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

Date: 30 April 2026
Our Reference:

Dear Chairperson

**RE: NOTICE WORKS ON NATIVE TITLE LANDS (RIGHT TO COMMENT/SUBMISSIONS)
PROPOSED Strategic Fuel Break (SFB) – Numerous public land roads within Gunaikurnai Country.**

The Proposal

Department of Energy, Environment and Climate Action (DEECA) propose to undertake Fire Prevention works aligned with maintenance and new construction of Strategic Fuel Breaks in Gippsland.

DEECA aim to deliver a program in the highest priority locations, close to communities, key assets, water catchments and protection of sensitive environments.

Strengthening and expanding Victoria's network of Strategic Fuel Breaks is one of the key actions designed to reduce the risk and impacts of more frequent, intense, and damaging bushfires under a changing climate.

Firefighters need to be able to move safely and seamlessly to carry out back burning and burning out operations to contain the spread of fires before they reach communities and assets.

Fuel breaks serve as permanent forest access tracks that are designed to withstand bushfire conditions and can function reliably under higher fire danger indices, less favourable winds, and limited resources. The fuel breaks also serve to reduce the rate of spread and intensity of fire for the direct protection of assets and to assist fire control.

Categories of Fuel Breaks are:

Asset Protection Breaks - designed to provide direct protection of communities and assets

Landscape Protection Breaks - designed to divide the landscape into units established to assist in the containment of large fires before they impact on communities, environmental values, and assets

Specification	Asset	Landscape
Objective	Defendable space next to assets	Prepared backburn platform for large fires
Limit	Effective up to FDI 50	Useable under backburning conditions
Location	Next to assets	Best backburn locations
Width	Usual preferred width 40m	Effective width depending on terrain and fuel, usual preferred width 20m
Retained Trees	Minimum 5m gap between tree crowns over break	
Debris	Remove off-site, chip and spread, or heap and completely burn. No windrowing, partial burning, or push back.	
Stumps	Preferably excavated, can be ground, never left as is.	
Access	Linked to local road network.	Linked to heavy strategic fire access roads

DELWP are proposing numerous Strategic Fuel Breaks (SFBs) to be maintained and constructed by June 30th, 2026.

These proposed SFBs will fall into the category of Asset Protection Breaks or Landscape Protection Breaks.

The proposed work to be undertaken fall into the below categories

1. Hazard Tree Removal- Either side of the proposed break
2. Fuel Break Construction

Type of Work	Definition
Stump Removal	<ul style="list-style-type: none"> • Soil disturbance and entire stump removed off SFBs
Stump Grinding	<ul style="list-style-type: none"> • Stump grinding down to ground level
Hazard Tree Removal- including root ball	<ul style="list-style-type: none"> • Soil disturbance and root ball system of tree is removed off the proposed SFB. • Area smoothed and levelled off with a machine • Remaining hazard tree will either be placed further into forest blocks or chipped.
Hazard Tree Removal- tree stump remaining	<ul style="list-style-type: none"> • Soil not disturbed and stump is remaining at a height of approximately 400mm
Vegetation Removal- mulching or pushed with machinery/hand tools	<ul style="list-style-type: none"> • Removed within the proposed buffer areas and/or managed at a tractor and slasher height.
Mineral Earth Break Construction	<ul style="list-style-type: none"> • Soil Disturbance • Heavy/large machinery impact • Smoothing and levelling of ground soil • Vegetation removal

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

- Cadastral plan showing Crown allotment descriptions.
- Aerial Photo
- Site Plan
- Vic Roads plan

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Description of The Native Title Land and Waters Affected

Please see Attachment “GIPPS SFBs NT GLKaWAC Submission May 2026” spreadsheet for detailed information on the Crown lands affected and the applicable procedural right extended.

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 Craig Lang at the following details.

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Manager Senior Specialist Planer Recovery, Gippsland
Department of Energy, Environment and Climate Action
71 Hotham Street
Traralgon, Victoria, 3844

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Phone: 0428 101 995

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

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 varied reservations, please see Attachment 1 for detail.

The proposed works are considered “a road” 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.

Subdivision K

Subdivision K of the Native Title Act 1993 (NTA) allows for acts to be carried out that constitute the establishment of a facility for service to the public as listed in Section 24KA(2) of the NTA. In this case the work, being the construction of a road, are listed in Section 24KA(2)(a).



Craig Lang
Manager, Senior Specialist Planner Gippsland
Department of Energy, Environment, Land and Climate Action.

Date of Notice: 15 May 2026

Attachment 1: 3.3.4.1 – GIU-Strategic Fuel Breaks.

Attachments 2: DEECA Gippsland SFB NT GLaWAC Submission.

Attachments Maps 3: Locality Map for each Fuel Break.

Aerial Locality Map for Each Break.

Parcel Number Map.

Attachments 4: Strategic Fuel Break Pictorial Guideline

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