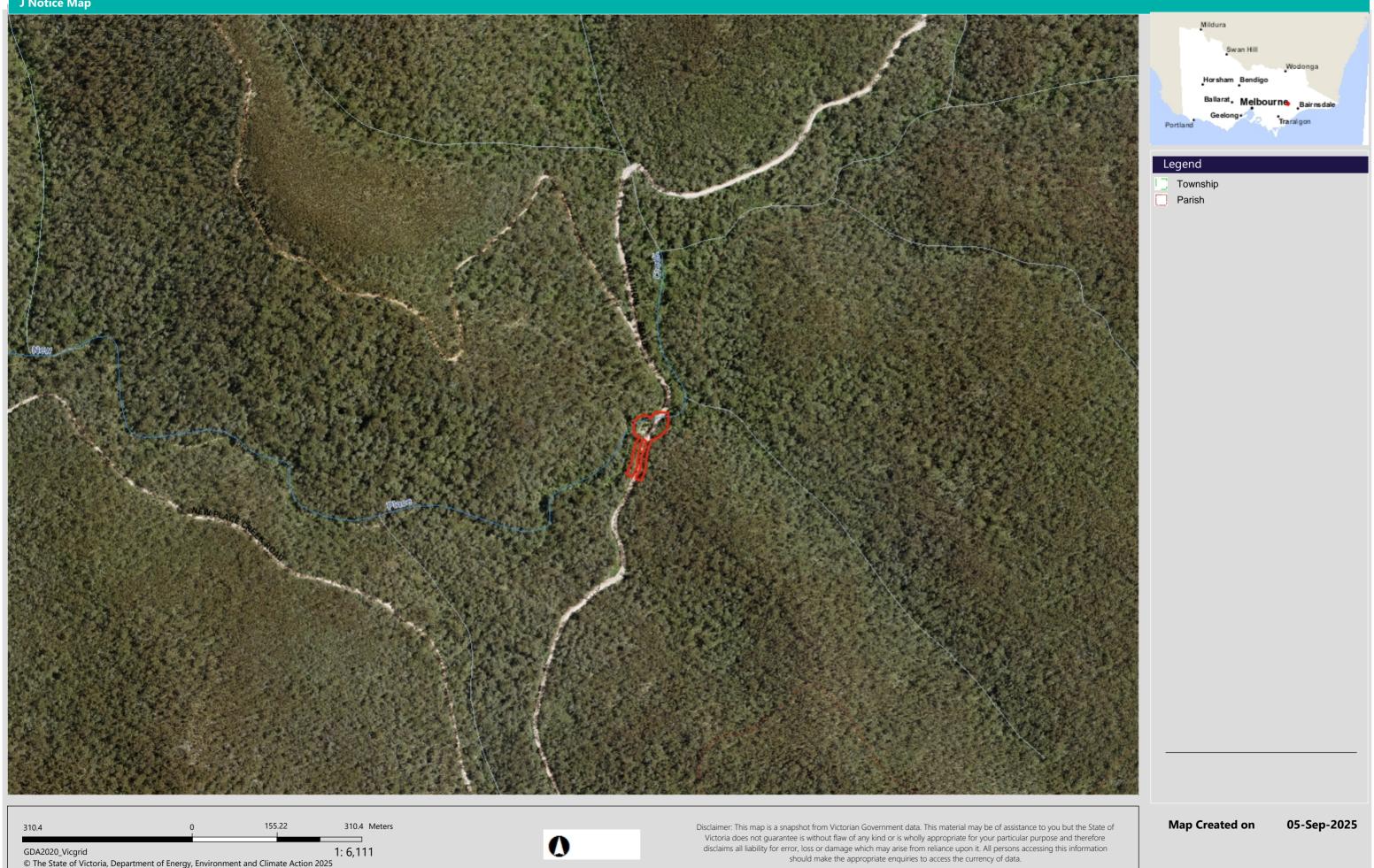
Existing recently used ford crossing taken: August 2025

C34032 Aerial Map

GDA2020_Vicgrid

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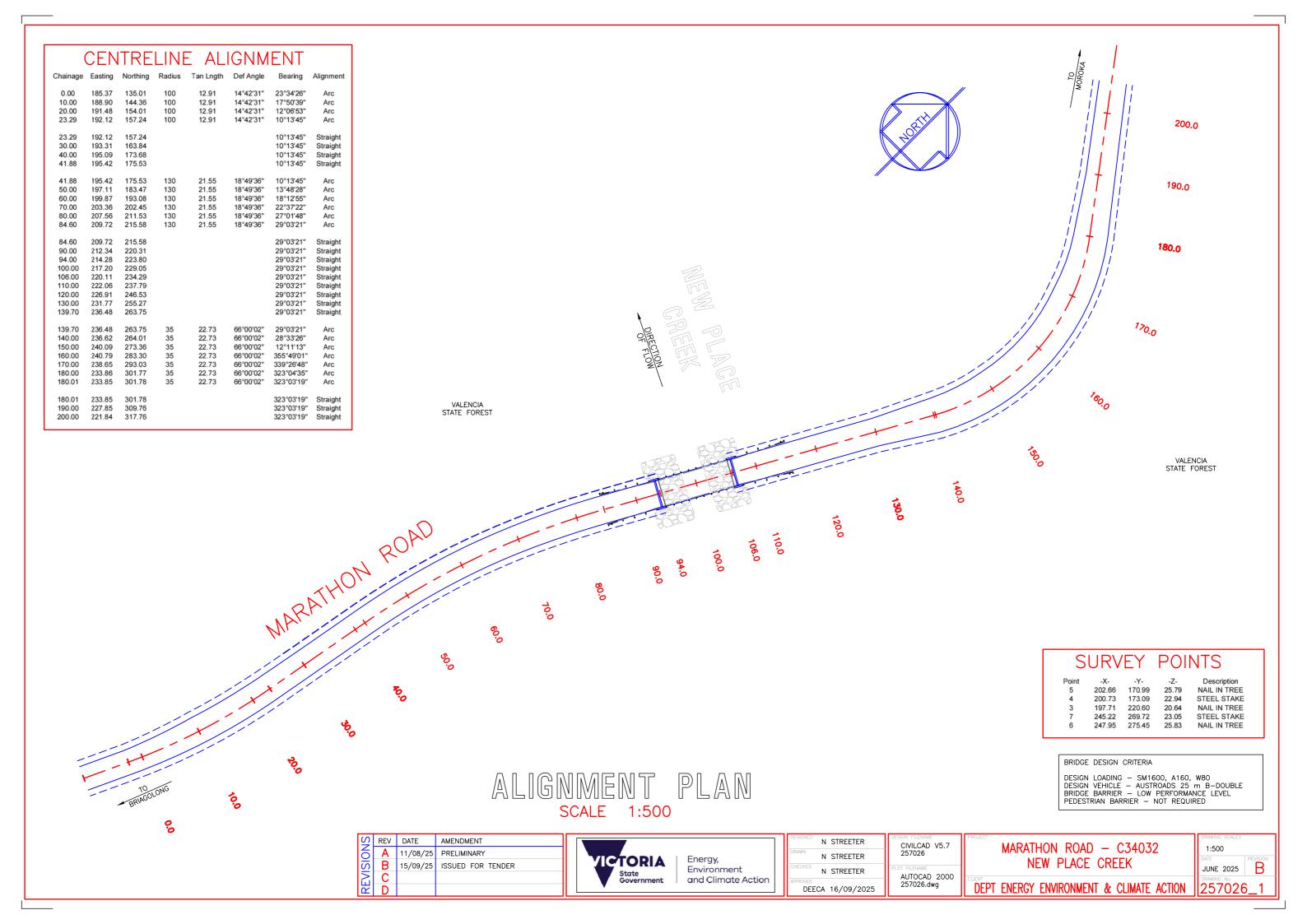


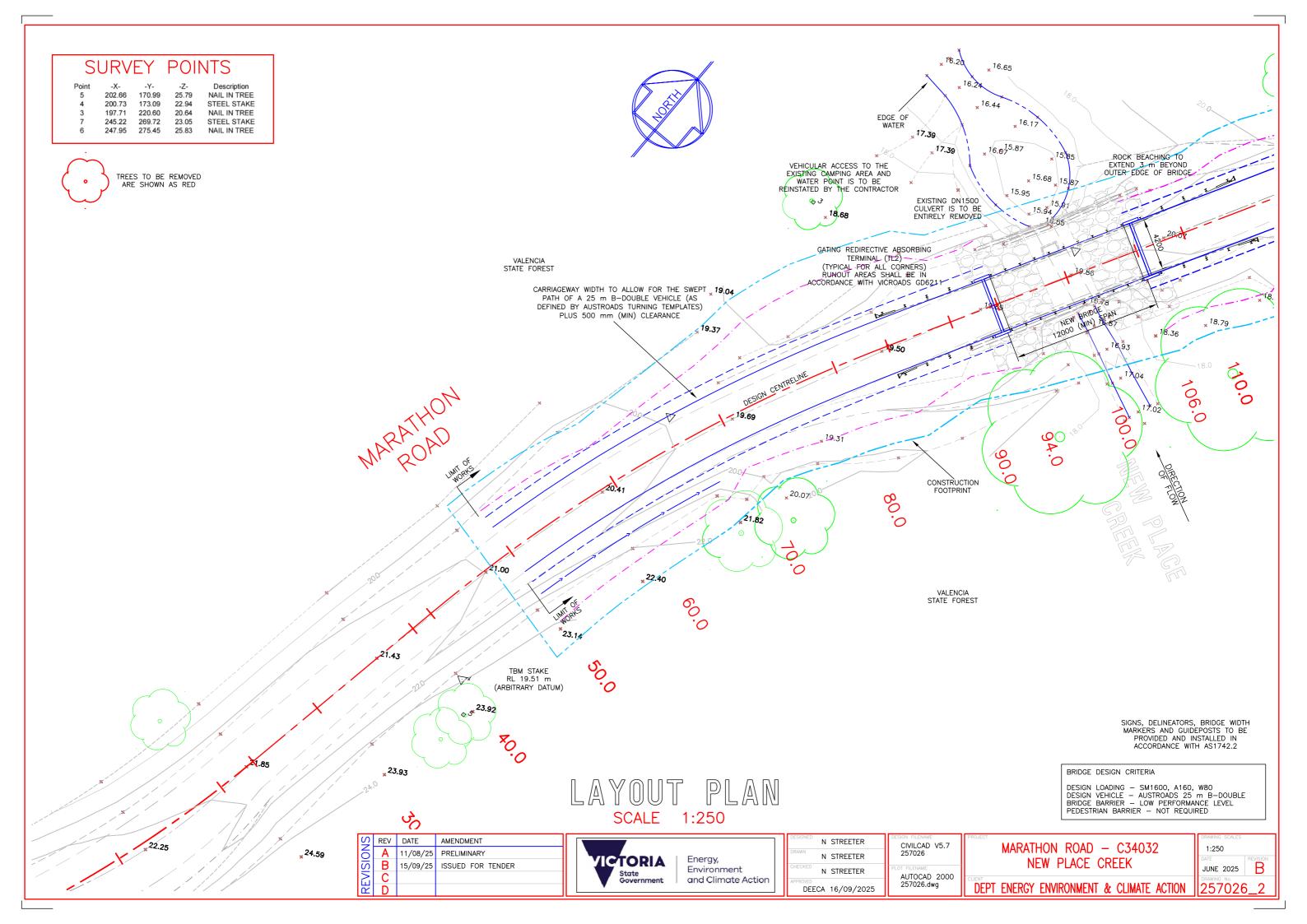
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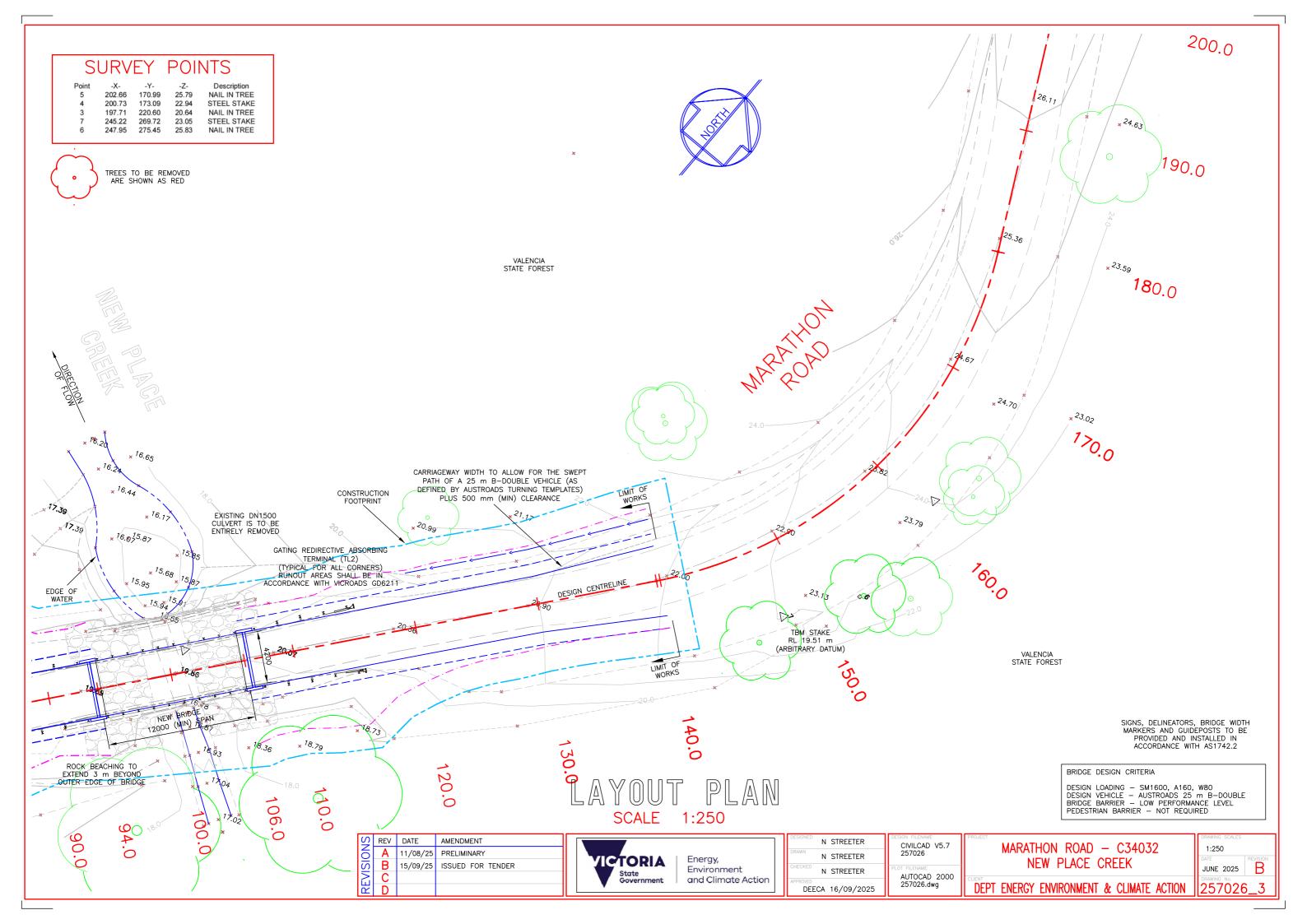
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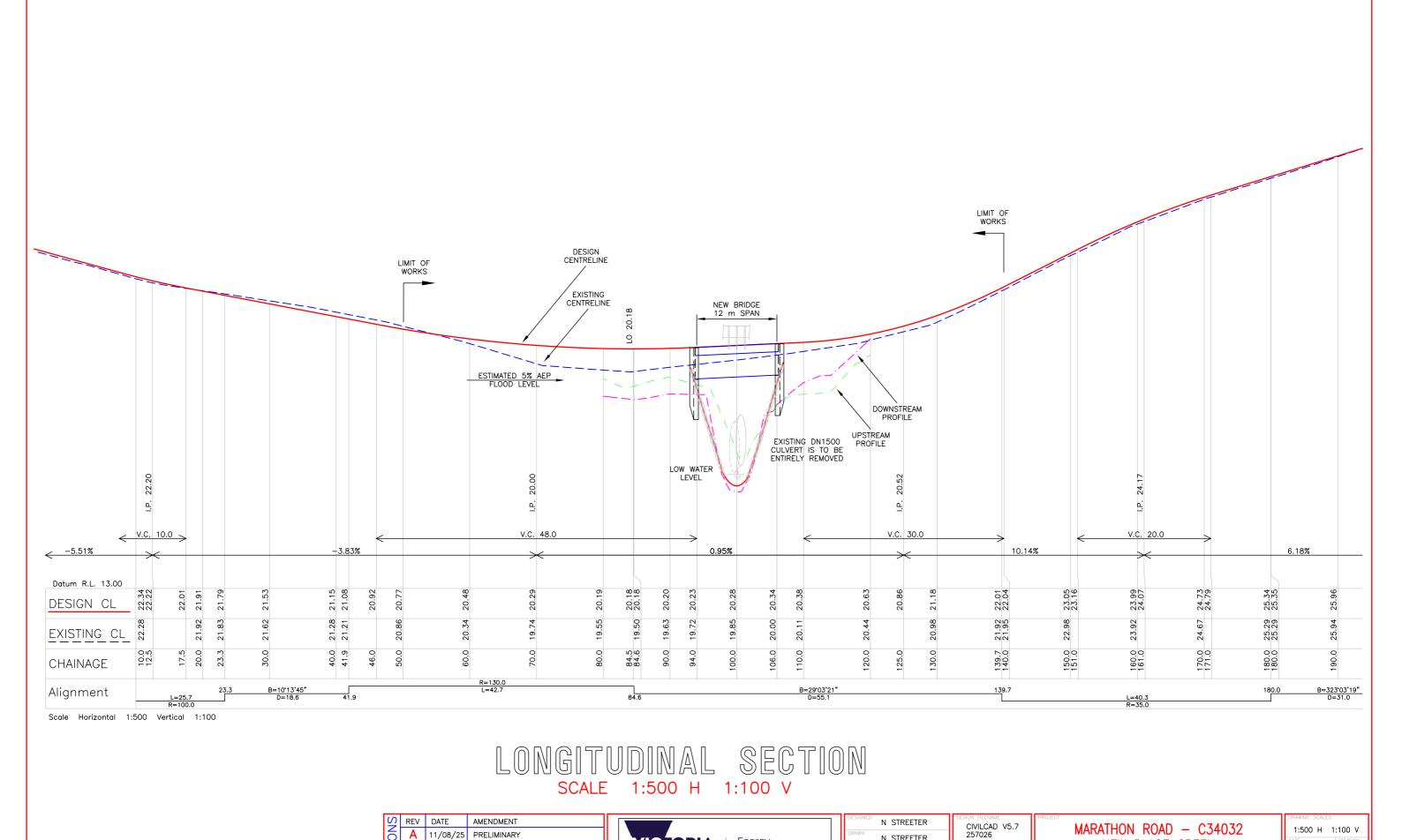
Map Created on

C34032 Cadastral Plan Map State Government State Govern J Notice Map Ballarat . Melbourne Bairnsdale Legend Township Parish Delegated Lease Delegated License Plan Noting Linear Tenure Other Pipelines Industrial Commercial licences Recreation Amusement licences Occupancy licences Radio TV Telecom site licences Emergency Services Use licences Water Supply licences Miscellaneous General licences P262921 Easements -- Pipe Consents All Tenure Outline Lease General Licence Grazing Licence NEW PLACE CREEK ROAD Riparian Management Licence Water Frontage Licence Unused Road Licence Government Road Government Road Dual Status Government Road Delegated Management Reserve Direct Management Reserve Parcel ALL Crown Parcel 0-50K Crown Land Government Road 05-Sep-2025 Map Created on 155.22 310.4 Meters Disclaimer: This map is a snapshot from Victorian Government data. This material may be of assistance to you but the State of 310.4 0 Victoria does not guarantee is without flaw of any kind or is wholly appropriate for your particular purpose and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information 1: 6,111 should make the appropriate enquiries to access the currency of data. © The State of Victoria, Department of Energy, Environment and Climate Action 2025









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NEW PLACE CREEK

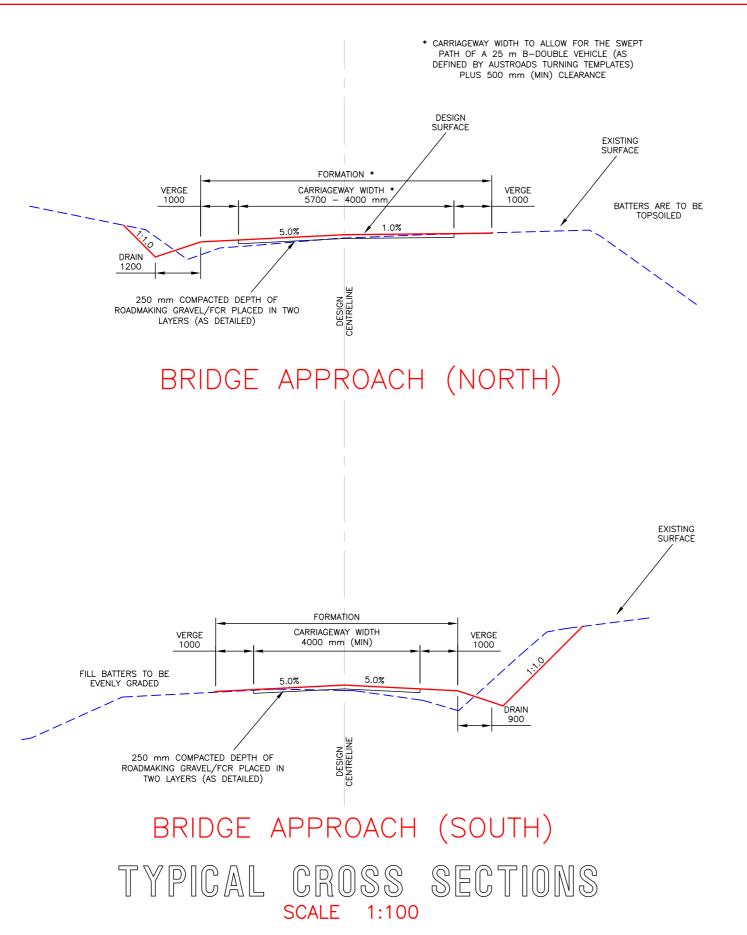
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15/09/25 ISSUED FOR TENDER

В



100 mm COMPACTED DEPTH OF SIZE
20 CLASS 3 FINE CRUSHED ROCK
BASE

150 mm COMPACTED DEPTH
SUB-BASE OF IMPORTED ROADMAKING
GRAVEL FROM AN APPROVED SOURCE

TRIMMED AND COMPACTED
SUBGRADE

PAVEMENT
DETAILS
SCALE 1:50

NOTES:CROSS SECTION DETAILS TO BE BASED ON ARRB REVIEW OF
ROAD CLASSIFICATIONS — APPENDIX D

1. ROAD CLASSIFICATION — 5C MINOR (MOUNTAINOUS TERRAIN)

2. MINIMUM CARRIAGEWAY WIDTH — 4 m

3. MAXIMUM SUPERELEVATION — 8%

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MARATHON ROAD — C34032 NEW PLACE CREEK DRAWING SCALES

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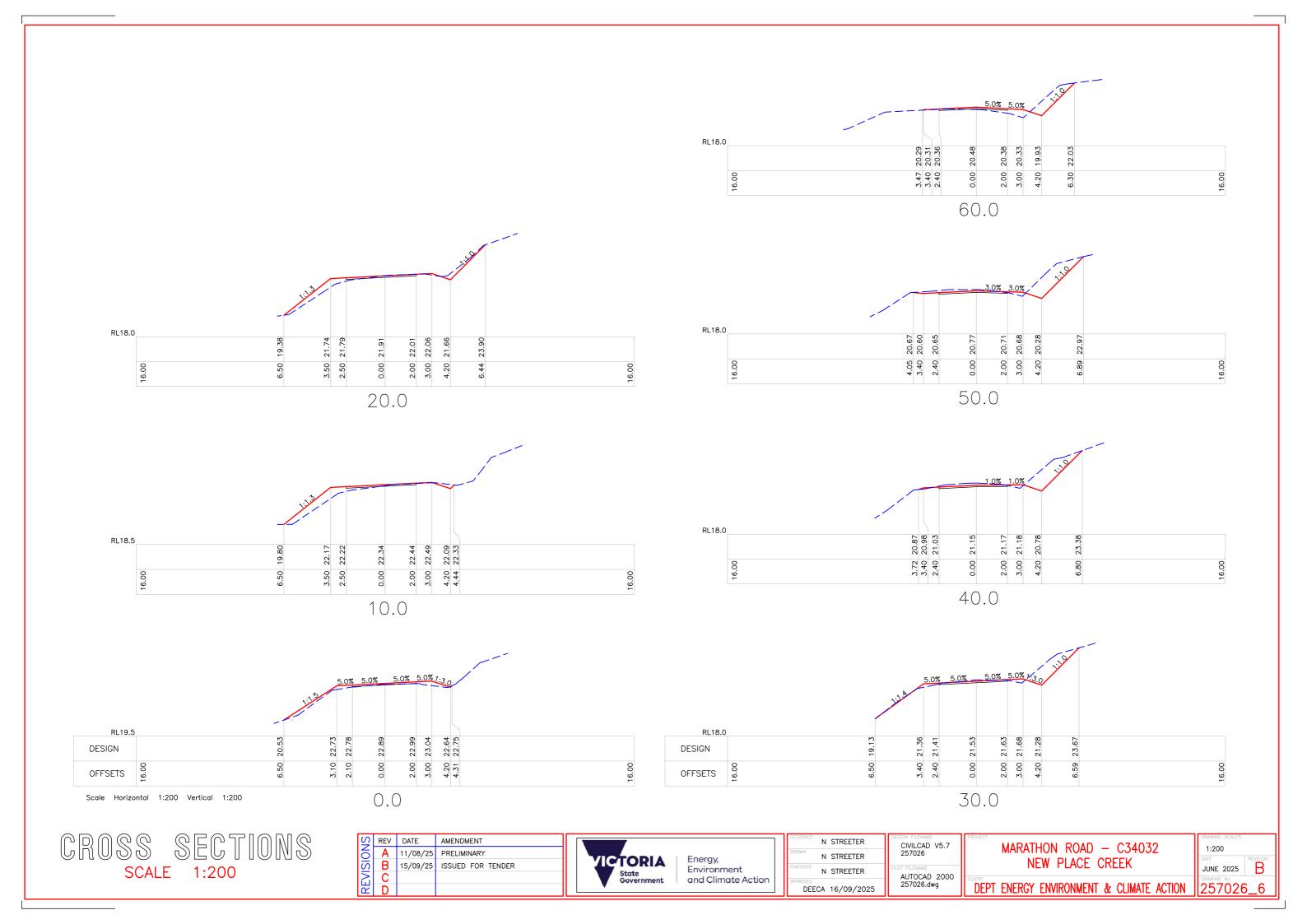
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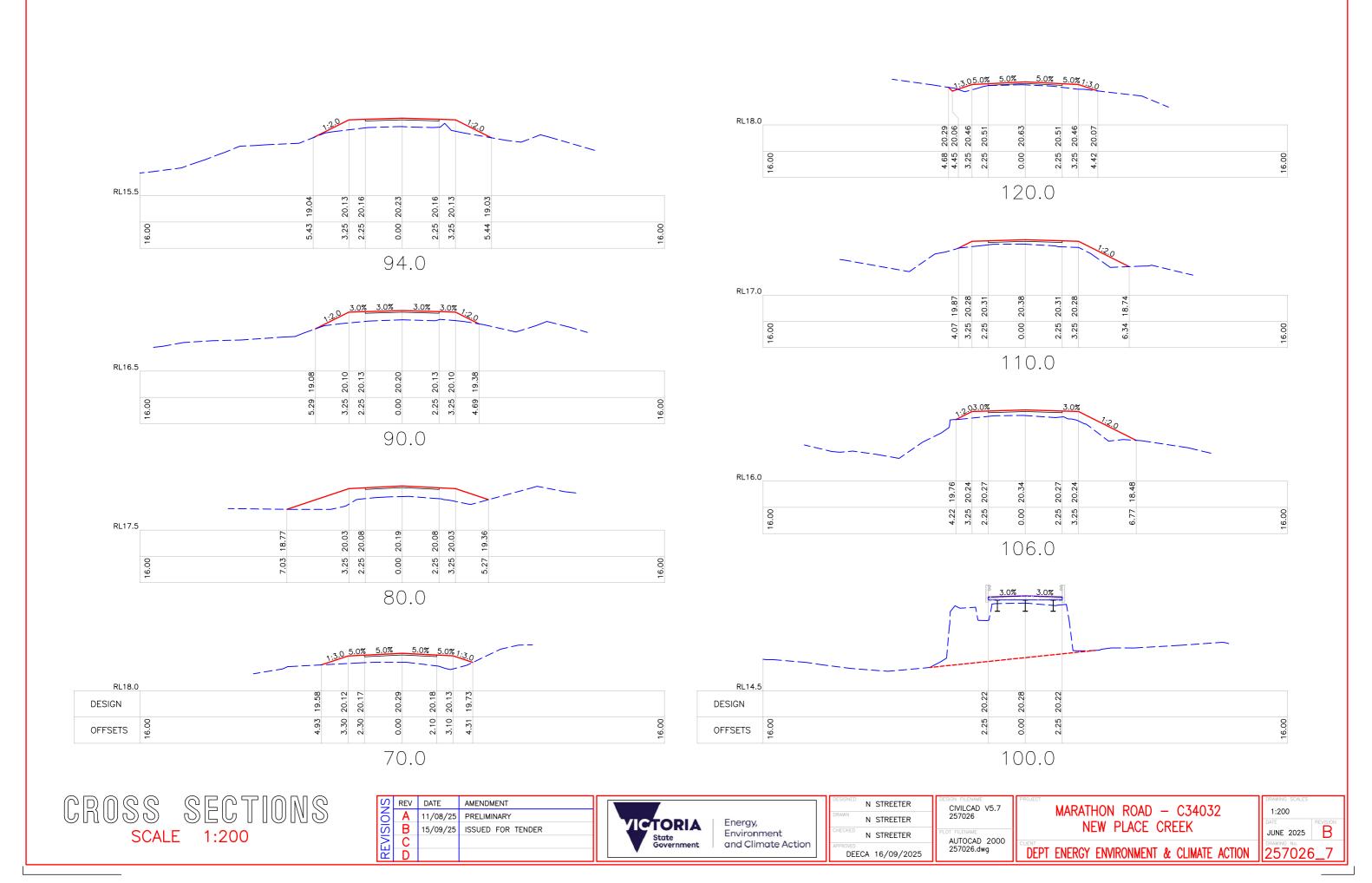
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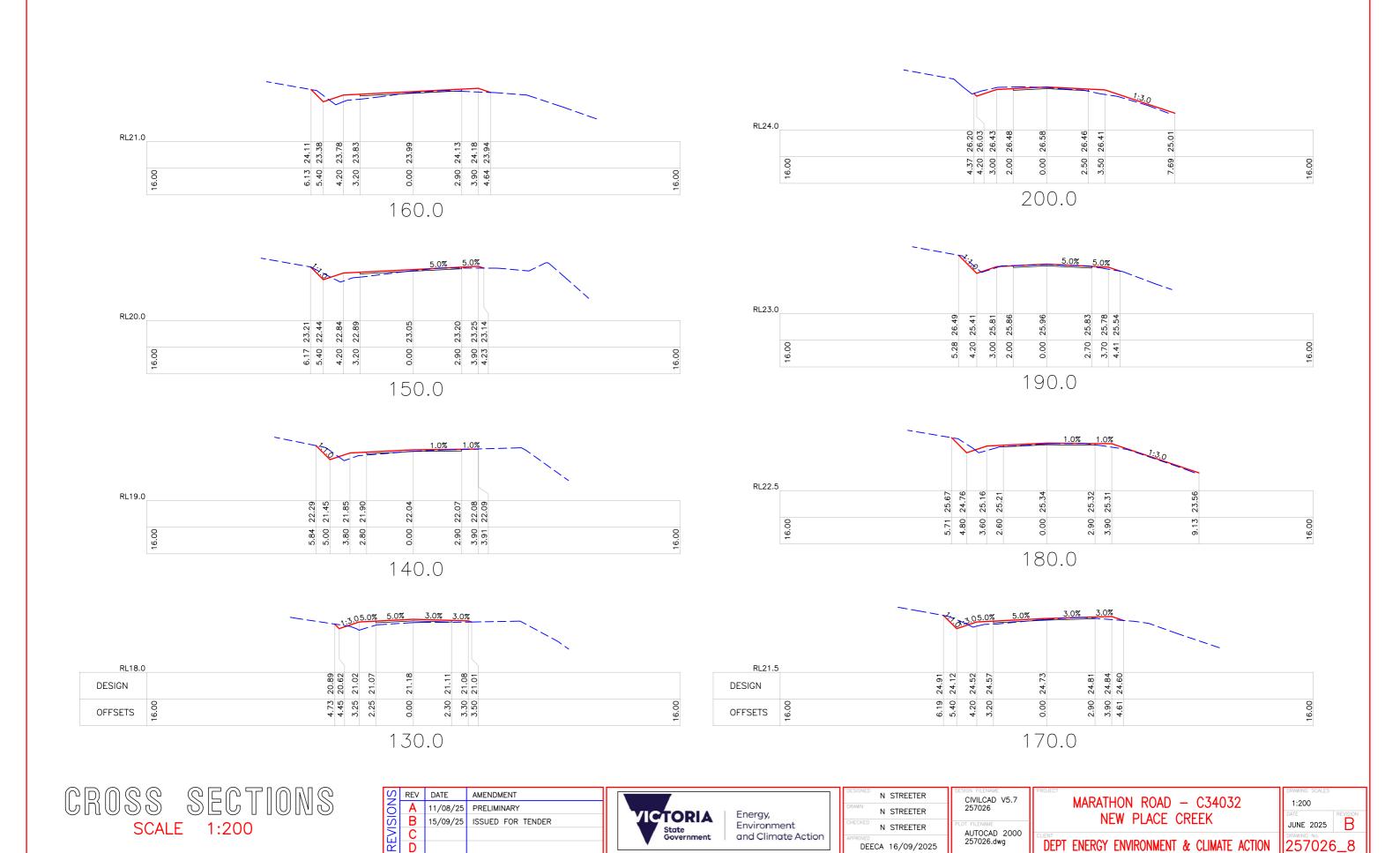
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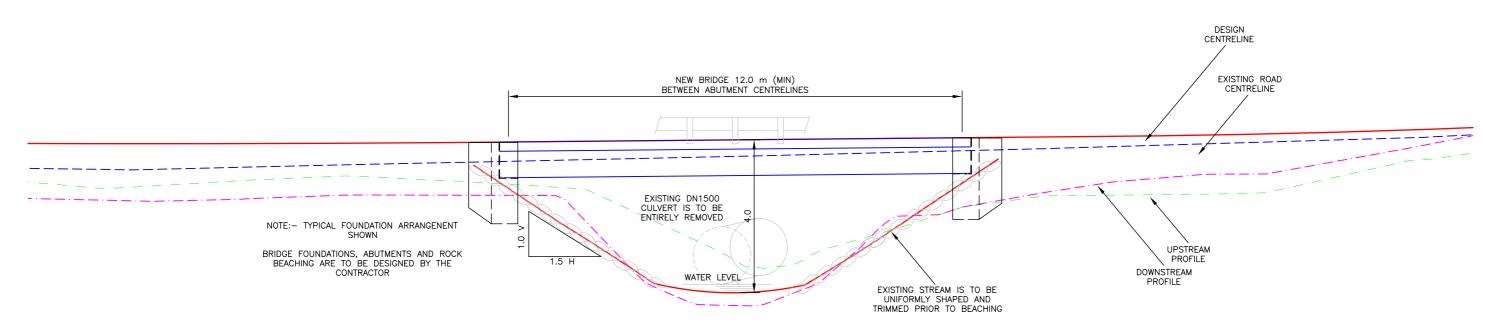
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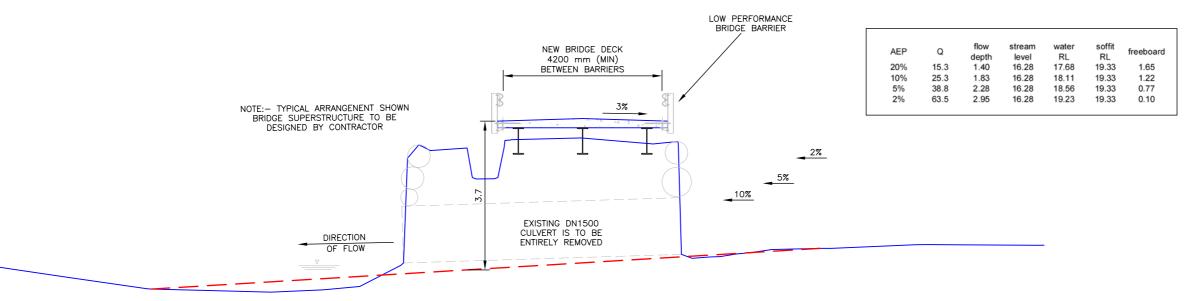








BRIDGE ELEVATION SCALE 1:100



BRIDGE CROSS SECTION SCALE 1:100

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