



Department of Energy, Environment
and Climate Action

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Our Reference:
FAA002160

Chairperson
Gunaikurnai Land and Waters Aboriginal Corporation
27 Scriveners Road
Kalimna West Victoria 3909

24 December 2025

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT)

C16394 - Middle Road crossing - Roading - stream crossing works - 9999 - Macalister

The Proposal

Replacement of existing crossing with new crossing as per engineering designs. Dual 1200mm pipes with reinforced concrete head walls.

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

- Cadastral plan showing Crown allotment descriptions.
- Site Map

Description of The Native Title Land and Waters Affected

Act	RESERVED FOREST [ACT NO. 6254/1958]
PLM Overlay	
Land Status	STATE FOREST
Land Manager	DEECA
Planning Zone	PCRZ
Area (Ha) / Length (km)	0.7833300352097 / 0.15628670156002
Crown Allotment	10C
Section	
Parish	2181
Parcel Number	P280879
LGA	WELLINGTON

This allotment is Crown lands in part reserved for Public Purposes by notice published in the *Victoria Government Gazette* in 1881 on page 1389.

The above areas are subject to a recommendation from the Land Conservation Council (predecessor to the now Victorian Environmental Assessment Council) that the lands be utilised Public Purposes/Water Frontage reserves under the South Gippsland District 2 Area study.

South Gippsland Study Area District 2 (1982) – K1 – Public Land Water Frontage Reserves

This recommendation was superseded by the Rivers and Streams Special investigation (1991) however as there is no specific mention of the Traralgon Creek the previous recommendations are considered to continue to apply in force amended to recommendation K1A.

Rivers and Streams Special Investigation (1991) – E1 – Public Land Water Frontage Reserves

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. Please note that the 'non-extinguishment' principle applies to these works and your native title rights will continue to exist over the site.

These recognised rights and interests include the following:

- 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 that 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.

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 wr.gippsland@deeca.vic.gov.au referring to the reference above.

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 Gunai Kurnai 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 before 23/12/96. The future act is in accordance with the purpose of the reservation (STATE FOREST).

The proposed works are considered consistent with the establishment of public works under Part 15, Division 4, Section 253 of the *Native Title Act 1993*.

The non-extinguishment principle applies.



Anthony Kovco,

District Forest Fire Planning Officer

Department of Energy, Environment and Climate Action

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