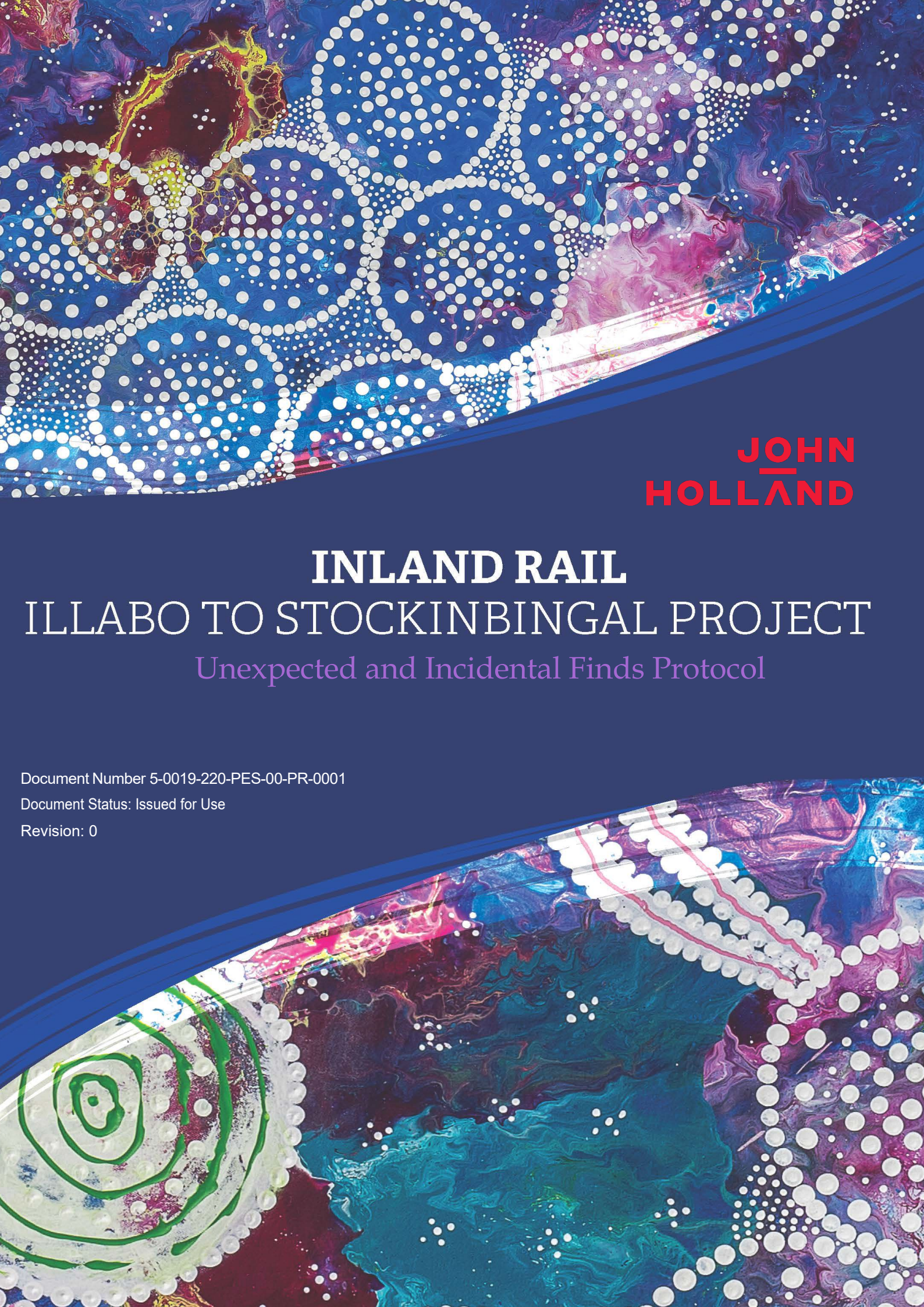




**JOHN
HOLLAND**

INLAND RAIL

ILLABO TO STOCKINBINGAL PROJECT

Unexpected and Incidental Finds Protocol

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Document Owner	Hugh Goymour	
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Title	Environment & Sustainability Manager	Project Manager
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1.0 Revisions and Distribution

1.1 Revisions

Draft issues of this document are identified as Revision A, B, C etc. Following acceptance by the document approver, the first finalised revision will be Revision 0. Subsequent revisions will have an increase of “1” in the revision number (1, 2, 3 etc.).

1.2 Distribution

The controlled master version of this document is available for distribution as appropriate and maintained on the document management system being used on the project. All circulated hard copies of this document are deemed to be uncontrolled.

Distributions

Client's Representative	Conrad Strachan - IRPL
Project Director	Rob Pitt - JHG
Project Manager	Andy Buchanan - JHG
Quality & Completions Manager (Project Quality Representative)	Shane Aberdeen - JHG
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Disclaimer

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2.0 Definitions / Abbreviations

Table 2-1: Definitions and Abbreviations

Term/Abbreviation	Definition
Aboriginal object	Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains as per the <i>National Parks and Wildlife Act 1974</i> Examples: - Stone tool artefacts - Axe grinding grooves - Pigment or engraved rock art - Burial sites - Scarred trees
ACM	Asbestos Containing Material
ARTC	Australian Rail Track Corporation
ASS	Acid Sulphate Soils
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
CA Act	<i>Coroner's Act 2009</i>
CoA	Conditions of Approval
CSSI	Critical State Significant Infrastructure
DPHI	Department of Planning Housing and Infrastructure
Environmental Assessment Documentation	• Inland Rail – Illabo to Stockinbingal Environmental Impact Statement (ARTC 2022) • Illabo to Stockinbingal Project Response to Submissions (ARTC 2023) • Response to Submissions – Appendix E - Biodiversity Development Assessment Report version 12 (IRDJV, June 2024) • I2S – Mitigation Measures (Inland Rail, April 2024) • Illabo to Stockinbingal (SSI-9604) Additional and Appropriate Measures for Box Gum Woodland Impacts (Inland Rail, June 2024) • Technical and Approvals Consultancy Services: Illabo to Stockinbingal – Box Gum Woodland Gum Flat Rehabilitation Opportunity (IRDJV, June 2024)
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ER	Environmental Representative
Heritage Act	<i>Heritage Act 1977</i>
HNSW	Heritage NSW
Human remains	Human remains may be identified as either Aboriginal objects or non-Aboriginal relics, depending on the individual's ancestry and the burial context. Remains are considered to be archaeological when it is suspected that they date back 100 years or more.
IRPL	Inland Rail Pty Ltd
I2S	Illabo to Stockinbingal
JH	John Holland
LALC	Local Aboriginal Land Council

Term/Abbreviation	Definition
LGA	Local Government Area
LIW	Low Impact Works Work defined as low impact includes: (a) survey works including carrying out general alignment surveys, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments; (d) property acquisition adjustment work including installation of property fencing; (e) archaeological testing under the Code of practice for archaeological investigation of Aboriginal objects in NSW (Department of Environment Climate Change and Water, 2010) or archaeological monitoring undertaken in association with Low Impact work to ensure that there is no impact on heritage items; (f) archaeological and cultural salvage undertaken in accordance with a strategy or salvage operation required by the conditions of this approval; (g) maintenance work to existing buildings and structures as required to facilitate the carrying out of the CSSI; and (h) other activities determined by the ER to have minimal environmental impact which may include relocation and connection of utilities, establishment of minor ancillary facilities in accordance with Condition C9 construction of minor access roads (other than access roads' connection to the road network), temporary relocation of pedestrian paths and the provision of property access. (i) Site establishment work approved under a Site Establishment Management Plan in accordance with Condition C5. Despite the above, the following works are not Low Impact Work: (i) where heritage items, or threatened species or their habitat, or threatened ecological communities (within the meaning of the Biodiversity Conservation Act 2016), are adversely affected or potentially adversely affected by any low impact work as defined in (a) to (n) above, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, EHG BCS or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (ii) any Work undertaken outside the hours specified in Condition E1 that exceeds noise management and vibration levels as identified in Condition E3 (b). <i>Notes:</i> 1. <i>Early stages of Work are not necessarily low impact work.</i> 2. <i>Low Impact work is not Construction as defined by this approval.</i> 3. <i>The low impact work described in this definition becomes Construction with the approval of a CEMP. Where low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced.</i>
Non-Aboriginal heritage items	"Any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local heritage significance" as defined by the <i>Heritage Act</i>. Items may include: - Archaeological relics - Other historic items (i.e., works, structures, buildings, or movable objects).
NPW Act	<i>National Parks and Wildlife Act 1974</i>



Term/Abbreviation	Definition
NSW	New South Wales
PCBs	Polychlorinated biphenyls
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Protocol	This Unexpected and Incidental Finds Protocol
RAP	Registered Aboriginal Party
Relics	Relics are archaeological items of local or state significance in NSW, reflecting past domestic, industrial, or agricultural activities. Examples include bottles, pottery, and building materials.
TEC	Threatened Ecological Communities
UEMM	Updated Environmental Management Measures
Unexpected Heritage Find	An Aboriginal or non-Aboriginal object, relic, feature, or place discovered (or suspected to be present) during the carrying out of the CSSI of heritage significance which was not identified in the documents listed in CoA A1. An unexpected heritage find can include human remains if they are deemed to be historical.
Work	Any physical work for the purpose of the CSSI including construction and low impact work, but not including operational maintenance work.



3.0 Introduction

3.1 Background

Inland Rail is an approximate 1,600 kilometres (km) freight rail network that will connect Melbourne and Brisbane via regional Victoria, New South Wales (NSW) and Queensland. Comprising 12 sections, a staged approach is being undertaken to deliver Inland Rail.

The Australian Rail Track Corporation (ARTC), with Inland Rail Pty Ltd (IRPL) as its subsidiary for the Inland Rail project, received infrastructure approval for the Illabo to Stockinbingal (I2S) section of Inland Rail in September 2024. The approval for I2S (the Project) was granted by the Minister for Planning and Public Spaces under section 5.19 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).

The Project is located in south-western New South Wales (NSW) in the Riverina region (Figure 1.1). Illabo is a small town of approximately 132 people (Australian Bureau of Statistics, 2021) located at the southern end of the alignment, 16 kilometres (km) north-east of Junee in the Junee Local Government Area (LGA). Stockinbingal is a town of approximately 347 people (Australian Bureau of Statistics, 2021) is situated at the northern end of the project, approximately 20 km north-west of Cootamundra in the Cootamundra–Gundagai Regional LGA. The major towns surrounding the project are Wagga Wagga, about 50 km to the south, Young to the north-east and Cootamundra to the east.

The Project comprises a new rail corridor that would connect Illabo to Stockinbingal. The alignment branches out from the existing rail line north-east of Illabo and travels north to join the Stockinbingal–Parkes Line west of Stockinbingal. The route will travel primarily through undeveloped land predominantly used for agriculture. The project includes modifications to the tie-in points at Illabo and Stockinbingal to allow for trains to safely enter and exit the Illabo to Stockinbingal section of Inland Rail. The alignment also crosses several local and private roads, watercourses and privately owned properties. Additionally, no major towns are located within the project site between Illabo and Stockinbingal.

The Project will include a total extent of approximately 42.5 km, including 39 km of new, greenfield railway which will incorporate the following key features:

- Connection to other rail lines, including Stockinbingal to Parkes line, Lake Cargelligo line, and Main Southern Railway
- One crossing loop and maintenance siding
- Level crossings and stock crossings
- Bridges over rivers and other watercourses, floodplains, and roads
- Upgrades of around 3.5 km of existing track for the tie-in works to the existing Main South Line at Illabo
- New track to maintain Lake Cargelligo line connection either side of the proposal
- Realignment and road-over rail bridge for a section of the Burley Griffin Way at Stockinbingal



- Realignment of Ironbong Road to allow for safe sight lines at the new active level crossing
- Ancillary infrastructure to support the proposal, inclusive of signalling and communications, drainage, drainage control areas, signage and fencing, and services and utilities
- Construction infrastructure, including ancillary facilities, and a temporary workforce accommodation facility.

The Project will also include upgrades to approximately 3 km of existing track associated with tie-in works and construction of an additional 1.7 km of new track to maintain the existing rail network connections. Road upgrade works will also be undertaken to re-align approximately 1.4 km of Burley Griffin Way to provide a road-over-rail bridge at Stockinbingal. Re-alignment of Ironbong Road will also be completed to allow for safe sight lines. A temporary workforce accommodation camp will also be constructed to house the workforce for the duration of works. Key features of the Project are shown on Figure 1.2.

This Unexpected and Incidental Finds Protocol (Protocol) details the actions to be taken should any unexpected or incidental finds occur relating to:

- Threatened species or threatened ecological communities (TEC)
- Contamination hazards or contaminated land
- Aboriginal Cultural Heritage and non-Aboriginal Heritage and human remains.

The Protocol also details the response procedures, reporting and notification requirements in the case of unexpected and incidental finds.

This Unexpected and Incidental Finds Protocol (Protocol) applies to all works, including low impact works (LIW).

3.2 Scope

This Protocol is applicable to any physical work for the purpose of the Critical State Significant Infrastructure (CSSI), including construction and LIW, but not including operational maintenance work. This Protocol should be read in conjunction with the Construction Environmental Management Plan (CEMP) and relevant Sub-Plans. This Protocol outlines how John Holland (JH) proposes to manage unexpected and incidental finds, related to the following aspects, during works associated with the I2S Project:

- Threatened species and threatened ecological communities
- Contamination, hazards and contaminated land
- Aboriginal cultural heritage
- Non-Aboriginal heritage
- Human remains.

The Protocol outlines procedures for stopping work near unexpected or incidental finds to prevent further impact, along with steps for notifying relevant stakeholders and state agencies in writing through an established notification pathway.



The existence of this Protocol does not replace the need to prepare Environmental Work Method Statements and/or Safe Work Method Statements where required in accordance with other documents e.g. CEMP. This document is not intended to provide management controls required to protect human safety or meet health and safety industry requirements.

This document has been prepared by suitably qualified persons (in each discipline associated with the Unexpected Finds Protocol). These suitably qualified persons (SQE's) have over 5 years' experience in each field for similar projects to that of I2S (contamination, ecology, non-Aboriginal Heritage and Aboriginal Heritage) and hold the relevant qualifications required to act as SQE's in the preparation and endorsement of this document.

3.3 Purpose

This Protocol has been developed in accordance with Condition of Approval (CoA) A17, the Unexpected Heritage Finds and Human Remains Procedure prepared under CoA E143 (Appendix B) and the Unexpected Finds Procedure for Contamination under CoA E161 (Appendix C). This Protocol will be implemented in the event of an unexpected find relating to biodiversity, heritage (both Aboriginal and non-Aboriginal), human remains and contamination. An unexpected find is considered when an item relating to any of these aspects is uncovered that has not been previously identified within site investigations undertaken as part of the Environmental Assessment Documentation listed under CoA A1.

In the event of an unexpected or incidental find, specialist consultants, and relevant technical specialists, will be engaged to advise on the management and potential assessment of the unexpected find identified during work. Response procedures for unexpected finds are provided in Appendix A, B and C.

This Protocol and associated procedures will be implemented for the duration of all LIW and construction work associated with the I2S Project.

3.4 Objectives

The key objective of this Protocol is to provide a framework outlining appropriate environmental response procedures to be implemented during LIW and construction activities. These procedures will be implemented to minimise risks associated with unexpected and incidental finds relating to threatened species or threatened ecological communities (TEC), contamination, hazards or contaminated land, Aboriginal Cultural Heritage, non-Aboriginal Heritage and suspected human remains.

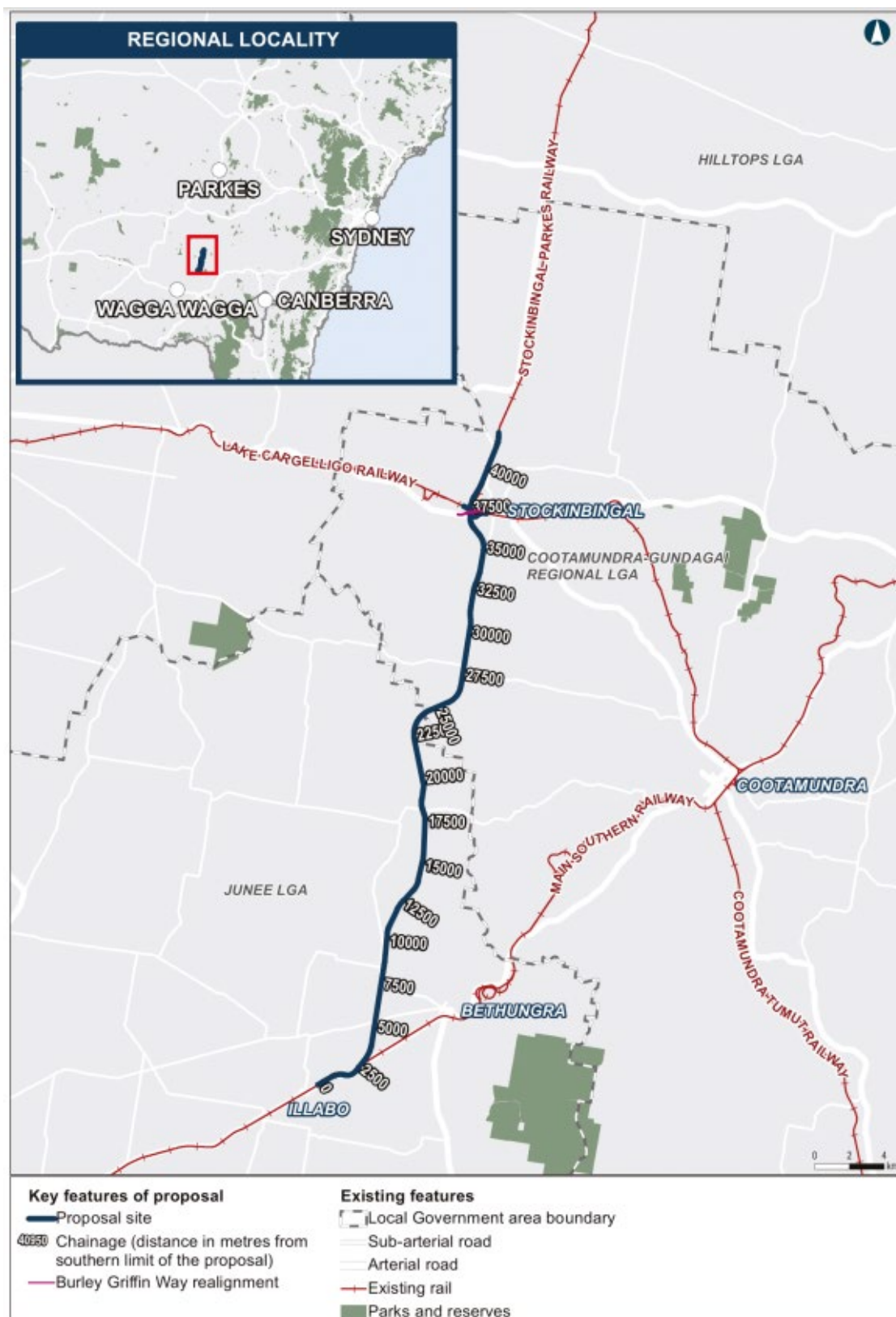


Figure 1.1 Project Locality. *From Illabo to Stockinbingal EIS, Chapter 1*

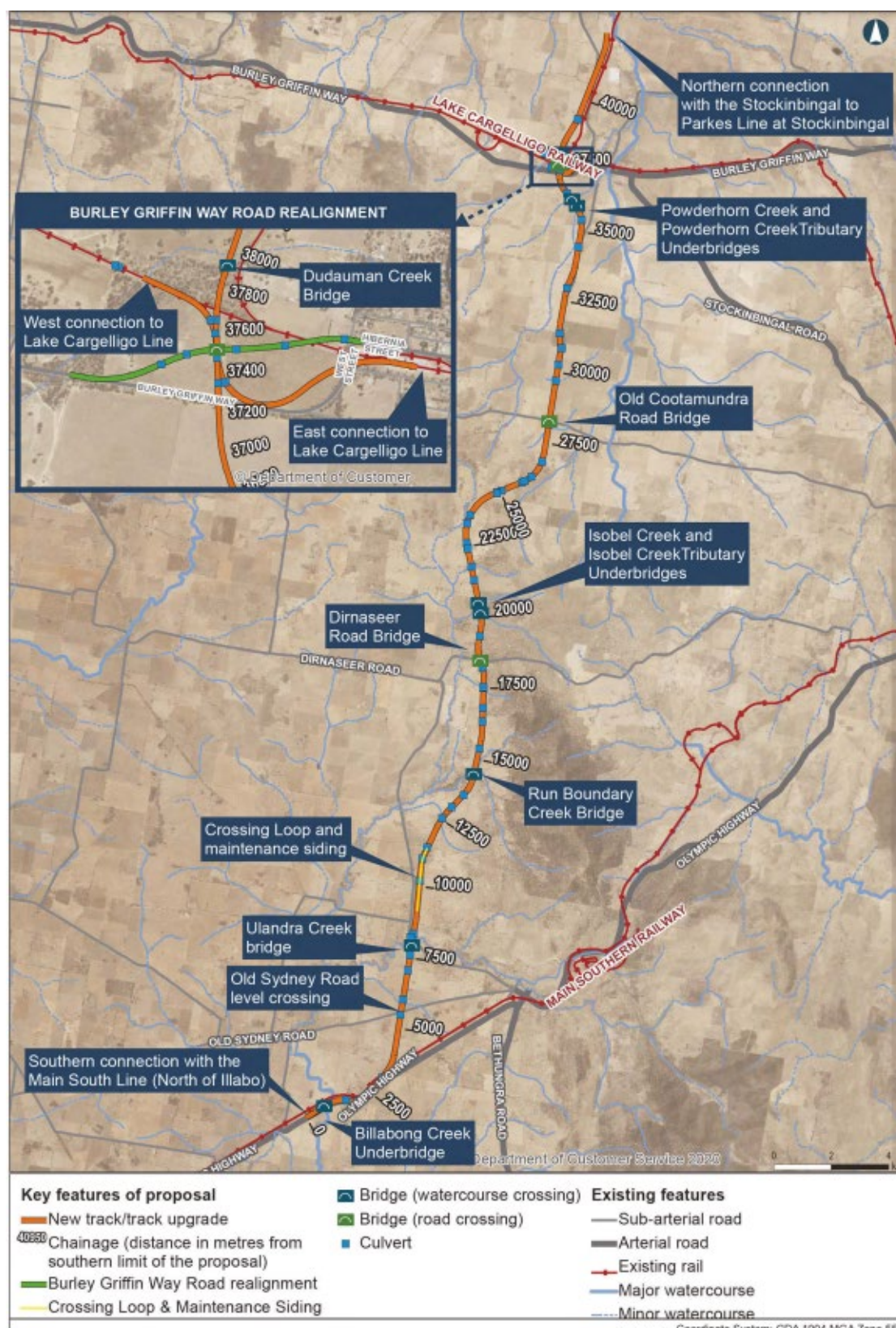


Figure 1.2 Key features of proposal. From Illabo to Stockinbingal EIS, Chapter 1

3.5 Relevant Legislation and Guidelines

Table 3-1 lists the principal legislation, regulation, plans, policies, guidelines, specifications, and Australian Standards that apply to this Protocol for the I2S Project.

Table 3-1: Relevant Legislation and Guidelines

Legislation	Commonwealth Legislation • <i>Environment Protection and Biodiversity Conservation Act 1999</i> NSW Legislation • <i>Biodiversity Conservation Act 2016</i> • <i>Fisheries Management Act 1994</i> • <i>National Parks and Wildlife Act 1974</i> • <i>Biosecurity Act 2015</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Protection of the Environment Operations (General) Regulation 2022</i> • <i>Protection of the Environment Operations (Waste) Regulation 2014</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>Contaminated Land Management Act 1997</i> • <i>Contaminated Land Management Regulation 2022</i> • <i>Heritage Act 1977</i> • <i>Heritage Regulation 2012</i>
Guidelines and Specifications	• <i>Due Diligence Code of Practice (DECCW 2010)</i> • <i>Biodiversity Guidelines (Protecting and Managing Biodiversity on RTA Projects)</i> • <i>National Environmental Protection Measure (Assessment of Site Contamination) 1999 (as amended 2013) (National Environment Protection Council 2013)</i> • <i>Waste Classification Guidelines (NSW EPA 2014)</i> • <i>Guidelines for Consultants Reporting on Contaminated Land (NSW EPA, 2020)</i> • <i>Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (NSW EPA 2015)</i> • <i>Guidelines for the NSW Site Auditor Scheme, 3rd Edition (NSW EPA 2017)</i> • <i>Guideline for the Management of Contamination (Roads and Maritime Services 2013c)</i> • <i>Environment Protection Authority: Sampling design part 1 - application, Contaminated Land Guidelines (NSW EPA, 2022)</i> • <i>Environment Protection Authority: Sampling design part 2 - interpretation, Contaminated Land Guidelines (NSW EPA, 2022)</i> • <i>Preparing Environmental Management Plans for Contaminated Land (NSW EPA, 2022)</i> • <i>Guidelines for biological survey and mapped data (Commonwealth of Australia, 2018)</i> • <i>Biodiversity Assessment Method (BAM) (DPE 2020)</i> • <i>Skeletal Remains Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977 (NSW Heritage Office, 1997)</i> • <i>Assessing Significance for Historical Archaeological Sites and 'Relics' (Heritage Branch of the Department of Planning, 2009)</i> • <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH 2011)</i> • <i>Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010)</i> • <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010)</i>

3.6 Conditions of Approval

Table 3-2: Relevant CoAs (SSI-9406)

CoA No.	Commitment	Section Reference
A17	Prior to the commencement of low impact work, an Unexpected and Incidental Finds Protocol must be developed for: a) threatened species and threatened ecological communities; b) contamination, hazards and contaminated land; c) Aboriginal Cultural Heritage; and d) non-Aboriginal Heritage. The Unexpected and Incidental Finds Protocol must include procedures for: (i) all Work in the associated location to stop to prevent further impact; and (ii) notifying the Planning Secretary and relevant state agencies in writing. Work must not recommence until the relevant state agencies have been consulted and any required approvals have been obtained. The Unexpected and Incidental Finds Protocol must be made publicly available prior to low impact work commencing and must be implemented during low impact work	This Protocol Appendix A Appendix B Appendix C
E143	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by Heritage NSW and submitted to the Planning Secretary for information before the commencement of Work.	Appendix B
E144	The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of Work. <i>Note: Human remains that are found unexpectedly during the carrying out of Work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.</i>	Appendix B
E161	An Unexpected Finds Procedure for Contamination must: a) be prepared prior to the commencement of Work and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered b) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved c) be reviewed by the Site Auditor and interim audit advice or a Section B Site Audit Statement provided certifying that the Unexpected Finds Procedure is appropriate d) be provided to the Planning Secretary and the EPA upon request with a copy of the interim audit advice or Section B Site Audit Statement attached e) be implemented throughout work.	Appendix C

3.7 Updated Environmental Mitigation Measures

Table 3-3: Relevant Updated Environmental Mitigation Measures

UEMM No.	Issue	Mitigation Measure	Section Reference
AH-11	Unexpected Finds	An unexpected finds procedure would be developed and included in the Aboriginal cultural heritage management plan to provide a consistent method for managing any unexpected Aboriginal heritage items discovered during construction, including potential heritage items or objects and a flow chart of the procedure on the findings of skeletal remains.	Appendix B
NAH-4	Unexpected finds including human skeletal remains	An unexpected finds procedure would be developed as part of the CEMP to provide a consistent method for managing any unexpected heritage or archaeological items and unexpected human skeletal remains. Non-Aboriginal awareness training (mitigation measure NAH-3) is to include a flow chart of the procedure on the findings of skeletal remains.	Appendix B
SC-7	Contamination Management	A contaminated land and hazardous materials management plan would be prepared and implemented as part of the CEMP. The plan would include but not be limited to: - procedures for incident management and managing unexpected contamination finds (an unexpected finds protocol).	Appendix C



4.0 Implementation

4.1 Training and Inductions

All site personnel (including sub-contractors) will be inducted on the potential for unexpected and incidental finds occurring, or likelihood of occurrence, within the project area and the required process under this Protocol. Training will include inductions, toolbox talks, pre-starts and targeted awareness training as required.

The project induction will include the following mandatory topics:

- How to identify suspected heritage relics and objects, including both Aboriginal and non-Aboriginal materials
- How to identify potential contamination
- How to identify threatened biodiversity
- Provide guidance on how to appropriately respond to unexpected finds
- Guidance on how personnel are to apply the Protocol on how to appropriately manage human remains, including notification and response procedures.

4.2 Roles and Responsibilities

An outline of responsibilities for site personnel relating to unexpected and incidental finds is included in Table 4-1.

Table 4-1: Roles and Responsibilities

Role	Responsibility
Project Manager (JHG)	• Manage project construction and site activities in line with this Protocol • Report environmental matters to the Project Director • Allocate appropriate contractor resources to meet environmental requirements • Plan and schedule construction while ensuring compliance with regulatory legislation and Protocol • Ensure site personnel are informed of changes to this Protocol e.g. via toolboxes and pre-starts • Notify ARTC/IRPL of incidents that have occurred including near misses • Notify the relevant regulatory agencies where JHG has hold the licence and permit
Environmental and Sustainability Manager	• Assisting Site Supervisor with the implementation of this Protocol • Liaise with specialist consultants and ARTC/IRPL (as directed by Project Manager) • Notify Site Supervisor and or Project Manager of incidents as required

	• Complete incident investigation and reporting (where required) • Updates to this Protocol and management plans (where required) and any changes are communicated to the Project Team.
Site Supervisors (JHG)	• Oversee on-site project management and control • Ensure that the Protocol and procedures are communicated to all site personnel under their management and are being fully implemented on site e.g. via attendance to site inductions, toolboxes and pre-starts • Ensure site personnel are informed of changes to this Protocol e.g. via toolboxes and pre-starts • Stop work as required • Delineate the area • Contact Environmental Manager and Project Manager • Manage access into and out of the site
Environmental Representative (ER)	• Provide environmental advice to the Project management team to assist them with achieving compliance with this Protocol • Undertake regular site inspections to ensure activities are adhering to this Protocol • As considered necessary, recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impacts to the environment and to the community • Monitor the implementation of the Unexpected Finds Protocol to ensure implementation is undertaken in accordance with the terms of the approval
Specialist consultants – Ecologist, Archaeologist, Contaminated Land Expert.	• Advise on the nature of any find, including whether it should be considered “unexpected” in terms of the Planning Approval • Indicate the required exclusion area or “no-go” zone for any nearby works • Advise on any controls that should be put in place to manage the find and the likely impact from the proposed work • Develop any required management plan (or equivalent) for the management of any unexpected find. • Call on other technical specialists as required to assist in any identification and management of the unexpected find. • Assist in the completion of any required notifications in consultation with the Project Environment Team

	• Notify RAPs and LALC's in the event of an unexpected find associated with Aboriginal Heritage or suspected Aboriginal remains.
Site Auditor (Contamination)	• A Site Auditor(s) is to oversee the management of contamination issues. • The Site Auditor is to review all documentation relevant to contamination, including previous site audits, and provide a written opinion on the contamination risk and the appropriateness of the reports and any proposed management measures of the site, including (but not limited to): • the management and monitoring plans in Conditions C12 and C17, where relevant, including any updates or amendments to those plans; • Sampling and Analysis Quality Plan in Condition E154; • Detailed Site Investigation Report(s) in Condition E155; • Remedial Action Plans in Condition E156; • Unexpected Finds Procedure for Contamination in Condition E161; and • Post-remediation validation reports.
Construction Personnel	• Complete an environmental induction before accessing the site • Comply with legislative requirements • Stop work in the event of an unexpected find • Report all unexpected finds or human remains, environmental incidents or potential hazards to area supervisor • Follow environmental plans, protocols and procedures
ARTC / IRPL	• Make notifications to the Planning Secretary under the terms of the MCoA A34 and A35. • Notify and liaise between relevant government agencies in the event that an impact has occurred or is likely to occur in relation to the unexpected find. • Provide written approval to recommence work (as required) • IRPL will need to report any unexpected find identified in accordance with ARTC /IRPL Approvals. • Where an event occurs within the ARTC rail corridor and JHG is operating under the ARTC EPL the event must be reported to both ARTC and IRPL
UGL Regional Link (CRN)	• Where an event occurs within the UGL Regional Link rail corridor and JHG is operating under the UGL Regional Link EPL the event must be reported to both UGL Regional Link and IRPL

4.3 Emergency Contacts

A list of key emergency contacts is provided in Table 4-2.

Table 4-2: Emergency Contacts

Emergency Contact	Contact Details	When to contact
Environment Protection Authority (EPA)	131 555	In the event of confirmed contamination
Department of Planning, Housing and Infrastructure	1300 305 695	In the event of an environmental incident resulting in environmental contamination or harm
Department of Climate Change, Energy, the Environment and Water (Cth)	1800 920 528	In the event of a discovery of actual or potential impacts to Commonwealth listed threatened communities or species.
Biodiversity Conservation Science Division	1300 992 688	In the event of confirmed threatened species and/or TEC
SafeWork NSW	131 050	In the event of confirmed contamination
RSPCA / WIRES	1300 094 737	To report injury to wildlife
Heritage NSW	(02) 9873 8500	In the event of confirmed heritage item or suspected human remains
NSW Enviro Line	131 555	In the event of unexpected finds or suspected heritage finds or human remains
NSW Police	(02) 6922 2599 (Wagga Wagga District Command) 000 (emergency only)	In the event of suspected human remains

4.4 Review

This Protocol will be reviewed as needed in response to an unexpected find, audit finding, incident or near miss.

Appendix A - Unexpected Finds Procedure - Biodiversity

Introduction

This procedure describes how to manage unexpected finds associated with threatened flora species, fauna species and/or Threatened Ecological Community (TEC) during works. This procedure has been prepared to meet the requirements of the Conditions of Approval, particularly CoA A17.

This Procedure is applicable to any physical work for the purpose of the CSSI including construction and low impact work (LIW) but not including operational maintenance work, and will support the Construction Environmental Management Plan (CEMP) and relevant Sub-Plan.

Relevant Legislation and Guidelines

Legislation and guidelines relevant to this procedure are detailed in Section 3.5.

Reporting

A record of the unexpected finds will be maintained by the Contractor and will include the following details as a minimum:

- Date, time, and location of unexpected find
- Details of discovery site (GPS points, description of vegetation, soil types, microhabitat and/or any other features present)
- Photographs of items observed
- Details regarding assessment by the Environmental and Sustainability Manager (and advice from suitably qualified ecologist or specialist)
- Actions undertaken before work recommenced
- Relevant sign off on approval to recommence works.

If an Unexpected Find is also an incident as defined the MCoA, all Incident Notification and Reporting must follow SSI -9406 CoA A34 & A35 and EPBC 2018/8233 CoA 35 & 36 (where required) including the requirements set out in Appendix A of the Infrastructure Approval SSI-9406.

Unexpected Finds Procedure- Biodiversity

In the event an unexpected, threatened flora or fauna species or TEC is encountered during works, the procedure outlined below must be followed.

UNEXPECTED FINDS PROCEDURE - BIODIVERSITY

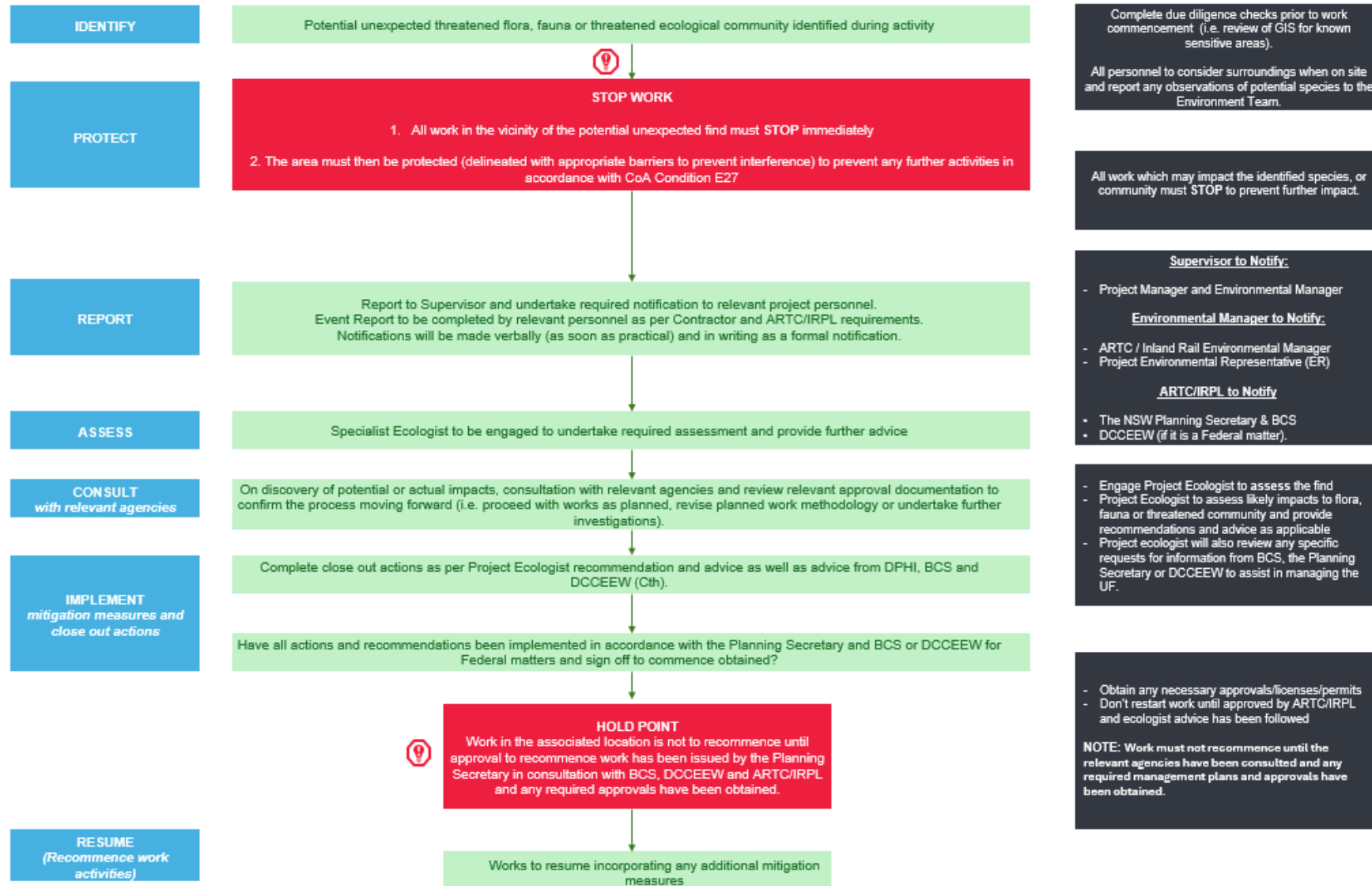


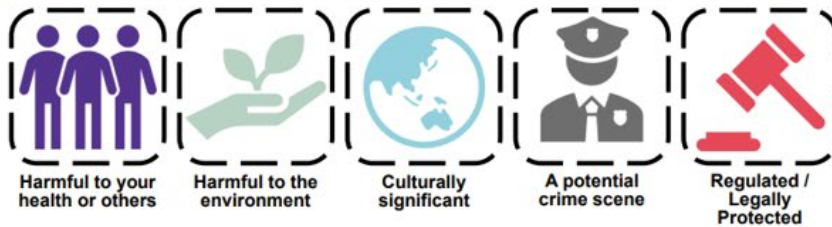
Figure A1: Unexpected Finds Procedure, Biodiversity



WHAT IS IT

An unexpected find is the discovery of any previously unidentified or otherwise unforeseen item during planning such as threatened flora, fauna or Threatened Ecological Communities, whilst completing activities.

WHY ARE THEY IMPORTANT



IF YOU MAKE AN UNEXPECTED FIND



IF YOU BELIEVE YOU HAVE MADE AN UNEXPECTED FIND, PLEASE TELL YOUR SUPERVISOR/LEADING HAND IMMEDIATELY

EXAMPLES OF THREATENED SPECIES THAT MAY BE ENCOUNTERED:

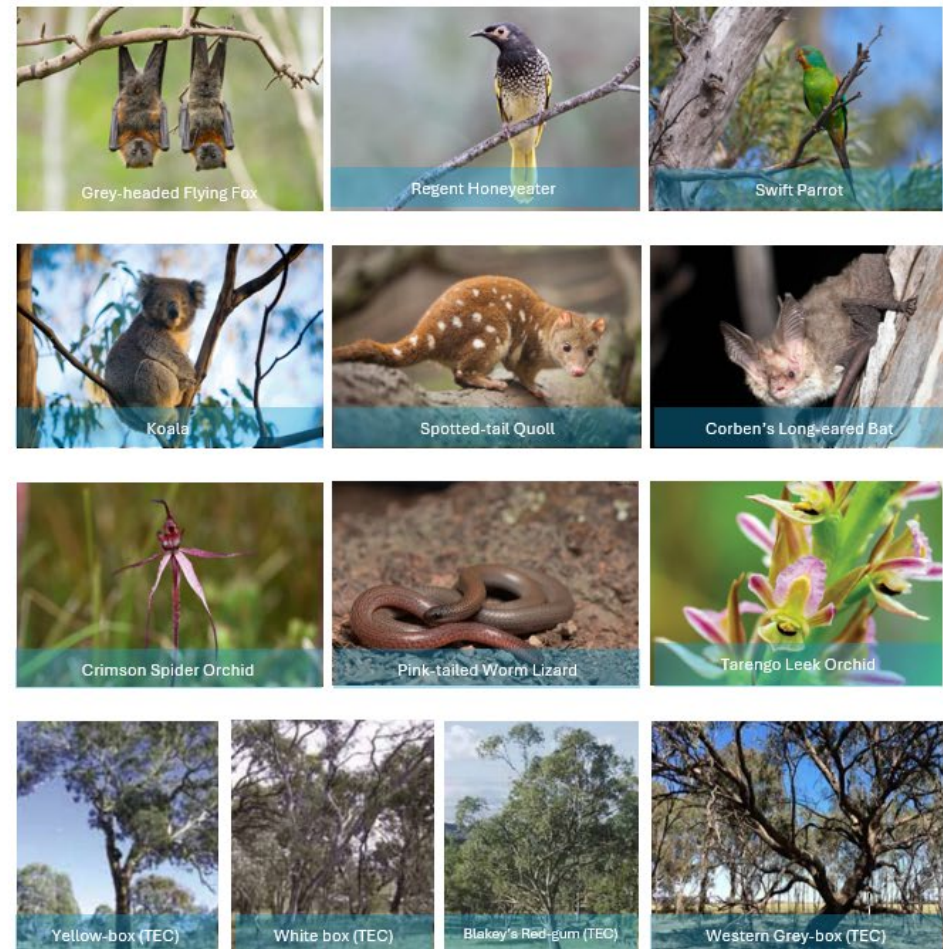


Figure A2: Unexpected Finds, Biodiversity

Appendix B - Unexpected Finds Procedure – Heritage and Human Remains

Introduction

This procedure describes how to manage unexpected encounters associated with both Aboriginal and non-Aboriginal heritage items, as well as suspected human remains, during works. This procedure has been prepared to meet the requirements of the CoA, specifically CoA A17, E143 and E144 and environmental mitigation measures AH-11 and NAH-4.

This Procedure is applicable to any physical work for the purpose of the CSSI including construction and low impact work (LIW) but not including operational maintenance work and will support the Construction Environmental Management Plan (CEMP) and relevant Sub-Plan.

In accordance with section 3.2 and CoA C23(f), this document has been prepared by suitably qualified person with over 20 years' experience in the field of Aboriginal and Non-Aboriginal Heritage. These person/s have experience on similar projects to that of I2S and hold the relevant qualifications (Bachelor of Archaeology and Pre-History, with Honours) required to act as SQE's in the making and endorsement of this document.

Relevant Legislation and Guidelines

Legislation and guidelines relevant to this procedure are detailed in Section 3.5.

Reporting

A record of the unexpected finds will be maintained by the Contractor (in accordance with Appendix A of the SSI- 9406) and will include the following details:

- Date, time, location, written description and photographic evidence of the unexpected find
- Details regarding assessment by the Environment and Sustainability Manager (and advice from suitably qualified heritage specialist and/or archaeologist)
- Actions undertaken before work recommenced
- Relevant sign off on approval to recommence works.

If an Unexpected Find is also an incident as defined the MCoA, all Incident Notification and Reporting must follow CoA A34 and A35 including the requirements set out in Appendix A of the Infrastructure Approval SSI-9406.

Unexpected Finds Procedure – Heritage and Human Remains

Figure B1 below provides an overview of the procedure to be implemented in the event that any newly observed cultural material or suspected human remains are identified during the LIW and construction phases of the project. Figures B2 and B3 provide a detailed breakdown of steps to be undertaken in the event a potential Heritage items or suspected human remains are uncovered during work.

The recording of the item(s) and any proposed mitigation measures must be completed by a heritage specialist with participation of the Registered Aboriginal Party (RAP) and/or Local Aboriginal Land Council (LALC) representatives and Heritage NSW (where appropriate). Avoidance of newly identified Aboriginal objects is always the preferred heritage outcome where feasible. Mitigation measures will be employed to ensure that impacts are avoided or where it can be reasonably demonstrated that avoidance is not possible that mitigation measures will be put in place to reduce impacts as much as possible. All sites that cannot be avoided must be assessed for their archaeological significance prior to impacts in accordance with best practice heritage guidelines.

UNEXPECTED FINDS PROCEDURE – HERITAGE AND HUMAN REMAINS

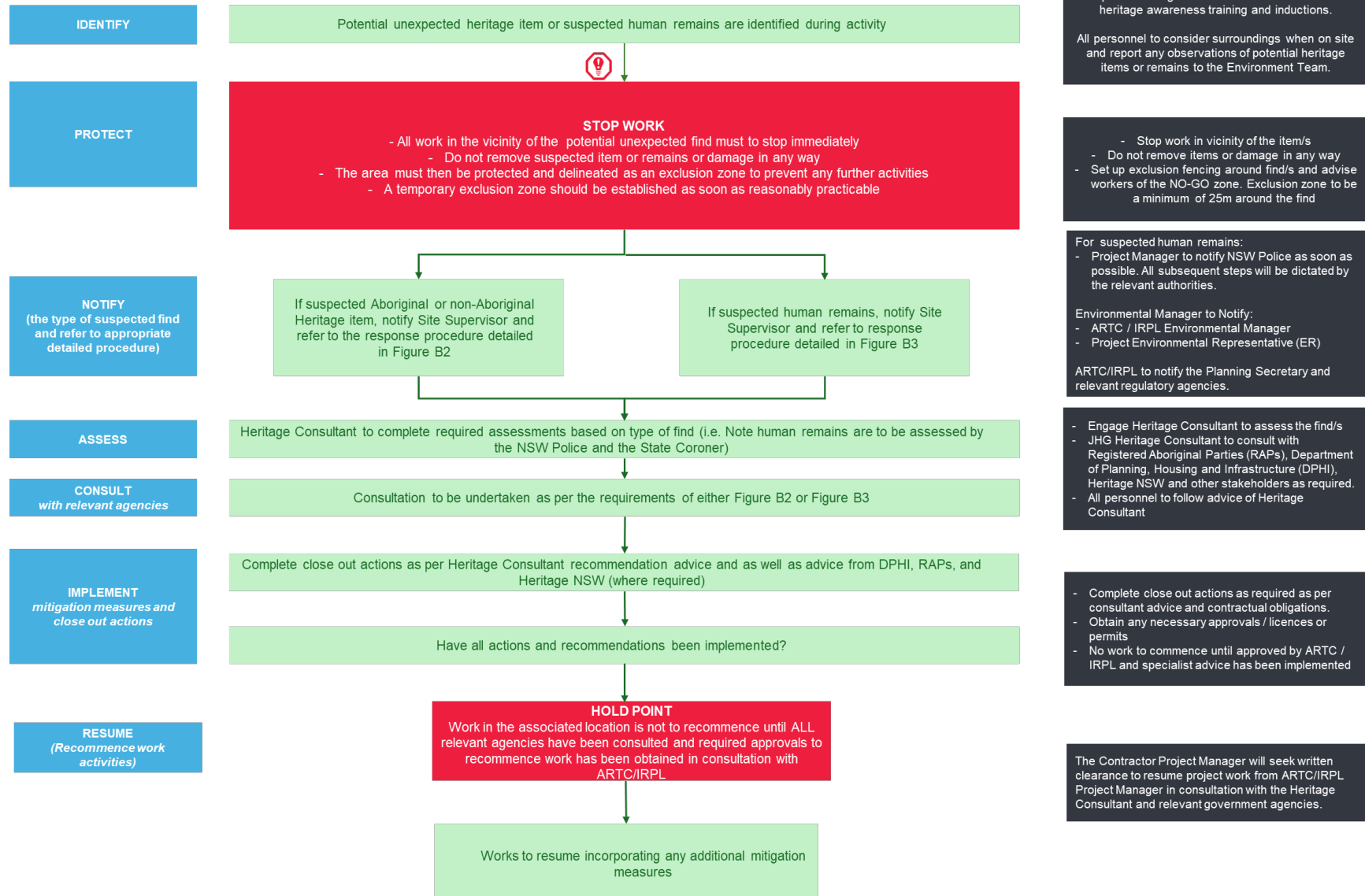


Figure B1 Unexpected Finds Procedure – Heritage and Human Remains

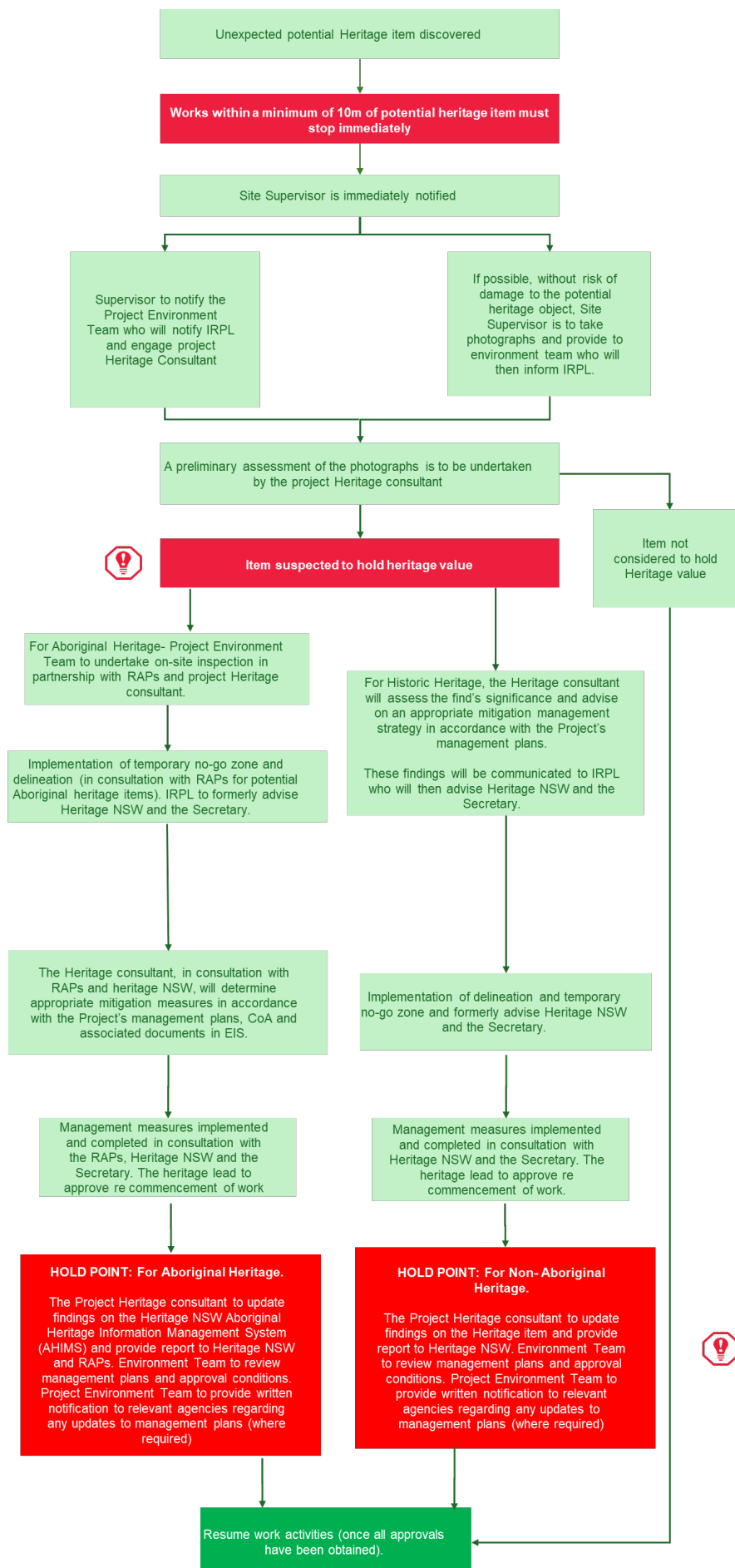


Figure B2 Unexpected Finds Procedure – Heritage Item

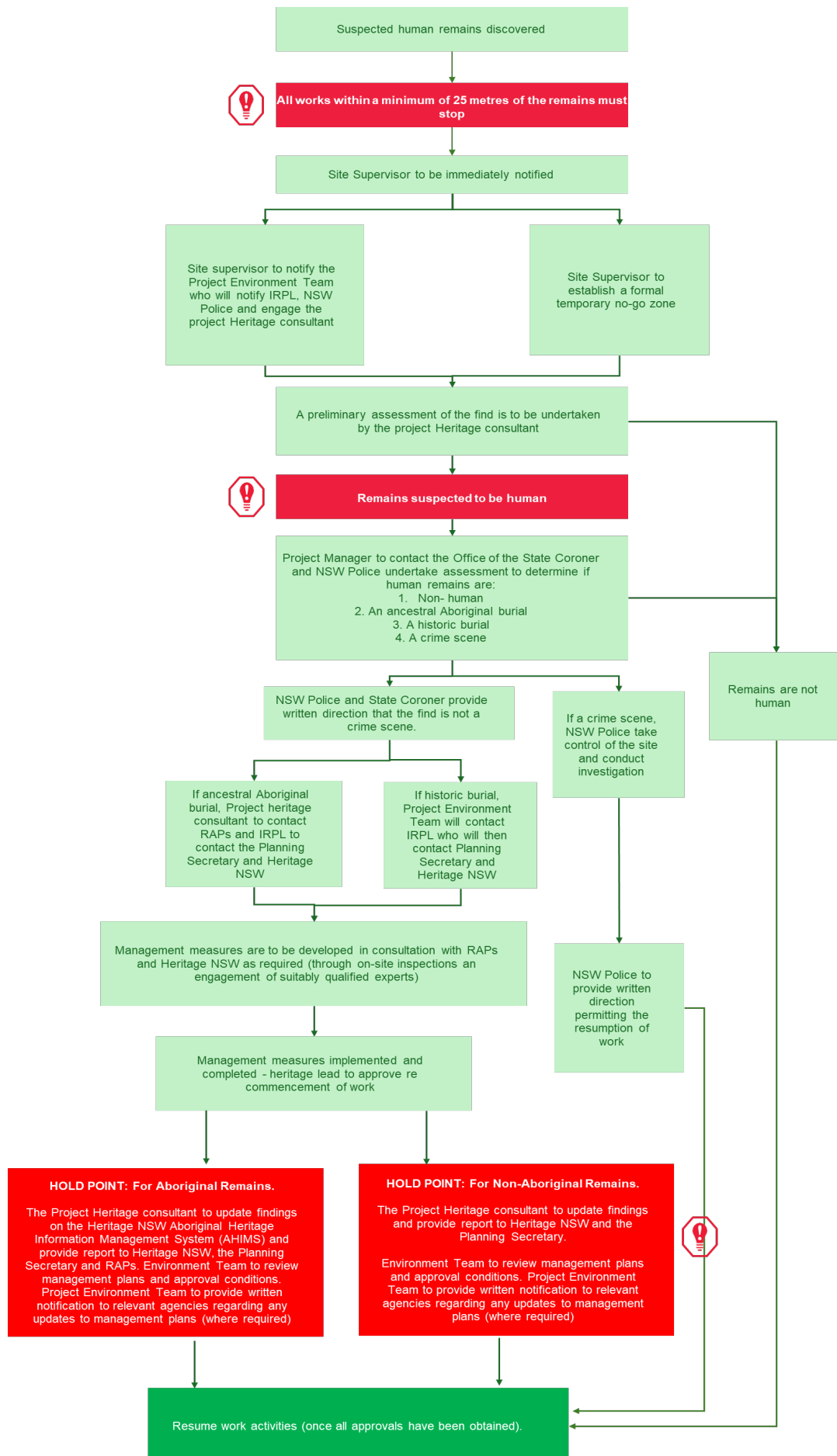


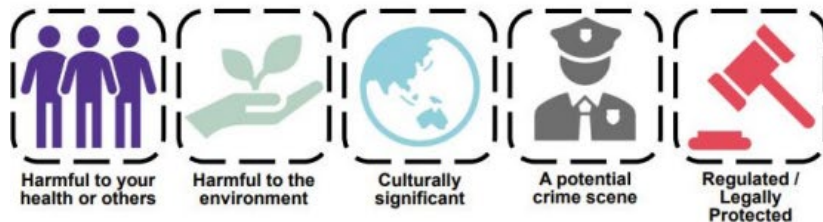
Figure B3 Unexpected Finds Procedure – Human Remains



WHAT IS IT

An unexpected find is the discovery of any previously unidentified or otherwise unforeseen item during planning, such as contamination or archaeological finds (Aboriginal and non-Aboriginal), whilst completing activities.

WHY ARE THEY IMPORTANT



IF YOU MAKE AN UNEXPECTED FIND



IF YOU BELIEVE YOU HAVE MADE AN UNEXPECTED FIND, PLEASE TELL YOUR SUPERVISOR/LEADING HAND IMMEDIATELY

IMPORTANT FINDS

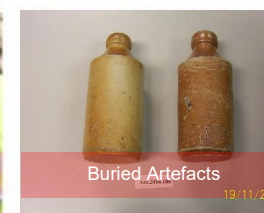
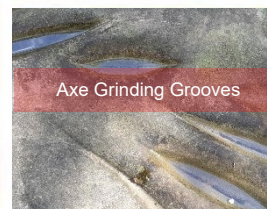
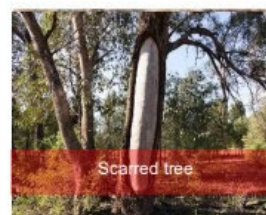


Figure B4: Unexpected Finds, Heritage

Appendix C - Unexpected Finds Procedure – Contamination

Introduction

This procedure describes how to manage unexpected encounters of land that contains (or is suspected of containing) substances that are actually (or potentially) hazardous to health or the environment.

Contaminants may include:

- Hydrocarbons
- Per- and polyfluoroalkyl substances (PFAS)
- Polycyclic aromatic hydrocarbons (PAHs)
- Polychlorinated biphenyls (PCBs)
- Pesticides
- Heavy metals such as lead, arsenic, cadmium and mercury
- Asbestos containing material (ACM)
- Biologically pathogenic materials and waste
- Acid sulphate soils (ASS).

This procedure has been prepared to meet the requirements of the CoA, specifically CoA A17 and E161 and environmental mitigation measure SC-7.

This Procedure is applicable to any physical work for the purpose of the CSSI including construction and low impact work (LIW) but not including operational maintenance work, and will support the Construction Environmental Management Plan (CEMP) and relevant Sub-Plan.

Relevant Legislation and Guidelines

Legislation and guidelines relevant to this procedure are detailed in Section 3.5.

Reporting

A record of the unexpected contamination finds will be maintained by the Contractor and will include the following details as a minimum:

- Date, time, location and photographic evidence of unexpected find, including depth
- Details regarding assessment by Environment Manager (and advice from suitably qualified contamination specialist)
- Where remediation of the contamination is recommended by the contamination specialist and supported by the contaminated site auditor, details on the remediation will be captured and reported in accordance with the *Contaminated Land management Act* and Conditions E151-160.
- All waste will be tracked in accordance with the *Protection of the Environment Operations Act 1997 (POEO Act)* and Condition E165-166. Transport and disposal undertaken in accordance with the Protection of the Environment Operations (Waste) Regulation 2005

and the Waste Classification Guidelines (EPA 2014). All contractors transporting waste from the site must be licenced to transport the identified type of waste and must only dispose of the waste at a facility that is licenced to accept the waste classification and volume.

If an Unexpected Find is also an incident as defined the MCoA, all Unexpected Find is also an incident as defined the MCoA, all Incident Notification and Reporting must follow CoA A34 and A35 including the requirements set out in Appendix A of the Infrastructure Approval SSI-9406.

Unexpected Finds Procedure – Contamination, Hazards and Contaminated Land

In the event an unexpected contamination find is encountered during works, the procedure outlined below must be followed. The Unexpected Finds Procedure for Contamination, Hazards and Contaminated Land (see Appendix C) must be included and implemented throughout works and construction.

UNEXPECTED FINDS PROCEDURE – CONTAMINATION, HAZARDS AND CONTAMINATED LAND

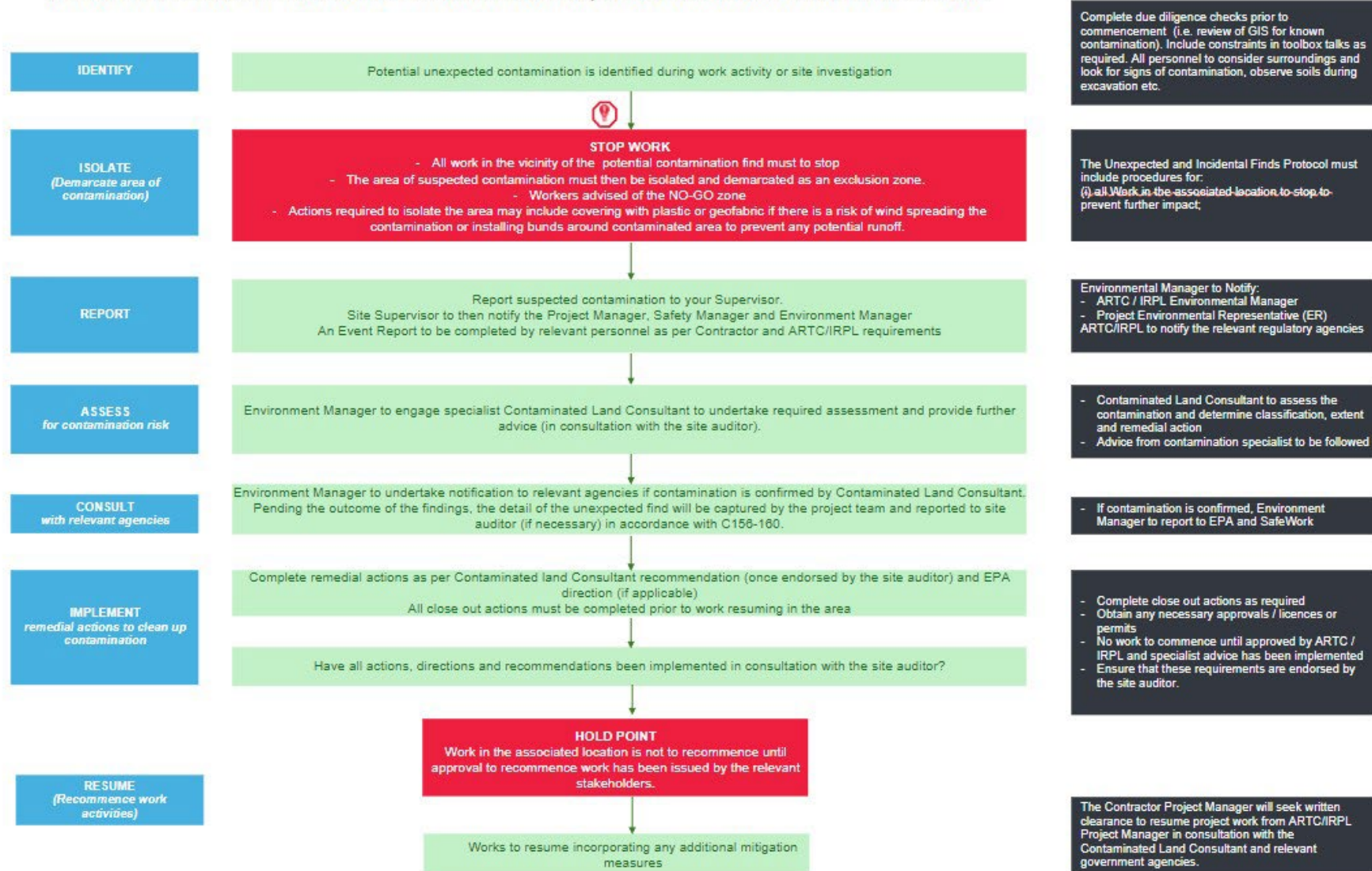


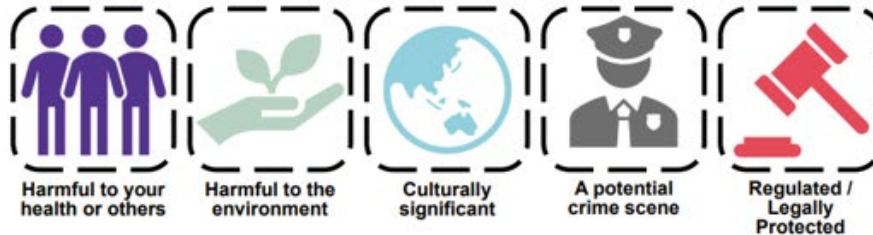
Figure C1: Unexpected Finds Procedure, Contaminated Land



WHAT IS IT

An unexpected find is the discovery of any previously unidentified or otherwise unforeseen item during planning, such as contamination

WHY ARE THEY IMPORTANT

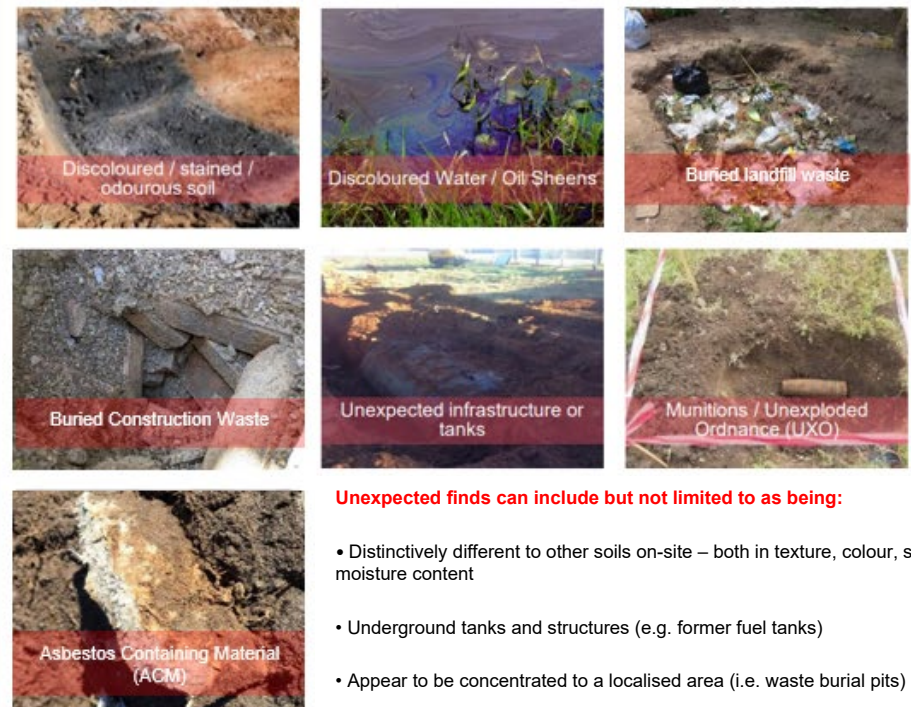


IF YOU MAKE AN UNEXPECTED FIND



IF YOU BELIEVE YOU HAVE MADE AN UNEXPECTED FIND, PLEASE TELL YOUR SUPERVISOR/LEADING HAND IMMEDIATELY

EXAMPLES OF CONTAMINATION THAT MAY BE ENCOUNTERED:



Unexpected finds can include but not limited to as being:

- Distinctively different to other soils on-site – both in texture, colour, smell and moisture content
- Underground tanks and structures (e.g. former fuel tanks)
- Appear to be concentrated to a localised area (i.e. waste burial pits)
- Stained, oil soaked or containing a petroleum sheen.
- Includes other products such as batteries etc.
- May contain offensive odours, including sulphur-based leachate impacts or sewerage, including acid sulfate soils
- Buried building products and debris/waste or other anthropogenic materials
- May contain potential asbestos containing materials
- May contain buried animal carcasses or evidence of decomposition including potential remains.

Figure C2: Unexpected Finds, Contamination

Appendix D - Interim Audit Advice

3 December 2024

John Holland Pty Ltd
Level 5, 15 Bourke Road
Mascot, NSW, 2020

Ref: E081

Attention: Hugh Goymour

Sent via Email: Hugh.Goymour@jhg.com.au

Dear Hugh,

Re: Interim Audit Advice – Illabo to Stockinbingal (I2S) Inland Rail Unexpected Finds Procedure for Contamination

Introduction

I have been engaged by John Holland Pty Ltd to conduct a site audit of the above site in accordance with the NSW Contaminated Land Management Act 1997.

The Illabo to Stockinbingal Inland Rail Project (I2S) is a new section of rail corridor (42.5km) connecting Illabo to Stockinbingal in NSW. The project forms part of the national Inland Rail program to deliver a direct interstate freight rail corridor between Melbourne and Brisbane via central-west NSW and Toowoomba Qld.

The I2S includes installation of 39km of new single track, removal of redundant sections of track and upgrade of existing track for tie-in points to the existing rail at Illabo and Stockinbingal, a crossing loop and maintenance siding of around 2.2 km long and track turn-outs at eight locations.

The project is state significant infrastructure (SSI-9406) and has been assessed under section 5.13 of the Environmental Planning and Assessment Act 1979 (EP&A Act), requiring an environmental impact statement¹ (EIS). Approval was issued by the Minister for Planning and Public Spaces on 4 September 2024 subject to conditions of which Conditions E151-161 relate to contamination.

The conditions of approval (E161) require an unexpected finds procedure for contamination (UFPfC) to be prepared and implemented prior to commencement of work. The condition also states that the UFPfC must be reviewed and approved by a site auditor.

This interim audit advice letter (IAA) has been prepared to provide my written opinion on the appropriateness of an unexpected finds procedure for contamination (UFPfC).

Scope

I have been provided with the following document:

- I2S | Unexpected and Incidental Finds Protocols and Procedures. Environmental Management Document 5-0019-220-PES-00-PR-0001. Inland Rail I2S Project/John Holland.

The Unexpected and Incidental Finds Protocol has been developed to detail actions to be taken should unexpected or incidental finds occur in relation to (1) threatened species or threatened ecological communities, (2) contaminated hazards or contaminated land, and (3) aboriginal cultural heritage and non-aboriginal heritage and human remains.

¹ Illabo to Stockinbingal Environmental Impact Statement (EIS) (ARTC/Inland Rail). Dated 29 August 2022.

It is reasonable and practical to combine the various unexpected finds procedures into one document, however, my review and conclusions documented in this IAA apply only to aspects of the document relating to contamination, referred to as the UFPfC, included as Appendix C to the above document.

The UFPfC was reviewed in conjunction with the following:

- EIS Technical Paper 14 – Contaminated Land Assessment. Ref: 2-0001-220-EEC-00-RP-0003.
- EIS Chapter 20: Soils and Contamination.
- I2S Mitigation Measures (April 2024)
- Conditions of Approval for Inland Rail – Illabo to Stockinbingal SSI-9406.

Summary of the UFPfC

The UFPfC provides examples of indicators of contamination that may typically be encountered that may not have been identified during the contaminated land assessment. These include:

- Distinctively different to other soils on-site – both in texture, colour, smell and moisture content
- Underground tanks and structures (e.g. former fuel tanks)
- Appear to be concentrated to a localised area (i.e. waste burial pits)
- Stained, oil soaked or containing a petroleum sheen.
- Other products such as batteries etc.
- May contain offensive odours, including sulphur-based leachate impacts or sewage, including acid sulfate soils
- Buried building products and debris/waste or other anthropogenic materials
- May contain potential asbestos containing materials
- May contain buried animal carcasses or evidence of decomposition including potential remains.

The UFPfC instructions are to

1. Stop work.
2. Cordon off the area.
3. Engage contaminated land consultant to deal with the relevant issue (in consultation with the site auditor).
4. Complete remedial actions as recommended by environmental consultant (and as endorsed by site auditor).

The UFPfC also lists requirements for managing waste encountered during unexpected finds management.

The overarching *Unexpected and Incidental Finds Protocols and Procedures* identifies roles and responsibilities for implementation of the UFPfC and of particular note is the requirement for site supervisors to “ensure that the Protocol and procedures are communicated to all site personnel under their management and are being fully implemented on site e.g. via attendance to site inductions, toolboxes and pre-starts.”

The UFPfC will be implemented for the duration of the low impact works and by inclusion in the CEMP for construction.

Auditor Opinion

An unexpected finds protocol is a relatively straightforward set of instructions that set out the actions to be undertaken under certain circumstances. In this case, the UFPfC forms an integral part of both the low impact work and the construction (by inclusion in the CEMP), and is based on observations of contamination such as visible ACM, underground tanks, staining/odours etc.. If properly executed, it should lead to the appropriate management of unexpected finds of contamination. The key to successful implementation is ensuring on-site staff are trained in identifying these issues and are aware of the UFPfC.

The project site is predominantly greenfield although some low to moderate potential areas of environmental concern (AEC) have been identified along the project site. These areas will be subject to investigation (Item SC-4 of the Mitigation Measures) and the UFPfC does not supersede the requirement for site investigations within these AEC, rather it will complement the site investigation process and once investigations are complete, will continue to be implemented during construction by inclusion in the CEMP.

Conclusion

I confirm that I have reviewed the UFPfC and in the context of the I2S project, find this to be appropriate.

* * *

Consistent with the NSW EPA requirement for staged 'signoff' of sites that are the subject of progressive assessment, remediation, and validation, I advise that:

- This advice letter does not constitute a Site Audit Report or Site Audit Statement and does not pre-empt the conclusions that will be made at the conclusion of the site audit process.
- At the completion of the audit, I will provide a Site Audit Statement and supporting documentation.
- This interim audit advice will be documented in the Site Audit Report.

Yours faithfully,
Envirocene Pty Ltd



Julie Evans
NSW EPA Accredited Site Auditor 1003