



Department of Energy, Environment and Climate Action

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

Date: 19 March 2026
Our Reference: [FAA002216](#)

Dear Chairperson

RE: NOTICE CONCERNING WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT) PROPOSED RECREATION SITE UPGRADES VARIOUS SITES WITHIN THE MACALISTER DISTRICT

The Proposal

DEECA propose to upgrade recreation site at several locations, with new tables and fireplaces at the following recreation sites:

- White Woman's Waterhole
- Collins Flat
- Barkley River Bridge
- Nicholsons Rocks Picnic Area
- Huggetts Lockout
- The Channels
- Mt Hendrick Picnic Area
- Green Hill Lockout

The existing facilities are inadequate for the sites and require additional tables and fireplaces in locations in addition to the existing positions.

None of the works will be outside of the existing recreation site and earthworks will not exceed 600mm in depth.

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

- Cadastral plan showing Crown allotment descriptions.
- Aerial Photo

Description of The Native Title Land and Waters Affected

Crown Allotment 2005, Parish of Boodyarn, Municipality of WELLINGTON (P376272).
Crown Allotment 2, Parish of Tarkeeth, Municipality of WELLINGTON (P263402).
Crown Allotment 4, Parish of Tarkeeth, Municipality of WELLINGTON (P263401).
Crown Allotment 14A, Parish of Licola North, Municipality of WELLINGTON (P262765)
Crown Allotment 37G, Section 6, Parish of Wa-de-lock, Municipality of WELLINGTON (P262302)
Crown Allotment 37H, Section 6, Parish of Wa-de-lock, Municipality of WELLINGTON (P262303)

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Crown Allotment 3C, Section 6, Parish of Wa-de-lock, Municipality of WELLINGTON (P262299)
Crown Allotment 31, Section A, Parish of Coongulla, Municipality of WELLINGTON (P262338)
Crown Allotment 3C, Section 6, Parish of Wa-de-lock, Municipality of WELLINGTON (P262299)

These allotments are Crown lands in part reserved for Public Purposes by notice published in the *Victoria Government Gazette* in 1881 on page 1389.

The balance of these allotments are unreserved Crown lands.

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 Anthony Kovco at the following details.

Anthony Kovco
District Forest and Fire Planning Officer, Macalister



Department of Energy, Environment and Climate Action
1 Licola Rd
Heyfield, Victoria, 3858

Email: anthony.kovco@deeca.vic.gov.au
Phone: 0499 908 761

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 building or other structure that is a fixture (including memorials)” 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.

Anthony Kovco
District Forest and Fire Planning Officer, Macalister
Department of Energy, Environment and Climate Action

Date of Notice: 20 March 2026















