



# Nungatta Feral Predator Free Area, South East Forest National Park

Statement of Heritage Impact

Prepared for NSW National Parks and Wildlife Service

August 2022

DOC22/704188

**GNL**  
HERITAGE

## **Acknowledgement of Country**

We respect and acknowledge the First Nations Peoples of the lands and waterways on which we live and work, their rich cultural heritage and their deep connection to Country, and we acknowledge their Elders past and present. We are committed to truth-telling and to engaging with First Nations Peoples to support the protection of their culture and heritage. We strongly advocate social, cultural and political justice and support the Uluru Statement from the Heart.

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Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.

# Report register

The following report register documents the development of this report, in accordance with GML’s Quality Management System.

Job no.	Issue no.	Notes/description	Issue date
21-0300	1	Draft Report	29 June 2022
21-0300	2	Final Report	12 August 2022

## Quality assurance

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## Cover image

White Rock River, crossed by the Bundian Way outside of the Nungatta Feral Predator Free Area. (Source: © GML 2022)

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# Executive Summary

GML Heritage Pty Ltd was engaged by NSW National Parks and Wildlife Service to prepare a Statement of Heritage Impact (SoHI) for a proposed Nungatta Feral Predator Free Area (FPFA) within the South East Forest National Park.

Part of the Bundian Way (State Heritage Register 01906) is located within the FPFA. The proposed works would result in the clearance of vegetation, formalisation of an extant dormant logging track, and construction of fence line along 7.6 kilometres of the total length of the Bundian Way.

This SoHI has assessed the potential impacts to the identified heritage values of the Bundian Way, noting that the listing is currently under review for its potential misrepresentation of some Aboriginal groups and a number of the heritage criteria it has been assessed as meeting are not demonstrated by the portion that passes through the FPFA.

Overall, the works would have a neutral to moderate positive impact on the citation for the Bundian Way citation. The infrastructure would be constructed along previously disturbed footprints (ie fire trails and dormant logging tracks) and would not reroute the extant tracks that are representative of the Bundian Way. Moreover, the rehabilitation of the area to promote thriving native faunal and floral populations of disappearing species would be an enhancement on the current disturbed and diminished landscape.

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# 1 Introduction

The New South Wales National Parks and Wildlife Service (NPWS) proposes to establish a Feral Predator Free Area (FPFA) within the South East Forest National Park. It is one of four FPFA's across NSW covering a total of 65,000 hectares of national parks that will support wildlife restoration and help threatened species thrive into the future.

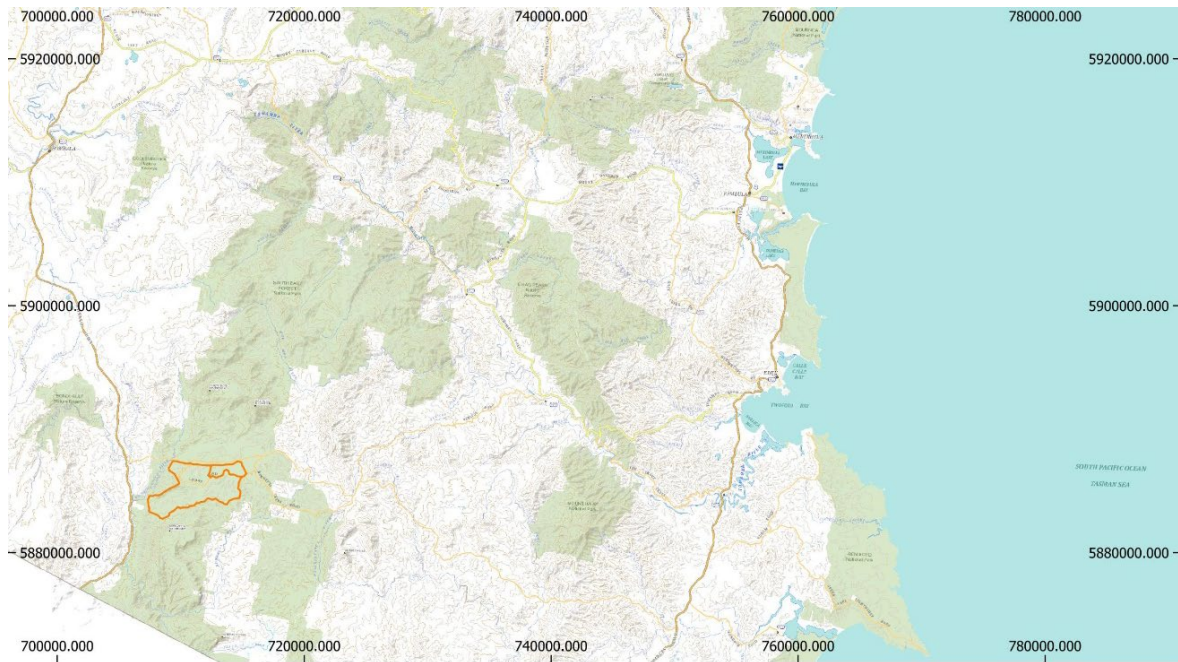
The proposed works concern the construction of a fence that would enclose an area of approximately 2,000 hectares and exclude foxes and feral cats. This area is to be used to reintroduce native mammals that are considered locally extinct in south eastern NSW, including the long-footed potoroo, eastern bettong, smoky mouse, and eastern quoll. The works would use or realign practical existing or dormant trails. New trails are proposed only where existing trails are not environmentally or operationally practical.

Part of the Bundian Way (State Heritage Register [SHR] 01906) is located within the FPFA. A Statement of Heritage Impact (SoHI) is required to support a Review of Environmental Factors (REF). As part of the assessment process GML has been engaged by NPWS to prepare a SoHI to assist in managing impacts to the heritage significance of the Bundian Way during the project. The contentious nature of the Bundian Way heritage listing is discussed further in Section 3.3.

## 1.1 The Study Area

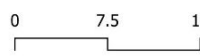
The proposed Nungatta FPFA (the study area) is within the South East Forest National Park, approximately 40 kilometres southeast of Bombala. It is south of Imlay Road, between White Rock River and Nungatta Creek Road, on the southern side of Imlay Road and wholly within the South East Forest National Park (Figure 1.1 and Figure 1.2). The area is traversed by Laings Road and several fire trails.

The Bundian Way (SHR 01906) passes through the northern extent of the FPFA along Laings Road and a dormant logging track (Figure 1.2).



**Location of the study area**

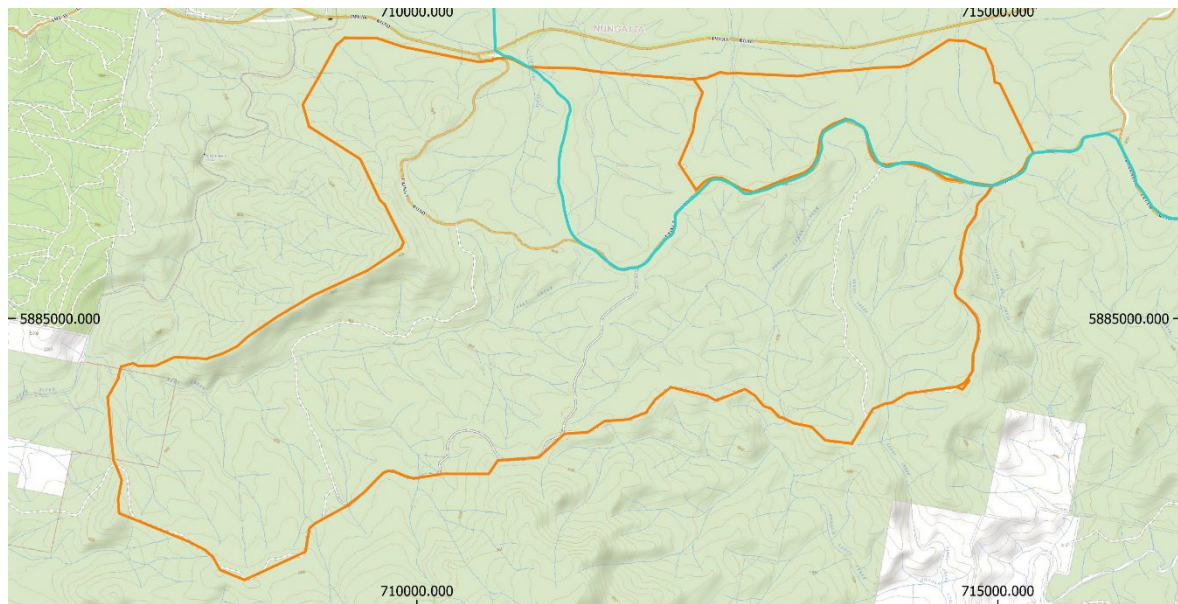
Datum: GDA94 Zone 55  
 Date: 16 May 2022  
 Data Sources: NSW NPWS, Sixmaps



**Key**

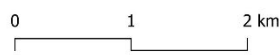
— Nungatta FPPA boundary

Figure 1.1 The Nungatta FPPA within South East Forest National Park. (Source: NPWS, 2021).



**Detail of the study area**

Datum: GDA94 Zone 55  
 Date: 14 June 2022  
 Data Sources: NSW NPWS, Sixmaps



**Key**

— Nungatta FPPA boundary  
 — The Bundian Way

Figure 1.2 Detail of the proposed boundary of the Nungatta FPPA (Source: NPWS, 2021).



## 1.2 The Feral Predator Free Area Project

### 1.2.1 Rationale

NPWS has provided the following statement of rationale for the project work:<sup>1</sup>

Since the arrival of Europeans in 1788, Australia has had the worst mammal extinction record in the world. In NSW, 14 bird species and 26 mammals have become extinct in the last 250 years. Feral cats and foxes are the key drivers of decline in most Australian mammals and have also had a significant impact on bird, reptiles and amphibian species. It is estimated that feral cats kill over 1.7 billion native animals each year. In NSW, cats are thought to impact 117 threatened species, more than any other feral animal species.

Many wildlife species have been lost from our national parks, while many other species are at risk of disappearing. The loss of these species harms the health of ecosystems because many of these species play important roles in ecosystem function. This includes soil turnover, seed and spore dispersal, and population control through predation.

The ranges and abundances of surviving mammals have been dramatically reduced, and 50–60% of surviving mammals are now threatened with extinction in NSW. The number of species considered at risk of extinction continues to rise.

Across the national park estate, many species are locally extinct while many other species occur now in much lower numbers and are at risk of local extinction.

A recent parliamentary inquiry into the problem of feral and pet cats in Australia has recommended an expansion of Australia's network of predator-free safe-havens across a range of ecosystems. This network of cat-free islands and fenced enclosures have prevented the extinctions of 13 mammal species and protected 40 mammal species susceptible to cats and foxes.

The FPPA in South East Forest National Park is one of four new feral free areas being established to address the threat to native mammals.

This 2,000 hectare area is to be used to reintroduce native animals that are extinct or threatened in southeastern NSW. Foxes and cats would be eradicated from within the fenced area before these animals are reintroduced.

### 1.2.2 Proposed Works

The proposed works include the clearing of easements for the erection of predator-proof fences and associated drainage and maintenance trails. Where practical, existing or dormant trails would be used or realigned. New trails are proposed only where current trails are not environmentally or operationally practical. New bridges and other stream crossings would be required in some locations.

The proposed site would be approximately 2,000 hectares and divided into two areas, one area is 250 to 400 hectares and the other 1,600 to 1,750 hectares. The perimeter options are between 28 to 34 kilometres with internal fenced lines between 3 to 5 kilometres.

The predator-proof fencing would comprise a 1.8 metre high wire mesh fence with a floppy top, a mesh size that will exclude foxes, feral cats and rabbits, two mid-height electric wires, and a mesh skirt lying flat on ground to prevent burrowing under the fence. The fence would be centred in a 15 to 17 metres cleared easement. The easements would contain a fire trail on the outside and management trail on the inside of the fence. An additional 14 to 16 kilometres of management trails running off the easements would be required for predator control and ecological survey work. Each management trail is associated with one or more proposed fence line sectors, and many follow existing dormant 4WD vehicle tracks. Specially designed gates would be placed strategically for management, emergencies, and public access. All crossings, pipes and bridges, will also have fox, cat and rabbit proof barriers.

## 1.3 Statutory Context

### 1.3.1 *Heritage Act 1977*

All environmental heritage located in NSW is protected under the *Heritage Act 1977* (NSW) (Heritage Act). The Heritage Act regulates the impact of proposed works on places, buildings, relics and other heritage items.

#### **State Heritage Register**

The SHR is established under Section 22 the Heritage Act and is a list of identified heritage items of significance to NSW. The SHR includes items and places (such as buildings, works, archaeological relics, moveable objects or precincts) determined to be of State heritage significance.

The SHR is pursuant to Section 57(1) of the Heritage Act, which states that approval from the Heritage Council of NSW is required:

When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval granted by the approval body under Subdivision 1 of Division 3:

- (a) demolish the building or work;
- (b) damage or despoil the place, precinct, or land, or any part of the place, precinct, or land;

- (c) move, damage, or destroy the relic or moveable object;
- (d) excavate any land for the purpose of exposing or moving the relic;
- (e) carry out any development in relation to the land on which the building, work, or relic is situated, the land that comprises the place, or land within the precinct;
- (f) alter the building, work, relic, or moveable object,
- (g) display any notice or advertisement on the place, building, work, relic, moveable object, or land, on in the precinct; and
- (h) damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct, or land.

Section 57(2) of the Heritage Act establishes Standard Exemptions for works requiring Heritage Council approval.

### **Section 139**

The Heritage Act also affords automatic statutory protection to relics that form part of archaeological deposits. The Heritage Act defines a 'relic' as:

Any deposit, artefact, object, or material evidence that:

- (a) related to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

Under Section 139, a person must not disturb or excavate any land knowing, or having reasonable cause to suspect, that a historical archaeological deposit will be moved, damaged or destroyed during the proposed works. Authorisation for activities that harm historical archaeological deposits can be given under a Section 140 permit.

### **1.3.2 National Parks and Wildlife Act 1974**

The *National Parks and Wildlife Act 1974* (NSW) (NPW Act) provides statutory protection for Aboriginal 'objects' consisting of any material evidence of the Indigenous occupation of NSW. It specifically focusses on archaeological deposits, objects or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area, along with 'Aboriginal places', being sites of traditional significance that do not necessarily contain material remains.

While the Bundian Way is a significant Aboriginal traditional pathway, it has not been gazetted as an Aboriginal place. However, the archaeological values of the Bundian Way within the FPFA have been addressed as part of an Aboriginal Cultural Heritage Assessment

Report (ACHAR) which has been prepared separately to the present SoHI to address impacts to Aboriginal archaeological sites.

### **1.3.3 Guidelines**

#### **NSW Heritage Manual 1996**

The *NSW Heritage Manual* (Heritage Office [now Heritage NSW] and Department of Urban Affairs and Planning, 1996) provides a complete series of guidelines for undertaking a variety of heritage identification, assessment, and management processes within NSW. Each of the guidelines has been designed to work through the three steps of the NSW heritage management system, which are:

- Investigate significance—The heritage significance of an item should be investigated through: thorough research regarding its historical context and place within the wider heritage landscape; community consultation; and its fabric.
- Assess significance—The results of the investigation should be: summarised (including a description of its history, its historical themes, archaeological potential, and contemporary community values); assessed against the NSW heritage assessment criteria, and its significance evaluated in a local, regional, or state context; and developed into a statement of significance.
- Manage significance—Considerations should be made regarding the: management impacts of the context (local, regional, or state) of the item; constraints and opportunities, such as sensitivity to change and ongoing owner and user requirements; and conservation and management recommendations, including those that must be discounted due to unsuitability.

#### **Statements of Heritage Impact 2002**

The Heritage Council of NSW (now Heritage NSW) *Statements of Heritage Impact* (2002) provides a framework for the preparation of SoHIs. The guidelines require a SoHI to:

... explain how the heritage value of an item is to be conserved, or preferably enhanced, by the proposed development ... Where the effect of proposed work is likely to be detrimental to the heritage significance of the item or area, a SoHI needs to argue why such an action is the only viable solution.

A SoHI should explain the following points:

- the aspects of the proposal that respect or enhance the heritage significance of the item or conservation area;

- the aspects of the proposal that could severely impact on the heritage significance of the item or conservation area, the reasons for undertaking these impacts, and the mitigation measures that will be taken; and
- the sympathetic solutions that have been considered and discounted in developing the proposal.

## **The Burra Charter**

The *Burra Charter—The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS, 2013) (Burra Charter) provides a best-practice standard for managing and conserving cultural heritage places in Australia.

The Burra Charter recognises that conservation is integral to the sustainable management of culturally significant places and is an ongoing responsibility. It sets out key principles, processes, and practices for the management of heritage places, to guide those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers, and custodians. The Burra Charter provides specific guidance for physical and procedural actions that should occur in relation to significant places.

## **1.4 Methodology**

This report has been prepared with reference to the following documents and guidelines:

- 'Statements of Heritage Impact', a *NSW Heritage Manual* update<sup>2</sup>
- the Burra Charter.<sup>3</sup>

The impact of the FPFA on Aboriginal objects and archaeological sites has been addressed as part of an ACHAR prepared separately to the present SoHI. Consultation with the Aboriginal community was undertaken as part of the ACHAR process. Consultation with other community members and stakeholders was not undertaken.

## **1.5 Authorship and Acknowledgements**

This report has been prepared by Elise Jakeman, GML Consultant and Archaeologist. Martin Rowney, GML Principal, and Dr Charlotte Feakins, GML Associate, have provided input and review.

## 1.6 Endnotes

- <sup>1</sup> NPWS Feral Free Area – South East Forest Nation Park – Fact Sheet
- <sup>2</sup> NSW Heritage Office 1991, Statements of Heritage Impact.
- <sup>3</sup> Australia ICOMOS Inc, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013*, Australia ICOMOS Inc, Burwood, VIC, 2000.

## 2 Historical Overview

This section provides an overview of the historical background of the study area. It has been largely drawn from the Interpretation Strategy (2015) and Independent Assessment (2021) prepared by GML for the Bundian Way and ACHAR (2022) prepared by GML for the FPFA, and supplemented with additional information where necessary.

### 2.1 Aboriginal Country

For millennia Aboriginal people have travelled through Country following the availability of seasonal resources and incorporating social, trading, and cultural interactions as they moved along a network of routes that provided safe passage between the sea and the mountains.<sup>1</sup>

In their journal and letter writing, colonial settlers in the nineteenth century noted that Aboriginal people travelled long distances following ancient pathways. This traditional peripatetic lifestyle was frequently misunderstood by colonial settlers who valued a fixed abode with farming and did not understand the ceremonial and social obligation of Aboriginal travels, let alone the sustainable use of resources and duties to care for Country during the journey. John Lambie Commissioner of Crown Lands wrote in 1842 that 'the Natives ... are constantly moving from place to place'.<sup>2</sup> In 1848 he wrote:

...generally they retain their old wandering and unsettled habits and seem as much as ever disinclined to remain long in any particular place. ... they cannot be depended on as the means of supplying labour ...<sup>3</sup>

Oral history recalls that in the spring and summer of each year Aboriginal groups would travel to the high country, where they would meet and discuss trade, ceremony (such as Bogong moth ceremonies)<sup>4</sup> and marriages.<sup>5</sup> In the winter months, groups would move back towards the coast to take part in customs and ceremonies associated with the yearly migrations of right and humpback whales.<sup>6</sup>

Groups from the NSW South Coast and Victorian High Country would also travel through the Monaro region as guests.<sup>7</sup> In the Jindabyne area, Aboriginal people traded stone knives and axes with groups from Omeo.<sup>8</sup> A hatchet head found near the Towamba River in 1988 proved to originate from traditional greenstone quarries at Mount William northwest of Melbourne.<sup>9</sup>

## 2.2 European Invasion

One of the earliest records of Europeans in the area was in 1806 when 11 sealers from the stranded ship, the *George*, clashed with Aboriginal groups. The event left nine Aboriginal people dead.<sup>10</sup> From the 1820s, contact between European settlers and local Aboriginal groups began to increase as squatters began to encroach on the fertile land of southeastern NSW. In 1828 the first official European settlement in the area, a whaling station, was established at Snug Cove, Eden.<sup>11</sup> Aboriginal people of the area passed on their knowledge of ancient cooperation between killer whales and humans to the colonial settlers, and Aboriginal whaling crews were an essential part of the nineteenth-century commercial shore-based whaling operations conducted in the period.<sup>12</sup> The Yuin, who had for generations interacted with the killer whales, were a vital and integral part of the shore-based whaling in the Eden area.<sup>13</sup>

Journals, letters, and other historic records detail how the first colonial settlers, often surveyors or graziers who came to the southern region of NSW in the 1820s and 1830s, were guided by the local Aboriginal people. Surveyor, Stewart Ryrie, passed Delegate in March 1840 and had to wait at Corrowong for a guide because he needed help to find the route and not wander off-track in the 'wild bush country'.<sup>14</sup> Surveyors Francis MacCabe and Thomas Townsend, were also guided along the Bundian Way rather than 'discovering' these routes. W.B. Clarke recorded how Aboriginal people told him of the Bundian Pass as a means to travel to the mountains.<sup>15</sup> Oswald Brierly, Ben Boyd's manager at Eden, was guided by the Aboriginal man Budginbro from the coast to the Monaro and his journey along the Bundian Way became the basis for the first European road to the Monaro which was used to extend Ben Boyd's pastoral empire.<sup>16</sup>

By 1830 cattle had been introduced to the area and local Aboriginal people had begun seeking employment on farms.<sup>17</sup> In the 1830s and 1840s there were a number of violent altercations between local Aboriginal groups and Europeans intending to expand their land holdings, including at Genoa, Cape Howe, Cann River, and Orbost.<sup>18</sup> By this time, the local Aboriginal population had fallen dramatically, numbering just over 500 along the southeast coast and 120 on the Monaro.<sup>19</sup>

In different areas along the Bundian Way, relationships between Aboriginal people and colonial settlers varied. Often the clash of cultures arose from opposing land management practices—the settlers' lifestyle concentrated on increasing the land carrying capacity to its maximum with introduced animals and crops, while Aboriginal people's lifestyle aimed to use naturally present resources sustainably with fire used to bring predictability to land resources.



Traditional Aboriginal ceremonial obligations requiring travel through Country to different locations was also misunderstood by the Europeans as the settlers had a requirement for fixed labour throughout the year.

William Whittakers who settled at Tombong along the Bundian Way noted in 1847 that Aboriginal people arrived in the area on 20 September and that he employed them in stripping bark and hurdle making before they left on 23 September.<sup>20</sup> In March of the following year, Aboriginal people helped Whittakers with hunting wallaby and shepherding sheep during intermittent visits to the station.<sup>21</sup> Such transient behaviour was easy to interpret as a way of avoiding work, especially when station owners who lost indentured labour with the end of the convict system and free labour. Settlers sought permanent settlement and consistent work from Aboriginal people whose traditional lifestyle dictated otherwise.

In the area of the Bundian Way around the FPFA, by 1840, Nungatta Station was run by Alexander Weatherhead. Nungatta Station formed the eastern corner of a triangle of stations at this time, with Delegate to the west and Bibbenluke to the north.<sup>22</sup> Several local Aboriginal people had begun to cluster around these stations, seeking food and employment.<sup>23</sup> Local oral history records noted that Weatherhead murdered many Aboriginal people gathering outside Nungatta Station by poisoning milk with strychnine.<sup>24</sup> Other oral history recalls that one of Weatherhead's sons had a baby with a local Aboriginal woman. Weatherhead named the baby James Brindle, and he is an ancestor of people still living in the area.<sup>25</sup> In 1845 Lambie noted to Parliament that there were many children in the Monaro region with Aboriginal mothers and white fathers.<sup>26</sup>

The Aborigines [sic] Protection Board established in 1883 forcibly removed many Aboriginal people from their traditional lands. Over the following century the connections between Aboriginal groups and movement through their traditional lands were regularly disturbed and disrupted by government agendas. In 1994 a report by the Aboriginal and Torres Strait Islander Commission found that 12.4 per cent of Aboriginal people in the Eden-Monaro region aged 25 and over had been forcibly removed from their homes as children.<sup>27</sup>

## 2.3 Endnotes

- <sup>1</sup> Bundian Way, <https://bundianway.com.au/>, viewed 1 December 2021
- <sup>2</sup> Young, M 2005, *The Aboriginal People of the Monaro*, Department of Environment and Conservation, NSW, p 153.
- <sup>3</sup> Young, M 2005, *The Aboriginal People of the Monaro*, Department of Environment and Conservation, NSW, p 159.
- <sup>4</sup> Blay, J. 2005, Bega Valley Region Old Pathways and Trails Mapping Project, report prepared for Bega Valley Regional Aboriginal Heritage Study, p. 3
- <sup>5</sup> Williams, S., Connolly, D. & Williams, A. 2019, The Recognition of Cultural Water Requirements in the Montane Rivers of the Snowy Mountains, Australia, *Australasian Journal of Environmental Management*, vol. 26, no. 3, p. 256.
- <sup>6</sup> GML Heritage Pty Ltd, The Bundian Way—Interpretation Strategy, report prepared for the Eden Local Aboriginal Land Council, June 2015, p16.
- <sup>7</sup> Snowy Monaro Regional Council, Aboriginal Communities < <https://www.snowymonaro.nsw.gov.au/763/Aboriginal-Communities>>, viewed 12 January 2022.
- <sup>8</sup> Young, M 2005, *The Aboriginal People of the Monaro*, Department of Environment and Conservation, NSW, p 83.
- <sup>9</sup> GML Heritage Pty Ltd, The Bundian Way—Interpretation Strategy, report prepared for the Eden Local Aboriginal Land Council, June 2015, p14.
- <sup>10</sup> GML Heritage Pty Ltd, The Bundian Way—Interpretation Strategy, report prepared for the Eden Local Aboriginal Land Council, June 2015, p 18.
- <sup>11</sup> New South Wales Archaeology Pty Ltd., Dr Julie Dibden, Aboriginal Heritage Impact Permit (s90) Application for Aboriginal objects in South East Forests, Wadbilliga, Biamanga and Gulaga, National Parks and Coolumbooka Nature Reserve, Aboriginal Cultural Heritage Assessment Report, report prepared for NSW NPWS, Office of Environment and Heritage, Jan 2013, p. 11.
- <sup>12</sup> GML Heritage Pty Ltd, The Bundian Way—Interpretation Strategy, report prepared for the Eden Local Aboriginal Land Council, June 2015, p 18.
- <sup>13</sup> GML Heritage Pty Ltd, The Bundian Way—Interpretation Strategy, report prepared for the Eden Local Aboriginal Land Council, June 2015, p 18.
- <sup>14</sup> Blay, J, Report on a Survey of the Bundian Way, report produced for ELALC, 2011, p 36.
- <sup>15</sup> Blay, J, Report on a Survey of the Bundian Way, report produced for ELALC, 2011, p 6.
- <sup>16</sup> Brierly, OW *Journal of a visit to Monaro and Twofold Bay, 1842-43* AS in ML A 537, CY 1067 pp 0135-40 cited in Blay, J, Report on a Survey of the Bundian Way, report produced for ELALC, 2011, p 47.
- <sup>17</sup> New South Wales Archaeology Pty Ltd., Dr Julie Dibden, Aboriginal Heritage Impact Permit (s90) Application for Aboriginal objects in South East Forests, Wadbilliga, Biamanga and Gulaga, National Parks and Coolumbooka Nature Reserve, Aboriginal Cultural Heritage Assessment Report, report prepared for NSW NPWS, Office of Environment and Heritage, Jan 2013, p. 12.
- <sup>18</sup> Winters, J. 2001, Nungatta South, report prepared for NSW NPWS , p. 8; McKenna, M. 2002, Looking for Blackfellas’ Point: an Australian History of Place, UNSW Press, Sydney NSW, pp. 39-44
- <sup>19</sup> McKenna, M. 2002, Looking for Blackfellas’ Point: an Australian History of Place, UNSW Press, Sydney NSW, pp. 44-45

- <sup>20</sup> GML Heritage Pty Ltd, *The Bundian Way—Interpretation Strategy*, report prepared for the Eden Local Aboriginal Land Council, June 2015, p 26.
- <sup>21</sup> Young, M 2005, *The Aboriginal People of the Monaro*, Department of Environment and Conservation, NSW, pp 247–8.
- <sup>22</sup> Hansen, C.F. 2009, *Telling Absence: Aboriginal Social History and the National Museum of Australia*, PhD thesis, Australian National University.
- <sup>23</sup> Dawson, B. 1996, *Sheep and shepherds (sheepwashers & shearers) on Bibbenluke 1851-1867*, Bombala and District Historical Society.
- <sup>24</sup> McKenna, M. 2002, *Looking for Blackfellas’ Point: an Australian History of Place*, UNSW Press, Sydney NSW.
- <sup>25</sup> Hansen, C.F. 2009, *Telling Absence: Aboriginal Social History and the National Museum of Australia*, PhD thesis, Australian National University, p. 23
- <sup>26</sup> Lambie 1845 in Hansen, C.F. 2009, *Telling Absence: Aboriginal Social History and the National Museum of Australia*, PhD thesis, Australian National University, p. 38.
- <sup>27</sup> GML Heritage Pty Ltd., *Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden*, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021.

## 3 The Bundian Way

The Bundian Way is a 265 kilometre-long route from the coast at Bilgalera (Fisheries Beach) near Eden to the summit of Targangal (Mount Kosciuszko). On 18 January 2013, the Bundian Way (SHR 01906) was recognised by the NSW Government as a State significant heritage item.

### 3.1 What is Heritage Significance?

Before making decisions to undertaken works to a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of the place—why it is important and why a statutory listing was made to protect these values.

Levels of significance are determined to be of local or state significance. These are defined as follows:

- 'Local heritage significance', in relation to a place, building, work, relic, movable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
- 'State heritage significance', in relation to a place, building, work, relic, movable object or precinct, means significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

### 3.2 Significance Assessment

The following statement of significance is an extract from the Heritage NSW inventory sheet for the Bundian Way:

The Bundian Way is of State significance as a rare surviving ancient pathway used by Aboriginal people over thousands of years linking the high country at Kosciuszko and the coast at Eden. The Bundian Way is associated with seasonal gatherings of Aboriginal tribes on the Snowy River for Bogong moth collection and on the Eden Coast during whale migration. It is historically significant for its role in early colonisation whereby white settlers were aided by Aboriginal guides in exploration and the search for pastures.

Historical documentation and archaeology found on the route reinforces traditional knowledge held by contemporary Aboriginal society and provides a strong validation of the social significance of this pathway today. The Way continues to be an important place of education and cultural activity in the Aboriginal community.

The Bundian Way travels through wilderness areas of untouched beauty with spectacular views over the coastal plain which contributes to the aesthetic significance of the route.<sup>1</sup>

For the listing, the Bundian Way was assessed as meeting all heritage criteria (Table 3.1).

Table 3.1 Assessment of the Bundian Way (SHR 01906). (Source: Heritage NSW, NSW State Heritage Inventory)

Criterion	Assessment
<p><b>Criterion A</b></p> <p>An item is important in the course, or pattern, of NSW’s cultural or natural history.</p>	<p>The Bundian Way is an ancient pathway which demonstrates the historical movement of Aboriginal people over thousands of years between the high country and the coast. The Bundian Way provides historical evidence of the cultural life of Aboriginal people of the Monaro and of the South Coast and their inter-relationships with each other. The Bundian Way provides direct evidence of the crucial role Aboriginal people played in early exploration and settlement by white colonists. Aboriginal people provided knowledge of the routes, the places where resources such as food and water could be found and also the best places for grazing and settling.</p>
<p><b>Criterion B</b></p> <p>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history.</p>	<p>The Bundian Way is associated with seasonal gatherings of Aboriginal tribes in Eden (Bilgalera) and in the Snowy Mountains (Targangal). Tribes came together in the springtime at Twofold Bay (Tullemullerer) for a gathering associated with the migration pattern of whales. They also came together in the summer in the high country via the Snowy River (Nurudj Dujurung) to gather Bogong Moths.</p>
<p><b>Criterion C</b></p> <p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.</p>	<p>The high country end of the Bundian Way travels through wilderness with extremes in heights with extraordinary views. Many points along the way afford spectacular outlook over the coastal plain. The land is valued for its remoteness and natural beauty. The aesthetic significance of the Way contributes to its value as a tourist route.</p>
<p><b>Criterion D</b></p> <p>An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.</p>	<p>Historical documentation and archaeology found on the route reinforce the traditional knowledge about the Bundian Way held in contemporary Aboriginal society and demonstrated through oral history. This provides a strong validation of the social significance of this pathway today. The Bundian Way demonstrates the</p>

Criterion	Assessment
	<p>connection with Country of Aboriginal people of the south coast of NSW and the Monaro. This cultural connection survives and continues in the people of these areas today. The work of the Eden Local Aboriginal Land Council and other members of the Aboriginal community to survey, research and protect the Way as a place of education and ongoing cultural activity demonstrates a strong community sense of connection to the Bundian Way.</p>
<p><b>Criterion E</b> An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history.</p>	<p>The Bundian Way and the associated cultural information has the potential to reveal information about the way in which the landscape was managed and traversed prior to its settlement in 1820. It also presents an opportunity to acquire more accurate information about the interaction between the colonists and local Aboriginal people and how these interactions influenced settlement patterns.</p>
<p><b>Criterion F</b> An item possesses uncommon, rare, or endangered aspects of NSW’s cultural or natural history.</p>	<p>The Bundian Way is rare as it has the best preserved cultural landscape setting of the ancient east–west routes of south eastern Australia. The ancient route traverses lands that have changed comparatively little since the early nineteenth century: many other routes have since become highways or pass through areas which have been subject to substantial change. The Way is unusual in that it has been surveyed along its full length and verified by physical evidence in the form of archaeology, food resources, and markings on trees; further verification has been undertaken by cross-referencing with diaries and journals of early white settlers and explorers.</p>
<p><b>Criterion G</b> An item is important in demonstrating the principal characteristics of a class of NSW’s:</p> <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul>	<p>The Bundian Way is an excellent example of the influence that Aboriginal knowledge of Country had upon the expansion of settlement in the colony. It is a fine example of one of the routes and pathways that were utilised throughout New South Wales and Australia by Aboriginal people over thousands of years.</p>

### 3.2.1 The Bundian Way in the FPFA

The FPFA occupies a small part of the South East Forest National Park. It is situated between the escarpment and the sea, and is an important link in the system of conservation reserves that stretch over 600 kilometres along the great eastern escarpment

from NSW into Victoria.<sup>2</sup> The area is characterised by moderate to steep ridgelines and slopes, and is crossed by a number of smaller and higher order water courses.

Prior to its acquisition by NPWS in the 1990s, the area contained within the FPFA was used for high intensity logging. As a result, the landscape is dominated by logged coupes and associated land disturbance, fire-damaged bushland regrowth, established fire trails, and dormant logging tracks. Few stands of remnant vegetation are present in the area.

Approximately 7 kilometres of the total length of the Bundian Way passes through the FPFA. It follows the established Laings Road fire trail through the northern extent of the FPFA from its eastern border before proceeding northwest along a dormant logging track (Figure 3.1).



Figure 3.1 The landscape alongside Laings Road (centre) and the dormant logging track (right)

As a localised area, the portion of the Bundian Way that passes through the FPFA does not meet all of the criteria as assessed in Table 3.1. Specifically:

- criterion C—Whilst there are aesthetic landscape elements present within the FPFA (eg watercourses such as White Rock River and Ricksons Creek), and dramatic landscape elements (eg ridgelines and escarpments), the main landscape is dominated by fire-damaged bushland regrowth, established fire trails, and dormant logging tracks.<sup>3</sup> It does not demonstrate 'wilderness with extremes in heights with extraordinary views' nor does it afford spectacular outlook over the coastal plain.<sup>4</sup>
- criterion F—Prior to its acquisition by NPWS in the 1990s, the land contained within the FPFA was used for high intensity logging. As a result, it is dominated by logged coupes and associated land disturbance, fire-damaged bushland regrowth, established fire trails, and dormant logging tracks. It does not demonstrate 'lands that have changed comparatively little since the early nineteenth century'.<sup>5</sup>

### 3.3 SHR Listing Disagreement

In September 2017, the Southern Snowy Mountains Aboriginal Community (SSMAC) and Monaro/Ngarigo Traditional Custodians presented concerns to the Heritage Council of NSW and the Aboriginal Cultural Heritage Advisory Committee (ACHAC) about the Bundian Way SHR listing. Representatives of the Monaro/Ngarigo Traditional Custodians stated that they were not adequately consulted during the listing process, and that the values articulated in the listing are misleading and/or wrong.<sup>6</sup>

GML was engaged in 2020 by Heritage NSW to undertake an independent review of the SHR heritage criteria for which the Bundian Way is listed, with an emphasis on social or community value.<sup>7</sup> Interviews were undertaken with key stakeholders and additional wider community consultation occurred. The review found that:

... the SHR listed item is not demonstrated by historical sources or oral testimony to be a singular 'ancient pathway', but rather can be considered a contemporary reconstruction of historical, and/or symbolic of, segments of a network of interconnecting Aboriginal pathways that were used by different people for different purposes at various times.

The view that the 265km long and 20m wide SHR listed route is not a singular pathway is a perspective common to all those people interviewed, although the reasons given for this understanding varied greatly.<sup>8</sup>

One of the recommendations to come out of the review process was to amend the current SHR listing to remove sections of the route that traverse Ngarigo and Bidawal Countries.<sup>9</sup> This would see the retention of the section between Eden to approximately Towamba and removal of everything west of this point, including the portion that passes through the FPFA.<sup>10</sup>



## 3.4 Endnotes

- <sup>1</sup> Heritage NSW, 'Bundian Way', NSW State Heritage Inventory, Department of Premier and Cabinet, NSW Government, viewed 3 June 2022, available at <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060185>>
- <sup>2</sup> New South Wales Archaeology Pty Ltd., Dr Julie Dibden, Aboriginal Heritage Impact Permit (s90) Application for Aboriginal objects in South East Forests, Wadbilliga, Biamanga and Gulaga, National Parks and Coolumbooka Nature Reserve, Aboriginal Cultural Heritage Assessment Report, report prepared for NSW NPWS, Office of Environment and Heritage, January 2013, p. 6
- <sup>3</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 136.
- <sup>4</sup> Heritage NSW, 'Bundian Way', NSW State Heritage Inventory, Department of Premier and Cabinet, NSW Government, viewed 3 June 2022, available at <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060185>>
- <sup>5</sup> Heritage NSW, 'Bundian Way', NSW State Heritage Inventory, Department of Premier and Cabinet, NSW Government, viewed 3 June 2022, available at <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060185>>
- <sup>6</sup> GML Heritage Pty Ltd., Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021, p 3.
- <sup>7</sup> GML Heritage Pty Ltd., Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021.
- <sup>8</sup> GML Heritage Pty Ltd., Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021, p 26.
- <sup>9</sup> GML Heritage Pty Ltd., Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021, p 37.
- <sup>10</sup> GML Heritage Pty Ltd., Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021, p 28.

## 4 Heritage impact assessment

### 4.1 Proposed Project Activity

The proposed project consists of three components: easement clearing and fence construction, establishment or replacement of watercourse crossings, and road construction and maintenance (Figure 4.1). These would occur on the preferred sectors.

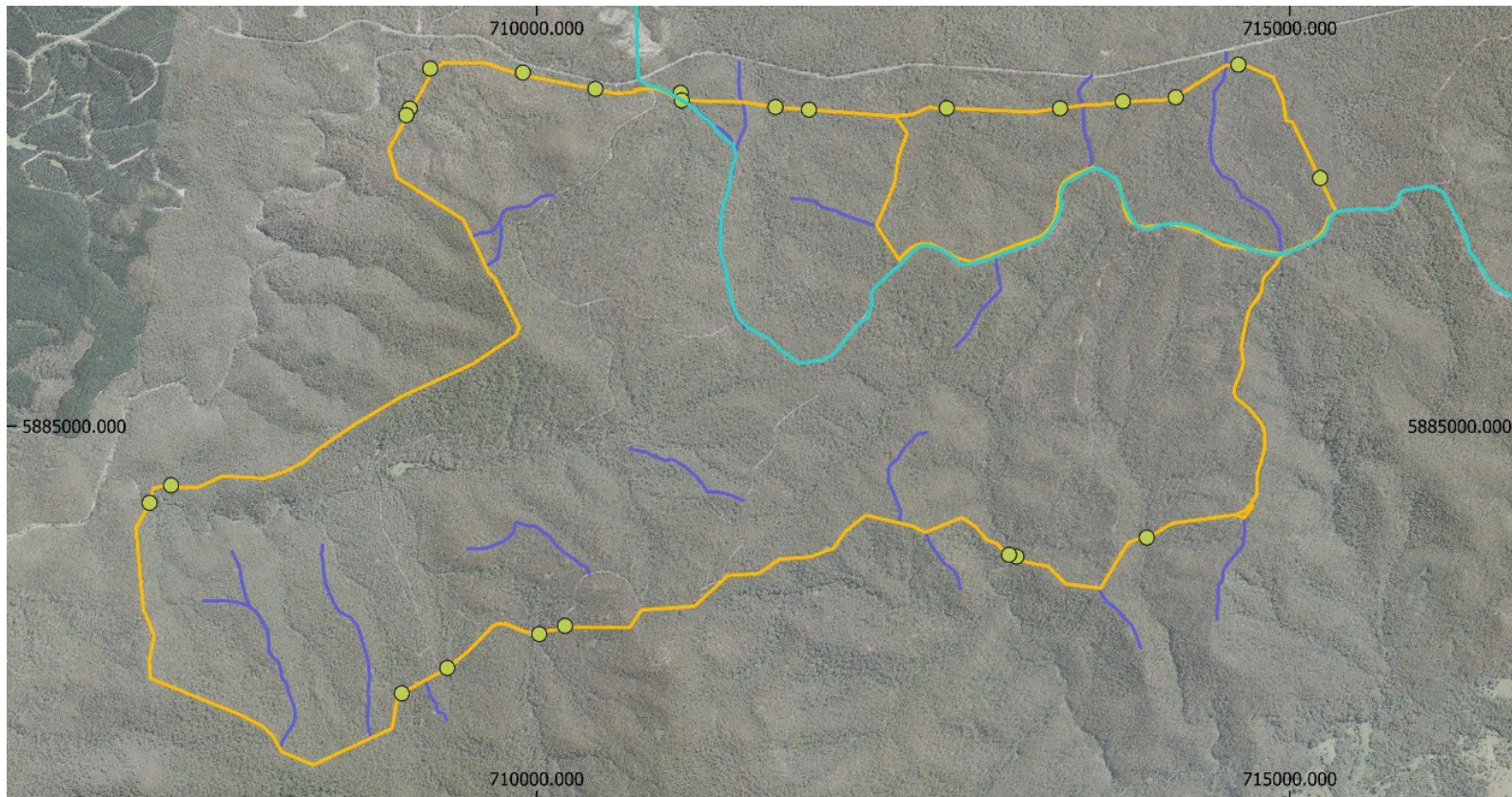
Approximately 25 kilometres of the total fence line would form the external boundary fence, whilst the remaining kilometres would act as internal fences. The use of internal fences separates the FPFA into two areas—a smaller release area for intensive monitoring of translocated animals and a larger breeding area where translocated animals can grow resilient populations. Gates would be placed at strategic locations to allow maintenance operations.

The Bundian Way curtilage would be bordered by the fence for approximately 3.6 kilometres at the eastern-most extent of Laings Road—the remaining 4 kilometres would remain open within the internal space of the FPFA. NPWS has received permission from Snowy Monaro Regional Council and Bega Valley Shire Council to gate Laings Road as part of the FPFA. Initially, this would be as a temporary closure of the council road reserve under Section 116 of the *Roads Act 1993* (NSW). Following the completion of the fence construction, the gates on Laings Road would be publicly passable.

A 15 metre wide easement would be cleared to ground level for the fence line. The easement would contain the specialised feral predator proof fence, a fire trail around the outside and a basic management trail on the inside. This would consist of the removal of trees and dense regrowth, whilst retaining groundcover. The purpose of the vegetation removal would be to prevent damage to the fence line, as a fire management asset and management point to remove build-up of debris in the watercourses. The easement would be cleared using heavy drum mulching machines, excavators with falling heads, bulldozers and associated trucks and heavy plant. All mulch will be retained on site. Larger logs and limbs will be carried or dragged out of the easement for use as future habitat. Vegetation in the easement would be kept low by ongoing management.

The specialised feral predator proof fence will be constructed in the centre of the easement.

The proposed works to the internal management tracks consist of clearing regrowth vegetation, removing debris and other obstacles, and repairing the surfaces where required. New management trails may be surfaced with crushed rock material, consistent with the existing fire trails where the natural earth surface is unsuitable. An example of what the fence and associated corridor would look like are shown in Figure 4.3.



**Preferred Alignment**

Datum: GDA94 Zone 55  
Date: 14 June 2022  
Data Sources: NSW NPWS, Sixmaps

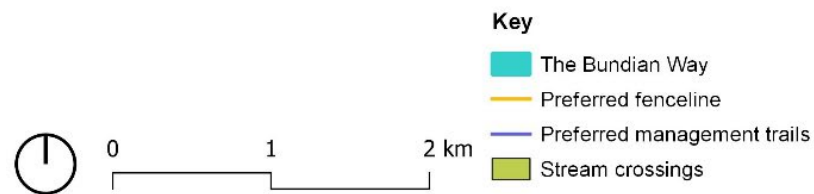
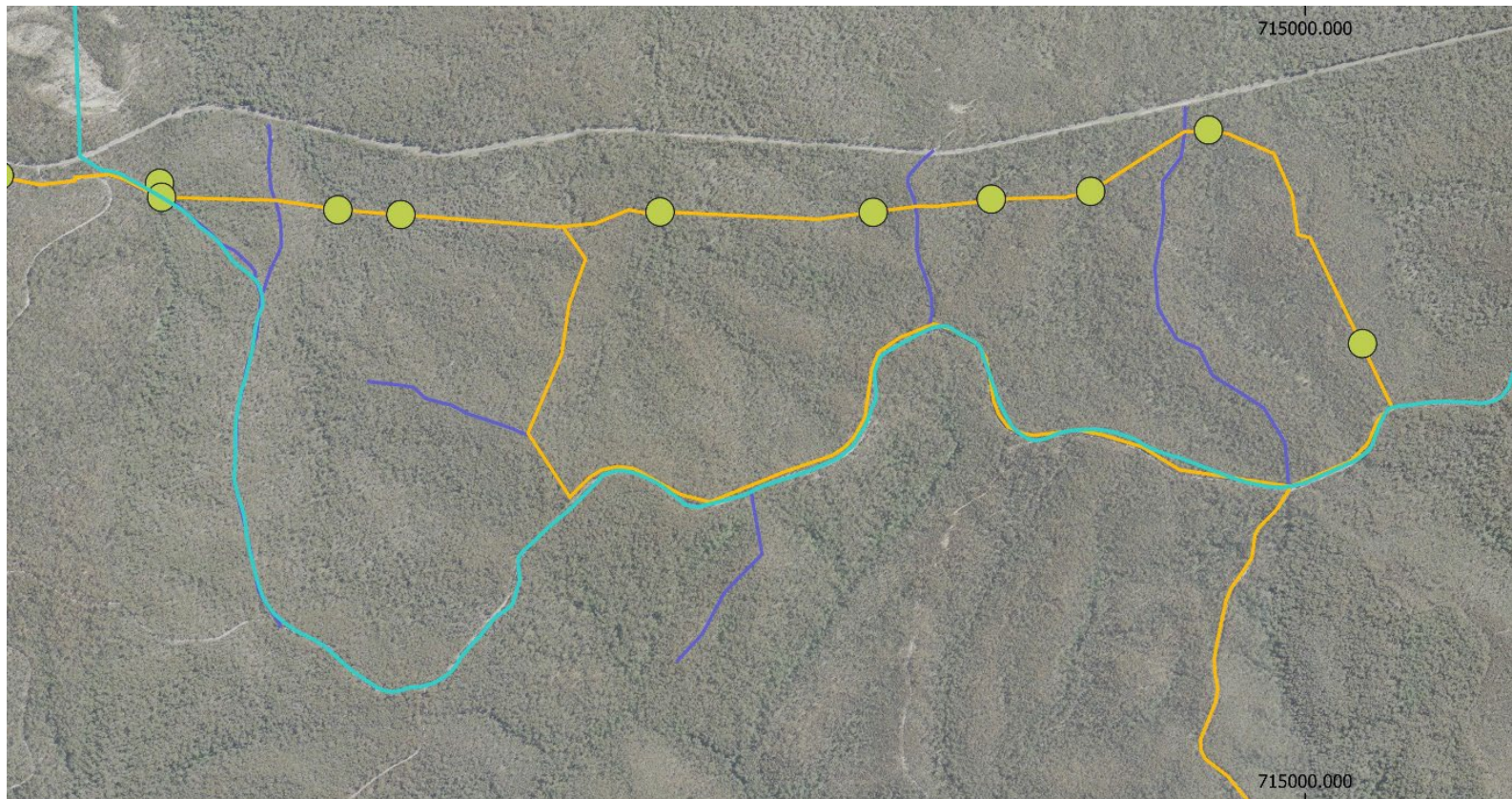
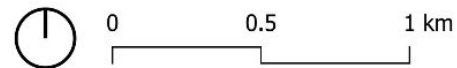


Figure 4.1 The preferred FPFA fence line, management trails, and stream crossings. These constitute the impact zone. (Source: SIX Maps with GML overlay)



**The Bundian Way and Nungatta FPFA**

Datum: GDA94 Zone 55  
Date: 14 June 2022  
Data Sources: NSW NPWS, Sixmaps



- Key**
- █ The Bundian Way
  - █ Preferred fenceline
  - █ Preferred management trails
  - █ Stream crossings

Figure 4.2 The intersections between the Bundian Way and the Nungatta FPFA. (Source: SIX Maps with GML overlay).



Figure 4.3 Predator proof fence at Mallee Cliffs National Park, NSW. (Source: NPWS)

## 4.2 Terminology

Table 4.1 describes the terminology used in this report when assessing the heritage impacts of the proposed works.

Table 4.1 Heritage impact rating definitions.

Rating	Definition
Major adverse	<p>Actions which will have a severe, long-term and possibly irreversible impact on the heritage item.</p> <p>Actions in this category would include partial or complete demolition of a heritage item or addition of a new structure in its vicinity that destroys the visual setting of the item. These actions cannot be fully mitigated.</p>
Moderate adverse	<p>Actions which will have an adverse impact on a heritage item. Actions in this category would include removal of an important aspect of a heritage item’s setting or temporary removal of significant elements or fabric. The impact of these actions could be reduced through appropriate mitigation measures.</p>
Minor adverse	<p>Actions which will have a minor adverse impact on a heritage item. This may be the result of the action affecting only a distant/small part of the setting of a heritage place.</p> <p>The action may also be temporary and/or reversible.</p>
Neutral	<p>Actions which will have no heritage impact.</p>
Minor positive	<p>Actions which will bring a minor benefit to a heritage item, such as an improvement in the item’s visual setting.</p>
Moderate positive	<p>Actions which will bring a moderate benefit to a heritage item, such as removal of intrusive elements or fabric, or a substantial improvement to the item’s visual setting.</p>
Major positive	<p>Actions which will bring a major benefit to a heritage item, such as reconstruction of significant fabric, removal of substantial intrusive elements/fabric or reinstatement of an item’s visual setting or curtilage.</p>

## 4.3 Impact Assessment

### 4.3.1 Heritage Values

A Conservation Management Plan (CMP) has not been prepared for the Bundian Way. Acknowledging the FPFA represents a small portion of the entire heritage citation, the following heritage impact assessment has been undertaken against the heritage criteria.

Table 4.2 Impact on the heritage values of the Bundian Way (SHR 01906). (After Heritage NSW, NSW State Heritage Inventory, full descriptions of criteria are provided in Table 3.1)

Criterion	Analysis
<p><b>Criterion A</b></p> <p>Key points:</p> <ul style="list-style-type: none"> <li>• Demonstrates the historical movement of Aboriginal people.</li> <li>• Historical evidence of the cultural life of Aboriginal people.</li> <li>• Evidence of the role Aboriginal people played in early exploration and settlement by white colonists.</li> </ul>	<p>This portion of the Bundian Way has been subject to significant historical disturbances. The infrastructure associated with the FPFA would be constructed along previously disturbed footprints (ie fire trails and dormant logging tracks). It would not reroute the extant tracks that are representative of the Bundian Way.</p> <p>The aim of the FPFA to rehabilitate the area and promote thriving native faunal and floral populations of disappearing species would be an enhancement on its current state. Currently, the area is characterised by fire-damaged bushland regrowth, invasive feral species, and disturbance associated with the historical high intensity logging.</p> <p>The works would have a <b>moderate positive</b> heritage impact.</p>
<p><b>Criterion B</b></p> <p>Key points:</p> <ul style="list-style-type: none"> <li>• Associated with seasonal gatherings of Aboriginal tribes in Eden (Bilgalera) and in the Snowy Mountains (Targangal).</li> </ul>	<p>This portion of the Bundian Way is part of the intermediary route between the two end destinations (ie Eden and the Snowy Mountains). The FPFA would not reroute the extant tracks that are representative of the Bundian Way.</p> <p>The works would have a <b>neutral</b> heritage impact.</p>
<p><b>Criterion C</b></p> <p>Key points:</p> <ul style="list-style-type: none"> <li>• Aesthetic significance.</li> <li>• Many points along the way afford spectacular outlook over the coastal plain.</li> <li>• Remoteness and natural beauty.</li> </ul>	<p>While there are aesthetic landscape elements present within the FPFA (eg watercourses such as White Rock River and Ricksons Creek) and dramatic landscape elements (eg ridgelines and escarpments), the main landscape is dominated by fire-damaged bushland regrowth, established fire trails, and dormant logging tracks. It does not afford outlook over the coastal plain.</p> <p>The FPFA is not demonstrative of how the wider Bundian Way citation meets this criterion.</p>

Criterion	Analysis
<p><b>Criterion D</b></p> <p>Key points:</p> <ul style="list-style-type: none"> <li>Historical documentation and archaeology found on the route reinforce the traditional knowledge.</li> <li>Demonstrates the connection with Country of Aboriginal people of the south coast of NSW and the Monaro.</li> </ul>	<p>The works would have a <b>neutral</b> heritage impact.</p> <hr/> <p>Within the FPFA, four Aboriginal archaeological sites have been identified along the Bundian Way.<sup>1</sup> These sites comprise isolated artefacts characteristic of transient movement, rather than focused occupation sites.<sup>2</sup> Each site has been identified as having low significance.<sup>3</sup></p> <p>One site (FPFA 30, AHIMS 63-2-0197) may be accidentally impacted by the proposed works, however, the other three sites are located outside of the impact area.<sup>4</sup> If the site was to be impacted, it would be managed in accordance with an Aboriginal Heritage Impact Permit (AHIP).<sup>5</sup></p> <p>The works have the potential to have a <b>minor adverse</b> heritage impact.</p>
<p><b>Criterion E</b></p> <p>Key points:</p> <ul style="list-style-type: none"> <li>Potential to reveal information about the way in which the landscape was managed and traversed prior to its settlement in 1820.</li> </ul>	<p>An ACHAR has recently been undertaken for the FPFA, resulting in the identification of 66 new Aboriginal sites.<sup>6</sup> These sites predominantly consist of artefact sites that are demonstrative of transient movement through the landscape, with limited indications for longer term occupation sites.<sup>7</sup> Due to the nature of the archaeological material, collectively it has been assessed as having low to moderate potential to yield further information.<sup>8</sup></p> <p>One site (FPFA 30, AHIMS 63-2-0197) along the Bundian Way may be accidentally impacted by the proposed works (as discussed above). However, due to its nature as an isolated artefact, it has limited potential to yield additional information.</p> <p>The works would have a <b>neutral</b> heritage impact.</p>
<p><b>Criterion F</b></p> <p>Key points:</p> <ul style="list-style-type: none"> <li>The best preserved cultural landscape setting of the ancient east-west routes of south eastern Australia.</li> <li>Traverses lands that have changed comparatively little since the early nineteenth century</li> </ul>	<p>This portion of the Bundian Way has been subject to significant historical disturbances. Prior to its acquisition by NPWS in the 1990s, the land contained within the FPFA was used for high intensity logging. As a result, it is dominated by logged coupes and associated land disturbance, fire-damaged bushland regrowth, established fire trails, and dormant logging tracks.</p> <p>The FPFA is not demonstrative of how the wider Bundian Way citation meets this criterion.</p> <p>The works would have a <b>neutral</b> heritage impact.</p>
<p><b>Criterion G</b></p> <p>Key points:</p>	<p>This portion of the Bundian Way has been subject to significant historical disturbances. The infrastructure associated with the FPFA would be constructed along</p>



Criterion	Analysis
<ul style="list-style-type: none"> <li>• Example of the influence that Aboriginal knowledge of Country had upon the expansion of settlement in the colony.</li> <li>• Example of one of the routes and pathways that were utilised throughout New South Wales and Australia by Aboriginal people over thousands of years.</li> </ul>	<p>previously disturbed footprints (ie fire trails and dormant logging tracks). It would not reroute the extant tracks that are representative of the Bundian Way.</p> <p>There would be a temporary closure of Laings Road to public access during the construction of the FPFA. This would temporarily prevent the public from accessing that portion of the Bundian Way. However, access would be restored following completion of construction works, with gates to be passable by public foot and road traffic.</p> <p>The works would initially have a minor adverse impact, however, following completion and reinstatement of access the works would have a <b>neutral</b> heritage impact.</p>

### 4.3.2 Heritage Division guidelines

The proposed works are addressed in relation to relevant questions taken from the Heritage Division (now Heritage NSW) guidelines for 'Statements of Heritage Impact'.

Table 4.3 Discussion of heritage impacts according to Heritage Division guidelines.

Question	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	The aim of the FPFA to rehabilitate the area and promote thriving native faunal and floral populations of disappearing species would be an enhancement on its current state. Currently, the area is characterised by fire-damaged bushland regrowth, invasive feral species, and disturbance associated with the historical high intensity logging.
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:	<p>The significance assessment for the Bundian Way references its 'wilderness areas of untouched beauty with spectacular views over the coastal plain which contributes to the aesthetic significance'.<sup>9</sup></p> <p>The portion of the Bundian Way that passes through the FPFA is not representative of this. This area has been subject to high intensity logging prior to its acquisition for national park. As a result, the landscape is highly disturbed, with many dormant logging tracks, established fire trails, and few stands of remnant vegetation. It offers no views over the coastal plain.</p> <p>As a result, the proposed works would have a neutral impact on the heritage significance of the wider Bundian Way citation.</p>

Question	Discussion
<p>The following sympathetic solutions have been considered and discounted for the following reasons:</p>	<p>A sympathetic solution would be to not construct the fence and associated corridors, and conduct native species reintroductions in the existing environment.</p> <p>However, without the construction of the fence, it would be difficult to measure the ongoing success of the reintroductions and eradications. Moreover, retaining the area as an open landscape would allow for invasive species to continue to access and thrive in the area, and any reintroduced animals would be at threat from the ongoing presence of feral predators.</p>
<p><b>New landscape works and features (including carparks and fences)</b></p> <ul style="list-style-type: none"> <li>• How has the impact of the new work on the heritage significance of the existing landscape been minimised?</li> <li>• Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?</li> <li>• Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?</li> <li>• Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?</li> <li>• How does the work impact on views to, and from, adjacent heritage items?</li> </ul>	<p>The infrastructure associated with the FPFA would be constructed along previously disturbed footprints (ie fire trails and dormant logging tracks). It would not reroute the extant tracks that are representative of the Bundian Way.</p> <p>Four Aboriginal archaeological sites have been identified along the Bundian Way.<sup>10</sup> These sites comprise isolated artefacts characteristic of transient movement, rather than focused occupation sites.<sup>11</sup> One site (FPFA 30, AHIMS 63-2-0197) may be accidentally impacted by the proposed works, however, the other three sites are located outside of the impact area.<sup>12</sup> If the site was to be impacted, it would be managed in accordance with an Aboriginal Heritage Impact Permit (AHIP).<sup>13</sup></p> <p>The Bundian Way has been recognised for its significant views across the coastal plains (Table 3.1). However, these are not visible from the portion that passes through the FPFA. Views to the Bundian Way have not been identified as a significant component of the heritage citation.</p>

### 4.3.3 Physical Condition

As noted above and in Section 3.2.1, the portion of the Bundian Way that passes through the FPFA is not demonstrative of 'wilderness with ... extraordinary views' or 'lands that have changed comparatively little since the early nineteenth century'.<sup>14</sup>

As Laings Road is an established fire trail, its continued maintenance and expansion of the cleared corridor for the fence line would have a **neutral** heritage impact on the existing landscape. After the Border Fire in early 2020, the damaged mature extant trees that had been present on the side of Laings Road were felled to make the road safe, resulting in large quantities of burnt timber, leaf litter, and dense eucalypt regrowth lining the road. The removal of this material would not impact on the physical condition of the Bundian Way as a whole.

The clearance of vegetation and establishment of a management trail along the footprint of the dormant logging track would have a **neutral** heritage impact on the existing landscape. This area has already been extensively disturbed by logged coupes and associated land disturbance, with few stands of remnant vegetation in the area. The formalisation of the trail would not impact on the physical condition of the Bundian Way as a whole.

### 4.3.4 Summary

The portion of the Bundian Way that passes through the FPFA is representative of the wider citation's assessment against criteria A, B, D, E, and G. It is not representative of criteria C and F, as related to aesthetic characteristics and undisturbed landscape.

Overall, the works would have a **neutral to moderate positive** impact on the citation for the Bundian Way citation. The infrastructure would be constructed along previously disturbed footprints (ie fire trails and dormant logging tracks) and would not reroute the extant tracks that are representative of the Bundian Way. Moreover, the rehabilitation of the area to promote thriving native faunal and floral populations of disappearing species would be an enhancement on the current disturbed and diminished landscape.

It must also be noted that the recent independent review of the SHR heritage criteria found that some Ngarigo and Thaua Traditional Owners/Custodians disagreed with the extension of the Bundian Way citation past Towamba across Ngarigo and Bidawal Countries (see Section 3.3). The preferred recommendation from the review would see the amendment of the citation to remove the portion of the Bundian Way that extends west from Towamba, which includes the FPFA.<sup>15</sup>

## 4.4 Endnotes

- <sup>1</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 136.
- <sup>2</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 138.
- <sup>3</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 139–142.
- <sup>4</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 149–150.
- <sup>5</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 162–164.
- <sup>6</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022.
- <sup>7</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 132.
- <sup>8</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 137.
- <sup>9</sup> Heritage NSW, 'Bundian Way', NSW State Heritage Inventory, Department of Premier and Cabinet, NSW Government, viewed 3 June 2022, available at <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060185>>
- <sup>10</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 136.
- <sup>11</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 138.
- <sup>12</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 149–150.
- <sup>13</sup> GML Heritage Pty Ltd, Nungatta Feral Predator Free Area, South East Forest National Park— Aboriginal Cultural Heritage Assessment Report, report prepared for the NSW National Parks and Wildlife Service, June 2022, p 162–164.
- <sup>14</sup> Heritage NSW, 'Bundian Way', NSW State Heritage Inventory, Department of Premier and Cabinet, NSW Government, viewed 3 June 2022, available at <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060185>>
- <sup>15</sup> GML Heritage Pty Ltd., Independent Assessment of Cultural Landscape(s) from the Great Divide to Eden, Final Report, report prepared for Heritage NSW, Department of Premier and Cabinet, May 2021, p 28.

## 5 Conclusions and Recommendations

As demonstrated in Sections 4.2, the proposed works on the site would result in neutral to moderate positive heritage impacts to the Bundian Way (SHR 01906). The following recommendations are made pending the outcomes of the ongoing review of the heritage citation:

- **Access disruption**—Construction works should be timed to ensure that public access to the portion of the Bundian Way that passes through the FPFA is disrupted for a minimal time.
- **Wayfinding and interpretative signage**—Signage should be installed for visitors to the FPFA. This signage should provide both guidance on the route of the Bundian Way and its cultural significance. Detailed recommendations for signage associated with the Bundian Way has been presented previously in the Interpretation Strategy (2015). Signage in the FPFA may be coordinated with other existing Bundian Way infrastructure or the standard NPWS style.
- **Preparation of a CMP**—A CMP should be prepared for the Bundian Way to assist in the management of its heritage values and works proposed within or in close proximity to its curtilage.