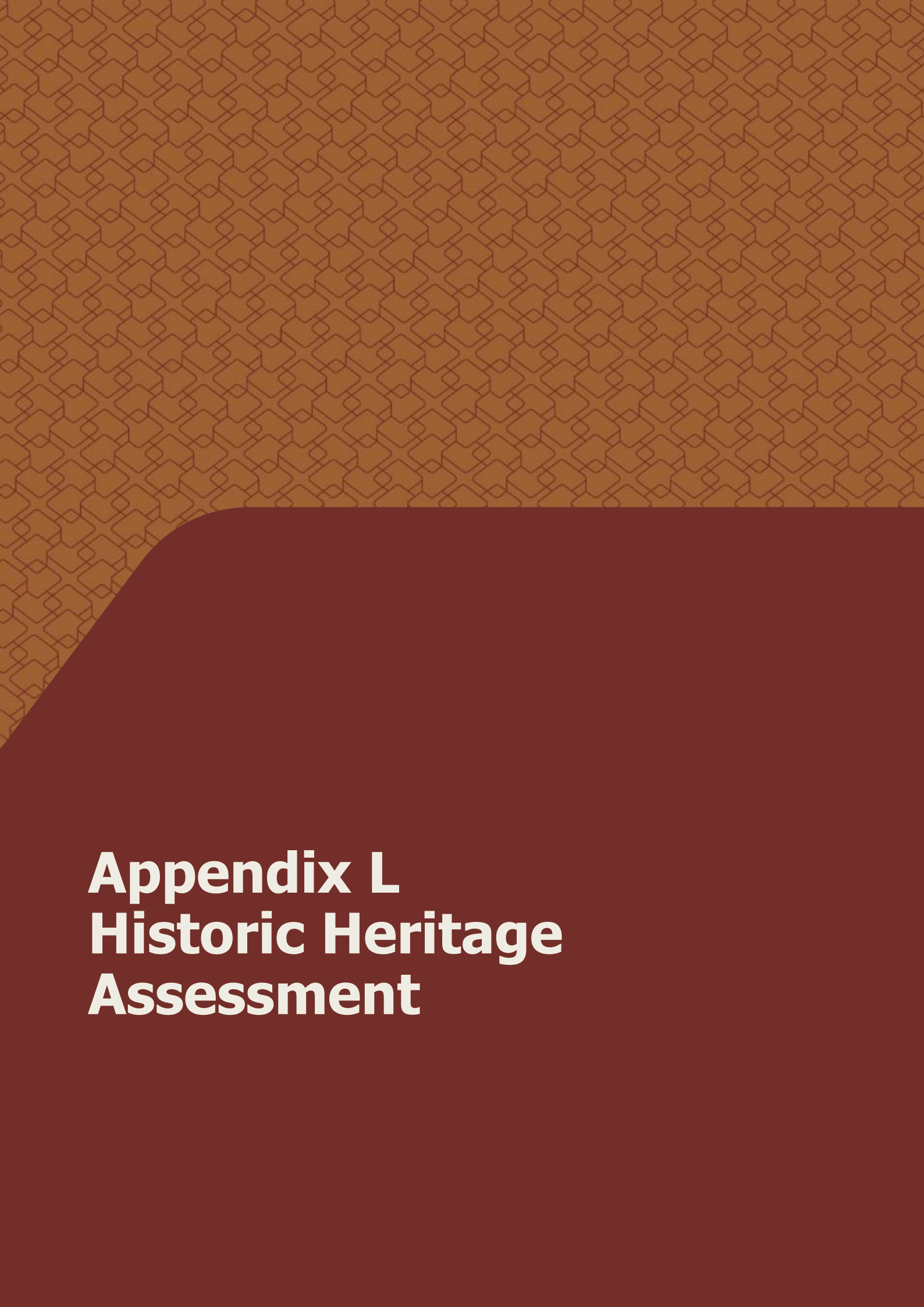




Appendix L Historic Heritage Assessment



An indicative view of the Modification Disturbance Footprint.

HISTORIC HERITAGE ASSESSMENT REPORT

BOGGABRI COAL MINE MODIFICATION 10

BOGGABRI COAL MINE

APRIL 2025

Report prepared by
OzArk Environment & Heritage
for Boggabri Coal Operations Pty Ltd.



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HISTORIC HERITAGE ASSESSMENT REPORT COVER SHEET

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Acknowledgement

OzArk acknowledge the traditional custodians of the area on which this assessment took place and pay respect to their beliefs, cultural heritage, and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the Elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

ABBREVIATIONS AND GLOSSARY

DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water.
DPHI	NSW Department of Planning, Housing and Infrastructure. DPHI contains the Planning agency.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> . Act that institutes a system of environmental planning and assessment for the State of New South Wales
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> . Commonwealth legislation that governs matters of national and world heritage significance
Heritage Act	<i>Heritage Act 1977</i> . Provides for the protection and conservation of historical places and objects or cultural heritage significance and the registration of such places and objects
Heritage Council	The Heritage Council makes decisions about the care and protection of heritage places and items that have been identified as being significant to the people of NSW
Heritage NSW	Government department tasked with ensuring compliance with the Heritage Act.
HHAR	Historic Heritage Assessment Report.
HMP	Heritage Management Plan. The instrument developed following project approval that regulates the management of historic cultural heritage.
LEP	<i>Local Environmental Plan</i> . Outlines development controls with an LGA.
LGA	Local Government Area.
SHI	State Heritage Inventory. Includes locally significant items either listed in LEPs or on state agency Heritage and Conservation Registers. Also includes the SHR.
SHR	State Heritage Register. Heritage list maintained by Heritage NSW that lists all state significant places. Is part of the SHI.
SSD	State Significant Development.

EXECUTIVE SUMMARY

OzArk Environment & Heritage (OzArk) has been engaged by Xenith Consulting Pty Ltd (Xenith), on behalf of Boggabri Coal Operations Pty Ltd (BCOPL) to complete a Historic Heritage Assessment Report (HHAR) for the proposed Boggabri Coal Mine Modification 10 (MOD 10). BCOPL is a wholly owned subsidiary of Idemitsu Australia Pty Limited (IA) which operates the Boggabri Coal Mine (BCM) on behalf of IA and its joint venture partners. BCM is an open cut coal mine located approximately 15 kilometres (km) northeast of Boggabri, 13 km south of Maules Creek in central northern NSW. MOD 10 is within the Narrabri Local Government Area.

The Modification Disturbance Footprint covers an area of approximately 85 hectares outside of the existing approved Mine Disturbance Boundary where additional mining disturbance will occur because of MOD 10.

MOD 10 proposes the progression of mining operations at BCM towards the northwest beyond the currently approved Mine Disturbance Boundary, however, will remain entirely within the existing Project Boundary.

This HHAR has been undertaken in accordance with the Planning Secretary's Environmental Assessment Requirements and the Heritage Council's *NSW Heritage Manual* (1996)¹.

Desktop database searches showed that no listed historic heritage items are located within the Modification Disturbance Footprint.

The survey component of the historic heritage assessment took place at the same time as the Aboriginal heritage assessment for MOD 10 and was undertaken on 17–18 October 2024. No historic heritage items were recorded within the Modification Disturbance Footprint.

As a result, there are no significant heritage items within the Modification Disturbance Footprint and archaeological deposits relating to the historic settlement of the land are considered unlikely.

Recommendations concerning historical cultural values within the Modification Disturbance Footprint are as follows:

1. Following development consent of MOD 10, the Boggabri Coal Mine Heritage Management Plan (HMP) must be updated to include the Modification Disturbance Footprint. The HMP includes a historic heritage unanticipated finds protocol to appropriately manage items of historic heritage significance that may be discovered.

¹ When published in 1996 the NSW Heritage Manual was the primary reference for heritage management in NSW. There have now been major amendments to the *Heritage Act 1977* and the manual has been replaced by new guidelines that are set out in individual booklets such as *Investigating Heritage Significance*, *Assessing Heritage Significance*, and *Statements of Heritage Impact*.

2. It is assessed that ground disturbing works associated with MOD 10 will not harm significant historical archaeological deposits and no further archaeological investigation is required.
3. All land-disturbing works must be confined within the assessed Modification Disturbance Footprint. Should Modification impacts change such that the area to be impacted is outside of the assessed Modification Disturbance Footprint, then additional assessment may be required.

CONTENTS

ABBREVIATIONS AND GLOSSARY.....	IV
EXECUTIVE SUMMARY.....	V
1 INTRODUCTION	1
1.1 Description of the proposal	1
1.2 Modification Disturbance Footprint.....	1
1.3 Modification overview.....	3
2 HISTORIC HERITAGE ASSESSMENT: INTRODUCTION.....	4
2.1 Relevant legislation.....	4
2.1.1 Commonwealth legislation	4
2.1.3 State legislation	4
2.2 Assessment approach	5
2.3 Historic heritage assessment objectives	6
2.4 Date of historic heritage assessment	6
2.4.1 Reporting	6
3 HISTORIC HERITAGE ASSESSMENT: BACKGROUND	7
3.1 Brief history of Boggabri and district.....	7
3.1.1 Brief history of the Modification Disturbance Footprint and Region	9
3.2 Local context.....	11
3.2.1 Desktop database searches conducted	11
4 RESULTS OF HISTORIC HERITAGE ASSESSMENT	12
4.1 Survey methodology	12
4.2 Modification constraints	12
4.3 Survey results.....	12
5 ASSESSMENT OF HISTORIC HERITAGE SIGNIFICANCE	13
5.1 Assessment of significance—general principles.....	13
5.2 Assessment of significance of historic items	13
6 MANAGEMENT AND MITIGATION: HISTORIC HERITAGE	14
6.1 General principles for the management of historic sites	14
6.2 Management and mitigation of recorded historic sites.....	14
6.3 Unanticipated finds protocol.....	14
7 RECOMMENDATIONS.....	15
REFERENCES	16

FIGURES

Figure 1-1: Location of the Modification Mining Area.....	1
Figure 1-2: Conceptual Modification Layout.	2
Figure 3-1: Map showing Oxley's expedition along the Namoi and through Leard State Forest to the Pinnacles, as drawn by Emeritus Professor John Fryer. Source: Hunter Living Histories, University of Newcastle.....	8
Figure 3-2: 1882 Parish map showing the region of the Modification Disturbance Footprint.	10
Figure 4-1: Pedestrian transects.	12

TABLES

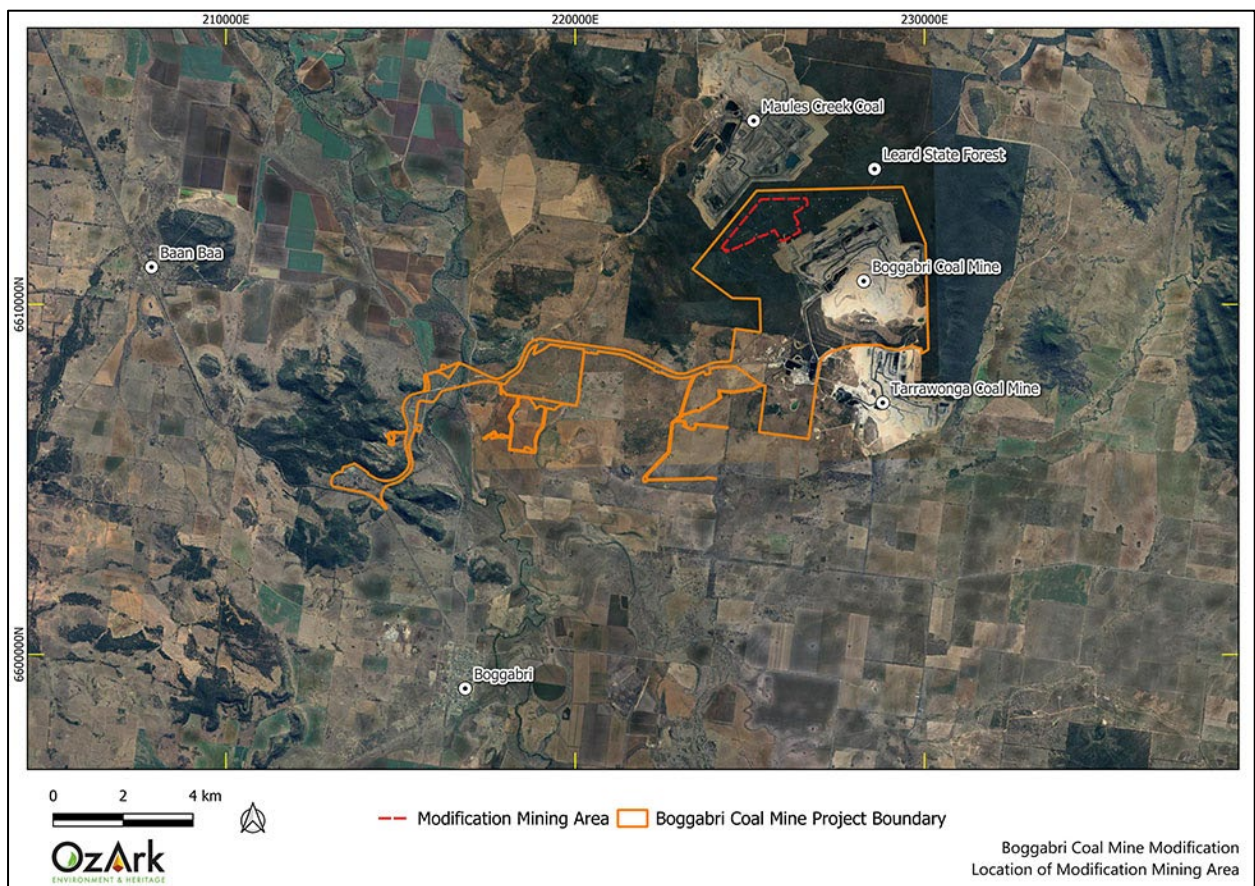
Table 3-1: Historic heritage: desktop-database search results.	11
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1 INTRODUCTION

1.1 DESCRIPTION OF THE PROPOSAL

OzArk Environment & Heritage (OzArk) has been engaged by Xenith Consulting Pty Ltd (Xenith), on behalf of Boggabri Coal Operations Pty Ltd (BCOPL) to complete a Historic Heritage Assessment Report (HHAR) for the proposed Boggabri Coal Mine Modification (MOD 10). BCOPL is a wholly owned subsidiary of Idemitsu Australia Pty Limited (IA) which operates the Boggabri Coal Mine (BCM) on behalf of IA and its joint venture partners. BCM is an open cut coal mine located approximately 15 kilometres (km) northeast of Boggabri, 13 km south of Maules Creek in central northern NSW (**Figure 1-1**). MOD 10 is within the Narrabri Local Government Area (LGA).

Figure 1-1: Location of the Modification Mining Area.

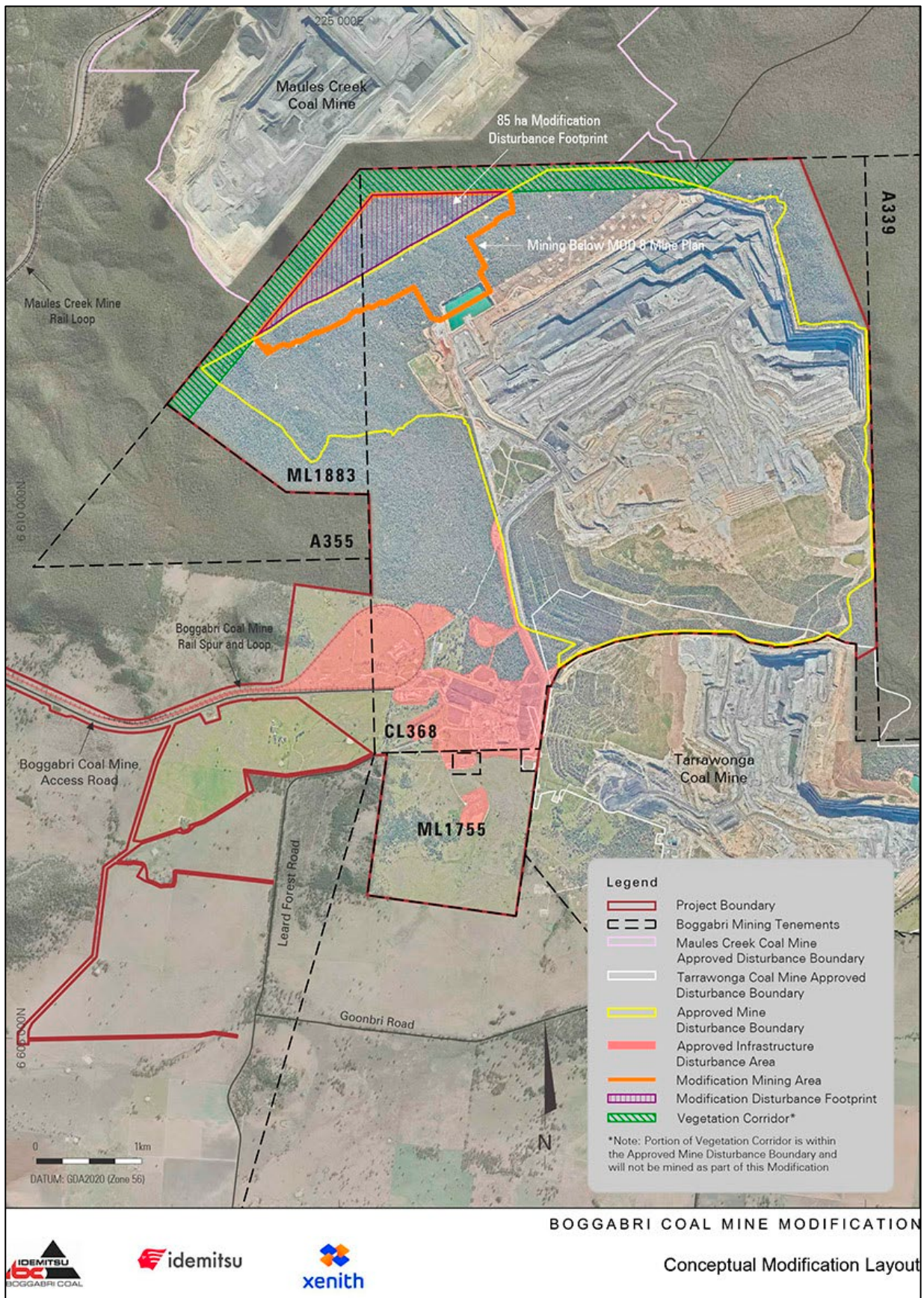


1.2 MODIFICATION DISTURBANCE FOOTPRINT

The Modification Mining Area describes the area in which additional mining operations are proposed to occur because of MOD 10. The Modification Mining Area includes areas of additional mining operations proposed within the approved Mine Disturbance Boundary, as well as the Modification Disturbance Footprint which includes areas beyond the approved Mine Disturbance Boundary where additional surface impacts associated with MOD 10 will be located. The Modification Disturbance Footprint covers an area of approximately 85 hectares (ha) outside of

the existing approved Mine Disturbance Boundary where additional mining disturbance will occur because of MOD 10 (Figure 1-2).

Figure 1-2: Conceptual Modification Layout.



1.3 MODIFICATION OVERVIEW

MOD 10 proposes the progression of mining operations at BCM towards the northwest beyond the currently approved Mine Disturbance Boundary, however, will remain entirely within the existing Project Boundary. MOD 10 is proposed to recover an additional 30 million tonnes (Mt) of Run of Mine (ROM) coal which will generate approximately 25 Mt of product coal. MOD 10 would involve the following:

- Disturbance to an additional 85ha of land in the Modification Disturbance Footprint (**Figure 1-2**)
- Extension to the life of mining operations by four years until the end of 2040
- Revisions to the Conceptual Final Landform design to reflect the additional mining area.

MOD 10 does not seek to extend mining disturbance into the Vegetation Corridor between the BCM and the Maules Creek Coal Mine (MCCM) which BCOPL will retain on its side of the mining lease in accordance with the current approval requirements.

The current assessment will only cover the Modification Disturbance Footprint where Modification impacts to unassessed landforms are located. Disturbance within the approved Mine Disturbance Boundary has been previously assessed and is approved under the current BCM approval. Management of historic cultural heritage in the approved Mine Disturbance Boundary is in accordance with the approved BCM Heritage Management Plan (HMP).

2 HISTORIC HERITAGE ASSESSMENT: INTRODUCTION

2.1 RELEVANT LEGISLATION

2.1.1 Commonwealth legislation

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) provides a framework to protect nationally significant flora, fauna, ecological communities, and heritage places. The EPBC Act establishes both a National Heritage List and Commonwealth Heritage List of protected places. These lists may include Aboriginal cultural sites or sites in which Aboriginal people have interest. The assessment and permitting processes of the EPBC Act are triggered when a proposed activity or development could potentially have an impact on one of the matters of national environmental significance listed by the Act. Ministerial approval is required under the EPBC Act for proposals involving significant impacts to National/Commonwealth heritage places.

Applicability to the Modification

It is noted there are no Commonwealth or National heritage listed places within the Modification Disturbance Footprint, and as such, the heritage provisions of the EPBC Act do not apply.

2.1.2 State legislation

The *Environmental Planning and Assessment Act 1979* (EP&A Act) established requirements relating to land use and planning. The main parts of the EP&A Act that relate to development assessment and approval are Part 4 (development assessment) and Part 5 (environmental assessment). The Minister responsible for the Act is the Minister for Planning and Public Spaces.

The EP&A Act currently provides the primary legislative basis for planning and environmental assessment in NSW.

The EP&A Act includes provisions to ensure that the potential environmental impacts of a development or activity are rigorously assessed and considered in the decision-making process.

The framework governing environmental and heritage assessment in NSW is contained within the following parts of the EP&A Act:

- Part 4: Local government development assessments, including heritage. May include schedules of heritage items
 - Division 4.7: Approvals process for state significant development.

Applicability to the Modification

MOD 10 will be assessed under Part 4 Division 4.7 of the EP&A Act.

As MOD 10 is a State Significant Development (SSD) (SSD 09_0182 Mod 10), if approved, Section 4.41 of the EP&A Act would apply and provides a defence for any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements.

Section 4.41 of the EP&A Act also notes that an approval under Part 4 Division 4.7, permits under the *Heritage Act 1977* (Heritage Act) are not required.

Heritage Act 1977

The Heritage Act is applicable to the current assessment. This Act established the Heritage Council of NSW. The Heritage Council's role is to advise the government on the protection of heritage assets, make listing recommendations to the Minister in relation to the State Heritage Register (SHR), and assess/approve/decline proposals involving modification to heritage items or places listed on the SHR. Most proposals involving modification are assessed under Section 60 of the Heritage Act.

Automatic protection is afforded to 'relics', defined as 'any deposit or material evidence relating to the settlement of the area that comprised New South Wales, not being Aboriginal settlement, and which holds state or local significance' (note: formerly the Act protected any 'relic' that was more than 50 years old. Now the age determination has been dropped from the Act and relics are protected according to their heritage significance assessment rather than purely on their age). Excavation of land on which it is known or where there is reasonable cause to suspect that 'relics' will be exposed, moved, destroyed, discovered, or damaged is prohibited unless ordered under an excavation permit.

Applicability to the Modification

There are no SHR listed items inside or within a 5 km radius of the Modification Disturbance Footprint.

2.1.2.1 Secretary's Environmental Assessment Requirements

NSW DPHI issued the Secretary's Environmental Assessment Requirements (SEARs) on 24 September 2024.

These SEARs refer to a Controlled Action under the EPBC Act. This Controlled Action is for potential impacts to threatened species and communities, and water resources. Accordingly, there are no requirements regarding heritage investigations in the SEARs.

2.2 ASSESSMENT APPROACH

The inspection and assessment of heritage significance follows the:

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Burra Charter). The International Council on Monuments and Sites.

- *Investigating Heritage Significance. A guide to identifying and examining heritage items in NSW.* Heritage Council of NSW 2021.
- *Assessing heritage significance. Guidelines for assessing places and objects against the Heritage Council of NSW criteria.* Department of Planning and Environment 2023.

2.3 HISTORIC HERITAGE ASSESSMENT OBJECTIVES

The current assessment will apply the guidelines established in Heritage Council 2021.

The historical heritage assessment, including field investigations, will meet the following objectives:

- Objective One:** To identify whether historical heritage items or areas are, or are likely to be, present within the Modification Disturbance Footprint.
- Objective Two:** To assess the significance of any recorded historical heritage items or areas.
- Objective Three:** Determine whether the proposal is likely to cause harm to recorded historical heritage items or areas.
- Objective Four:** Provide management recommendations and options for mitigating impacts.

2.4 DATE OF HISTORIC HERITAGE ASSESSMENT

The historic heritage assessment took place at the same time as the Aboriginal heritage assessment on the 17–18 October 2024.

The fieldwork survey was undertaken by:

- Fieldwork Director: Tenae Robertson, (OzArk Project Archaeologist; B Archaeological Practices, Australian National University).

2.4.1 Reporting

The reporting component of the heritage assessment was undertaken by:

- Report author: Dr. Bernadette Drabsch (OzArk Heritage Consultant, BA Ancient History, BNHI Hons and PhD Design/Archaeology, University of Newcastle)
- Reviewer: Ben Churcher (OzArk Director and Principal Archaeologist; BA (hons) University of Queensland, Dip Ed. University of Sydney).

3 HISTORIC HERITAGE ASSESSMENT: BACKGROUND

3.1 BRIEF HISTORY OF BOGGABRI AND DISTRICT

The region around Boggabri is within the traditional lands of the Gamilaroi (also spelt Gamilaraay, Gomeroi, and Kamilaroi) people, who occupied the land between the Liverpool Plains to the Gwydir (NPWS 2012: 7). The name, 'Boggabri' is believed to have been taken from a Kamilaroi word meaning 'place of many creeks' (Reed 1969: 19).

The first British person to visit the area was explorer, John Oxley, who crossed the Liverpool Plains in 1817 and reached the Nandewar Range in 1818 (Smith 2006: 1). He was soon followed by botanist and explorer, Allan Cunningham, who passed through the area in 1823. The first British person to settle in the area was escaped convict turned bushranger, George 'the Barber' Clarke. Clarke arrived in 1825 and lived with the Gamilaroi people for several years, based at Barbers Lagoon just north of modern-day Boggabri (Pearson 2011). Whilst he was eventually captured by police and hung for his crimes, Barber assimilated with the local Aboriginal community, undergoing initiation ceremonies and taking two Aboriginal wives (Archaeology Australia 2009: 8). Two local landmarks, Barbers Lagoon and Barbers Pinnacle, still bear his name.

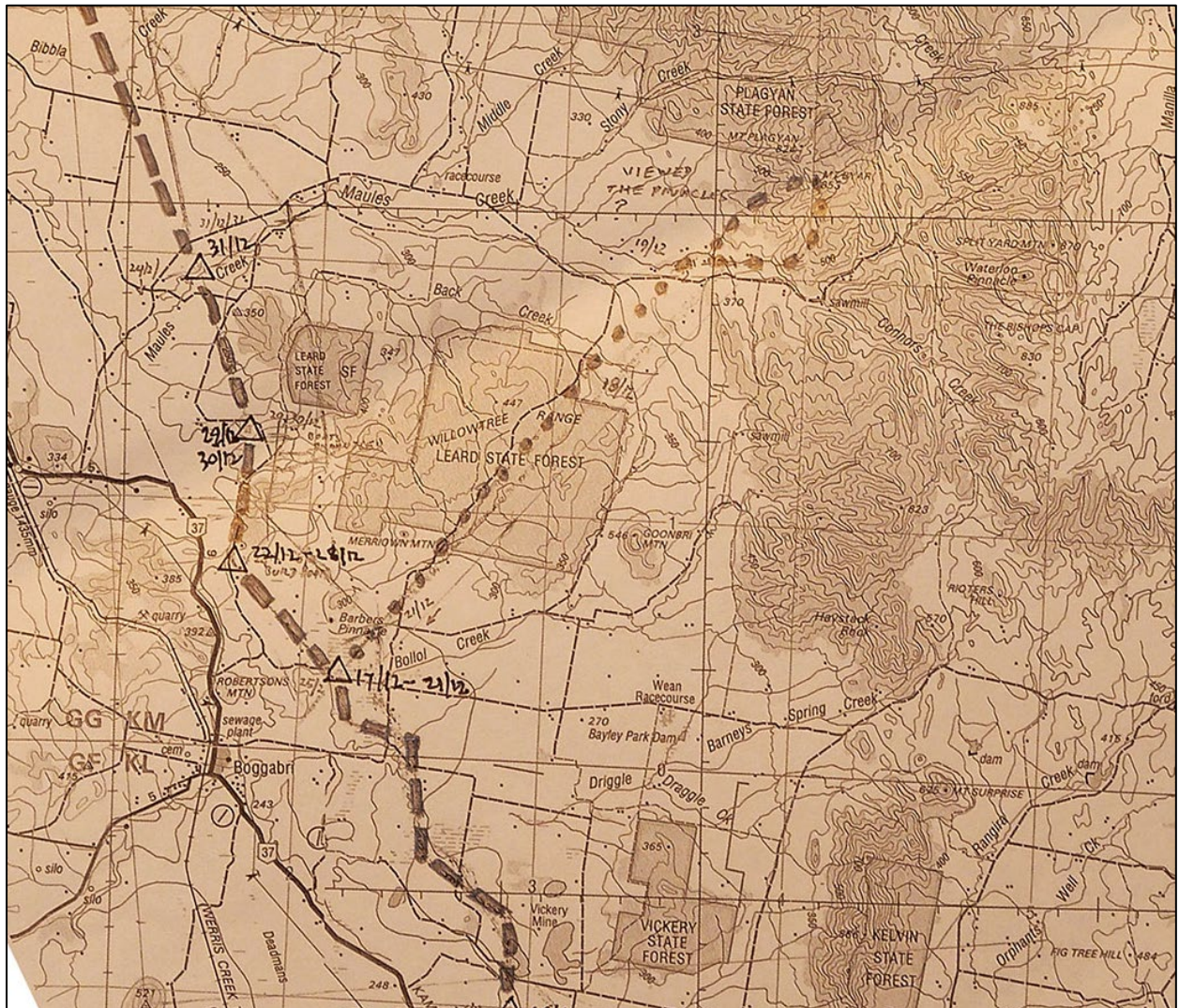
In 1831, intrigued by Barber's accounts about a 'great river', Surveyor General Major Thomas Mitchell, who succeeded Oxley, set out to explore the region, arriving at the Namoi River on the December 16, 1831. There he located what he believed to be Clarke's camp (Boyce 1970: 25), before exploring further down the Namoi and area to the northeast. He named the nearby stream Maules River, in honour of his friend Colonel Maule (Australian T&C Journal 1878). On December 18, Oxley made the following account in his journal:

We now quitted the line of the Namoi and proceeded in the direction north-east by north from Tangulda. We thus continued our route in a straight line up a long valley, until at ten AM we reached the crest of the low range previously mentioned. The rock consisted of a calcareous breccia, with water-worn pebbles. The carts had ascended to the crest without difficulty, and the descent to the country beyond was equally favourable.... CUTTING THROUGH A THICK SCRUB...At 15 miles we met an impenetrable scrub of forest oak (Casuarina) through which no passage appearing near, we were compelled, hot as the day was, to cut our way with axes where the trees were smallest and least numerous. We thus cleared our course for a mile and a half, when we had the good fortune to see once more an open forest before us, and after a journey of eighteen miles the party encamped on a dry watercourse, but without much prospect of finding any water.... When the camp was fixed, I rode forward with Mr. White and the native, and soon entered an extensive valley beyond which I could just perceive, through the general smoke, a majestic chain of mountains

extending to the westward. I never felt less love for the picturesque than at that time, for grand as the outline was, I could perceive no opening by which I could hope to cross it. (Oxley 1832).

Mitchell returned to the Namoi River after a few days and made camp near where he prepared for his journey downstream (**Figure 3-1**).

Figure 3-1: Map showing Oxley's expedition along the Namoi and through Leard State Forest to the Pinnacles, as drawn by Emeritus Professor John Fryer. Source: Hunter Living Histories, University of Newcastle.



The area had no British settlers when Mitchell passed through in 1831, however, he met a Mr. Brown on his return trip to Sydney, who had a station to the south (Wallamoul). Despite Governor Darling's 'Limits of Location' it was impossible to keep squatters from going beyond the approved regions, and in the decade following Mitchell's exploration there was strong interest in the area.

The first known squatter was Edward Cox, who took up 70,000 acres at 'Namoi Hut' in 1835, a site that latter became the township of Boggabri. The first settlement was established

approximately 20 km to the south of the Namoi River; however, severe flooding destroyed the town in the 1850s. A new site, in an area that was not inundated during the flood, was chosen at the confluence of the Namoi River and Cox's Creek and the township of 'Namoi Hut' was established. By 1847 numerous squatters had taken up land in the area and development was aided by the inspection of major south and west overland routes (Archaeology Australia 2009: 10).

The official township of Bogabri (later Boggabri) was gazetted in 1860. It was described as 'good agricultural land on the banks of a creek' and had a population of 50 people (Bailliere 1866). Free selection followed and the postal directory of 1878 listed 11 squatters and 24 selectors in the area.

Free selection resulted in many of the large tracts of land being divided and this was echoed in the 20th century through the *Returned Soldier Settlement Act 1916*. Settlement attempts by the returned servicemen often failed due to the small sizes of the grants, however, the evidence of the activities associated with this scheme, such as small houses and sheds, remain scattered across the landscape of the region (Archaeology Australia 2009: 11).

Pastoral operations, such as cattle and sheep grazing and cropping, required large amounts of land clearing. The removed timber was largely used on site for the construction of stockyards and buildings, and excess timber often became an additional source of income, supplying the early mills of the region (Archaeology Australia 2009: 11).

Logging was carried out in the local forests from the time of settlement; however, it never became a major industry in the area. While the Piliga forest was the principal forest, Leard State Forest was dedicated as a reserve in 1878 (at that time known as Back Creek Forest Reserve). However, the quality and quantity of the native pine and ironbark forest limited the success of the industry. According to local knowledge, the Willowdale Mill operated for some years and locals often cut logs in the Leard State Forest to supplement their income (T. Cassidy and R. Eather in Archaeology Australia 2009: 12).

3.1.1 Brief history of the Modification Disturbance Footprint and Region

The Modification Disturbance Footprint was incorporated into the large, early settlement properties, whose head stations and homesteads were located beyond its boundaries. According to the 1882 Parish Map, the Back Creek Forest Reserve was within the 'Boggabri Run'. This large land holding was held by Thomas Mort during the 1860s before being taken over by Ebenezer Vickery in 1870 and John William Augustine Laird (**Figure 3-2**). According to *The North Western Courier*, 11 November 1940, J.W.A Laird, was the:

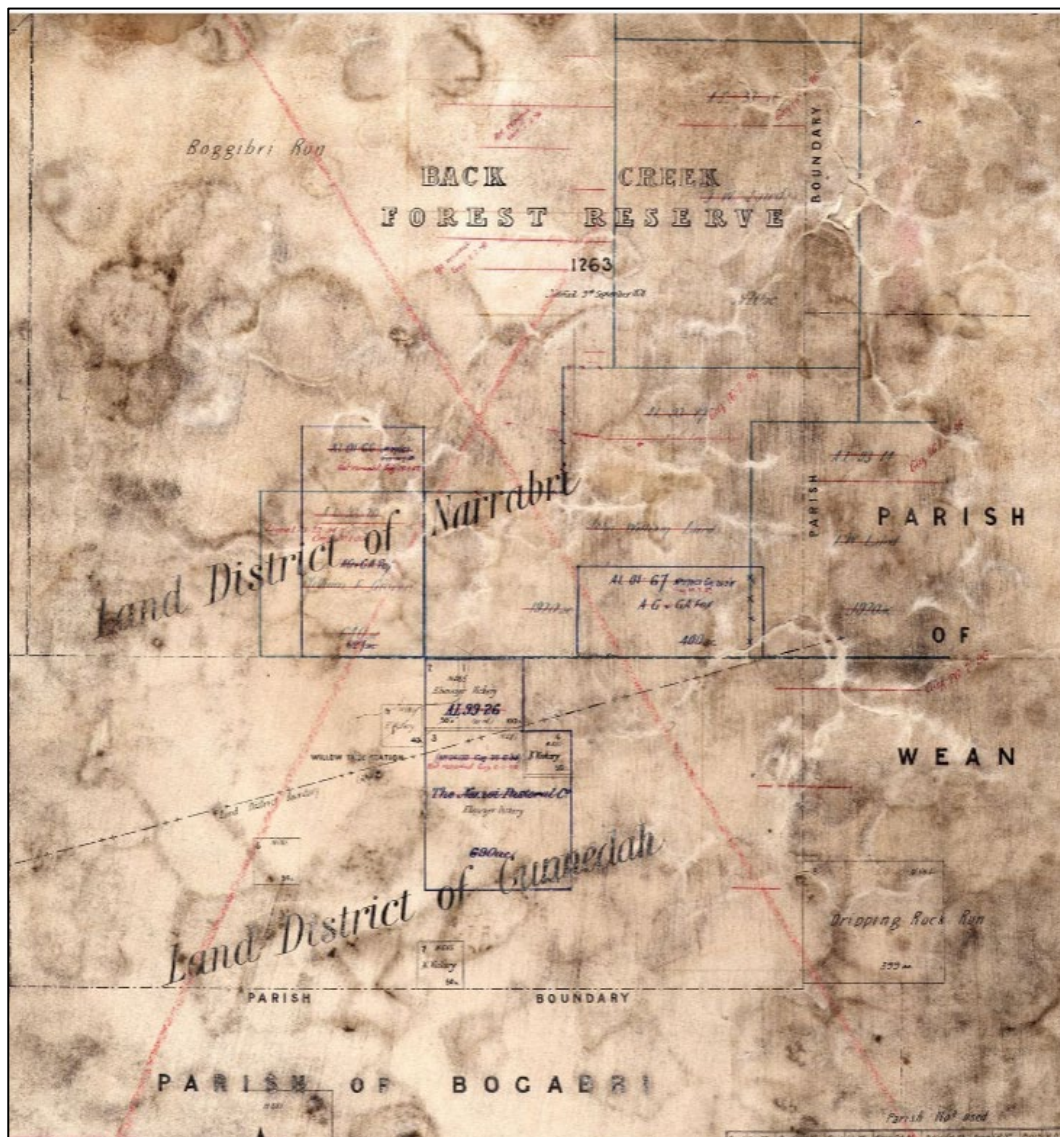
'son of William Joseph Laird, who was born at the old Coolah Station, Maule's Creek. At a very early age he selected a property at Maule's Creek, and on which he lived

for more than 60 years. This property he developed into one of the most valuable in the district. He was one of the first growers of wheat in the Maule's Creek district and established a reputation for fat lamb raising.

The Back Creek Forest Reserve was dedicated as Leard State Forest in 1917 and transitioned into the Leard State Conservation Area in December 2005, covering an area of 1176 ha. The Leard State Forest was subject to selective logging and stock grazing and there is no known evidence of settlement within the forest area (NPWS 2012: 1). While ironbark (*Eucalyptus crebra*) and native pine (*Callitris spp.*) are common within Leard State Forest, evidence indicates that the forest has only seen sporadic harvesting for timber resources (Archaeology Australia 2009: 26).

A survey conducted by Australian Archaeology within the BCM area in 2009 provided some evidence of logging activities but no extant material that indicated spot mills or logging camps (Archaeology Australia 2009: 26).

Figure 3-2: 1882 Parish map showing the region of the Modification Disturbance Footprint.



3.2 LOCAL CONTEXT

3.2.1 Desktop database searches conducted

A desktop search was conducted on the following databases to identify any potential previously recorded heritage items within the Modification Disturbance Footprint. The results of this search are summarised in **Table 3-1**.

Table 3-1: Historic heritage: desktop-database search results.

Name of database searched	Date of search	Type of search	Comment
National and Commonwealth Heritage Lists	17 October 2024	Narrabri LGA	There are no listed items within 5 km of the Modification Disturbance Footprint.
State Heritage Register	17 October 2024	NSW	There are no listed items within 5 km of the Modification Disturbance Footprint.
State Heritage Inventory (Local Environmental Plans/state agency registers)	17 October 2024	Narrabri LGA	There are no listed items within 5 km of the Modification Disturbance Footprint.

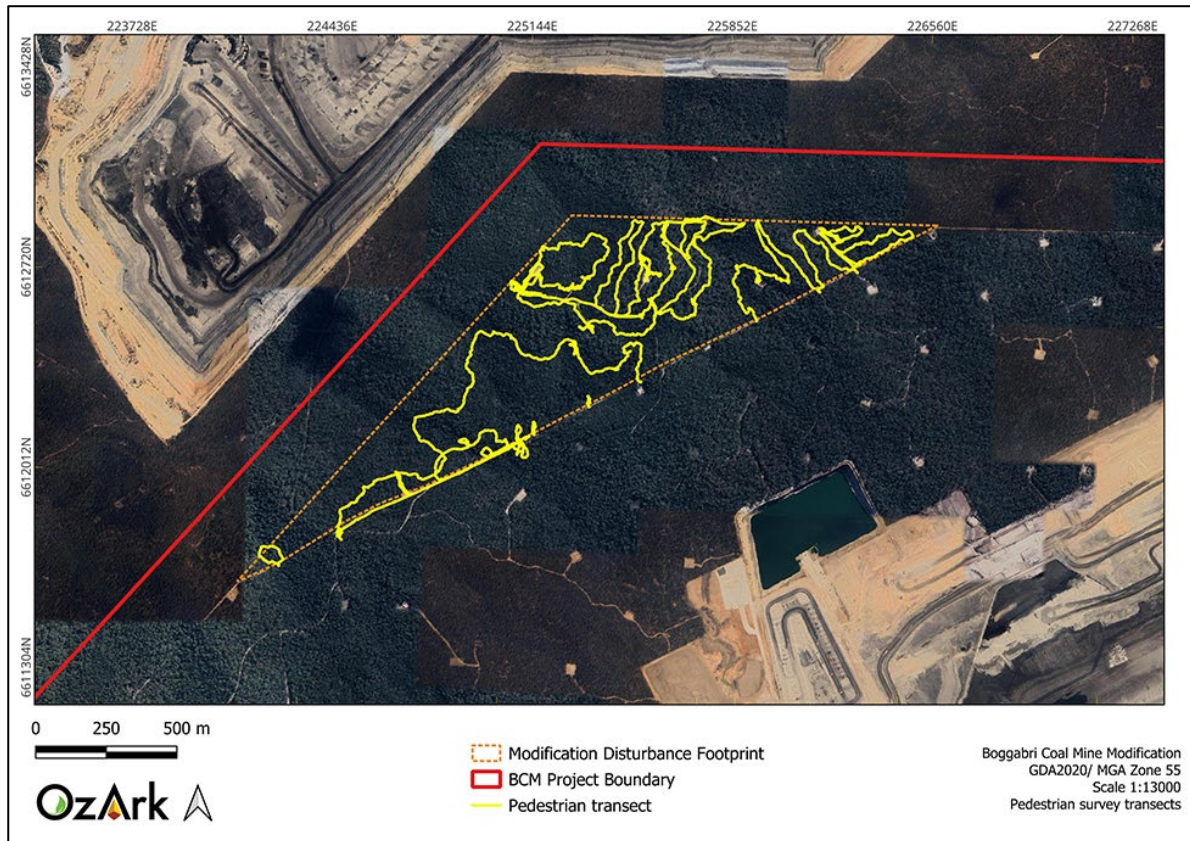
A search of the national, state, and local heritage databases, including the Narrabri Local Environmental Plan (LEP 2012), returned no records for historical heritage sites within the designated search areas.

4 RESULTS OF HISTORIC HERITAGE ASSESSMENT

4.1 SURVEY METHODOLOGY

Standard archaeological field survey and recording methods were employed in this study (Burke & Smith 2004). The survey encompassed the entire Modification Disturbance Footprint and consisted of a full pedestrian survey. The survey consisted of one archaeologist who captured the pedestrian tracks shown on **Figure 4-1**.

Figure 4-1: Pedestrian transects.



4.2 MODIFICATION CONSTRAINTS

The entire Modification Disturbance Footprint was accessible for survey. The only constraint was the very dense vegetation that limited visibility. It was considered, however, that the low visibility did not hinder the detection of significant historic items.

4.3 SURVEY RESULTS

No historic heritage items were recorded during the survey of the Modification Disturbance Footprint. There is no historic evidence of any structures existing within the confines of the Modification Disturbance Footprint, and from the period of British settlement following the 1830s, the Modification Disturbance Footprint was typically used for grazing and logging activities in association with structures located off site. Because of this, there is a low potential for archaeological deposits within the Modification Disturbance Footprint.

5 ASSESSMENT OF HISTORIC HERITAGE SIGNIFICANCE

5.1 ASSESSMENT OF SIGNIFICANCE—GENERAL PRINCIPLES

Significance assessments are carried out on the basis that decisions about the future of heritage items must be informed by an understanding of these items' heritage values. The Burra Charter recognises four categories of heritage value: historic, aesthetic, scientific, and social significance (Article 1.2, Burra Charter).

Items are categorised as having local or state level, or no significance. The level of significance is assessed in accordance with the geographical extent of the item's value. An item of state significance is one that is important to the people of NSW whilst an item of local significance is one that is principally important to the people of a specific LGA.

5.2 ASSESSMENT OF SIGNIFICANCE OF HISTORIC ITEMS

While no items of historic heritage significance were recorded during the field survey, background research indicates that the Modification Disturbance Footprint has been connected to important explorers and pioneering families of the Boggabri region.

The Modification Disturbance Footprint has associative significance within the early British settlement of the Liverpool Plains, however, contains no items or archaeological deposits that could provide further evidence of this association.

6 MANAGEMENT AND MITIGATION: HISTORIC HERITAGE

6.1 GENERAL PRINCIPLES FOR THE MANAGEMENT OF HISTORIC SITES

Appropriate management of heritage items is primarily determined based on their assessed significance as well as the likely impacts of the proposed development.

In terms of best practice and desired outcomes, avoiding impact to any historical item is a preferred outcome, however, where a historical site has been assessed as having no heritage value, impacts to these items does not require any legislated mitigation.

6.2 MANAGEMENT AND MITIGATION OF RECORDED HISTORIC SITES

There were no items of historic heritage significance within the Modification Disturbance Footprint. As such, no management measures are required.

6.3 UNANTICIPATED FINDS PROTOCOL

Should consent for MOD 10 be granted, the Boggabri Coal Mine HMP must be updated to include the Modification Disturbance Footprint. The HMP includes a historic heritage unanticipated finds protocol to appropriately manage items of historic heritage significance that may be discovered.

7 RECOMMENDATIONS

The following recommendations are made based on the impacts associated with MOD 10 and with regard to:

- Legal requirements under the terms of the Heritage Act
- Guidelines presented in the Burra Charter
- The findings of the current assessment
- The interests of the local community.

It is noted that there are no significant heritage items within the Modification Disturbance Footprint and that archaeological deposits relating to the historic settlement of the land are very unlikely.

Recommendations concerning the historic values within the Modification Disturbance Footprint are as follows.

1. Following development consent of MOD 10, the Boggabri Coal Mine HMP must be updated to include the Modification Disturbance Footprint. The HMP includes a historic heritage unanticipated finds protocol to appropriately manage items of historic heritage significance that may be discovered.
2. It is assessed that ground disturbing works associated with MOD 10 will not harm significant historical archaeological deposits and no further archaeological investigation is required.
3. All land-disturbing works must be confined within the assessed Modification Disturbance Footprint. Should Modification impacts change such that the area to be impacted is outside of the assessed Modification Disturbance Footprint, then additional assessment may be required.

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