



# Port Kembla Gas Terminal

**Heritage Unexpected Finds Protocol  
Stage 2A Marine Berth Construction and  
Onshore Receiving Facilities**

Australian Industrial Energy

25 November 2021

→ **The Power of Commitment**



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# Acronyms

Acronym	Definition
AHIP	Aboriginal Heritage Impact Permit
AIE	Australian Industrial Energy
ATSHIP Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>
BCD	Biodiversity and Conservation Division
CA Act	<i>Coroner's Act 2009</i>
CSSI	Critical State Significant Infrastructure
DAWE	Department of Agriculture, Water and the Environment
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPL	Environment Protection Licence
FSRU	Floating Storage and Re-gasification Unit
GHD	GHD Pty Ltd
Heritage Act	<i>Heritage Act 1977</i>
HSE	Health, Safety and Environment
HUFP	Heritage Unanticipated Finds Protocol
ILALC	Illawarra Local Aboriginal Land Council
KPIs	Key Performance Indicators
LNG	Liquefied natural gas
MBD	Marine Berth Construction and Dredging
MLA	Marine Loading Arms
Native Title Act	<i>Native Title Act 1993</i>
NPW Act	<i>National Parks and Wildlife Act 1974</i>
PIRMP	Pollution Incident Response Management Plan
PKCT	Port Kembla Coal Terminal
PKGT	Port Kembla Gas Terminal
PKGT EIS	Port Kembla Gas Terminal Environmental Impact Statement
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
ORF	Onshore receiving facilities
RAP	Registered Aboriginal Parties
SRD SEPP	State Environmental Planning Policy State and Regional Development

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# 1. Introduction

## 1.1 Overview

This Heritage Unexpected Finds Protocol (HUF) has been developed as a sub-plan to the Port Kembla Gas Terminal Project (the Project) Environmental Management Strategy (EMS). This HUF has been prepared by GHD Pty Ltd (GHD) on behalf of Australian Industrial Energy (AIE) to apply to construction activities associated with Stage 2A construction of the Project.

This HUF interfaces with the other associated sub-plans, which together describe the proposed structure for environmental management and monitoring requirements for the Project. This HUF addresses the requirements of the Port Kembla Gas Terminal Environmental Impact Statement (PKGT EIS) and associated Infrastructure Approval (SSI 9471) and Environmental Protection Licence (EPL) No. 21529 and has been prepared in consultation with the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (DPIE) and the Illawarra Local Aboriginal Land Council (ILALC).

## 1.2 Background

AIE is developing the Project which involves the development of a liquefied natural gas (LNG) import terminal at Port Kembla, south of Wollongong, NSW. The Project will be the first of its kind in NSW and will provide a simple and flexible solution to the state's gas supply challenges.

NSW currently imports more than 95 percent of the natural gas it uses from other eastern states. In recent years, gas supplies to the Australian east coast market have tightened, resulting in increased natural gas prices for both industrial and domestic users.

The Project provides an immediate solution to address the predicted shortages and will result in significant economic benefits for both the Illawarra region and NSW. The Project will have a capacity to deliver more than 100 petajoules of natural gas, equivalent to more than 70 percent of NSW gas needs and will provide between 10 to 12 days of natural gas storage in case of interstate supply interruption. LNG will be sourced from worldwide suppliers and transported by LNG carriers to the gas terminal at Port Kembla where it will be re-gasified for input into the NSW gas transmission network.

The Project has been declared Critical State Significant Infrastructure (CSSI) in accordance with Section 5.13 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (NSW) and Schedule 5 of the State Environmental Planning Policy State and Regional Development (SRD SEPP). The Project received Infrastructure Approval from the Minister for Planning and Public Spaces on 29 April 2019.

The construction of the Project is primarily associated with the establishment of a new berth facility at Port Kembla to enable an LNG carrier to berth alongside the Floating Storage and Re-gasification Unit (FSRU) and new infrastructure to connect the terminal to the existing gas network. Excavation and dredging would be required to establish the new berth facility, with spoil deposited in a cell (referred to as the 'Emplacement Cell') in the Outer Harbour.

The development has progressed to Stage 2A works located at Berth 101 (referred to as 'the site' or 'MBD Site Compound'). The Stage 2A works include land-based construction works associated with the Marine Berth Construction and Dredging (MBD) and Onshore Receiving Facilities (ORF). The Stage 2A works include:

- Completion of excavation works undertaken during Stage 1 (including transport of spoil materials to Emplacement Cell Construction Site).
- Construction of the quay wall at the MBD Site Compound.
- Construction of ORF at the MBD Site Compound (including construction of Wharf Topside Area, Utility Area, and Common Area).
- Installation and commissioning of power, communications, and potable water line.
- Installation of gas pipeline within the MBD Site Compound as part of ORF.

## 1.3 Purpose

This HUPF has been prepared in accordance the PKGT EIS and associated Infrastructure Approval (SSI 9471). It describes how the management measures and commitments in the PKGT EIS, Infrastructure Approval (SSI 9471) relating to the management of unexpected Aboriginal Heritage and non-Aboriginal Heritage finds are to be implemented by the Principal Contractor during Stage 2A construction of the Project. Specifically, this plan includes requirements regarding:

- Obligations under the:
  - *Heritage Act 1977 NSW* (Heritage Act).
  - *National Parks and Wildlife Act 1974 NSW* (NPW Act)
  - *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 Cth* (ATSHIP Act).
  - *Coroner's Act 2009 NSW* (CA Act).
- Consistent methodology to manage unexpected heritage items (both Aboriginal and non-Aboriginal) that may be discovered during Stage 2A.

AIE and its contractors acknowledge the importance of managing unanticipated Aboriginal Heritage and non-Aboriginal Heritage items in the vicinity of the MBD Site Compound is paramount to the successful delivery of the construction phase of the Project. AIE is committed to ensuring this HUPF is reviewed and updated regularly to ensure its objectives are met and that the approval conditions outlined in the Infrastructure Approval (SSI 9471) and EPL No. 21529 are achieved.

This HUPF is applicable to all staff, employees, subcontractors, and any statutory service authorities undertaking the Stage 2A works described in Section 2 of this HUPF. The HUPF implementation and on-going development will be managed by the Project Team (refer to Section 3).

## 2. Project overview

### 2.1 Site description

The site of the Project is situated at Port Kembla within the Illawarra region of NSW, about 80 kilometres south of Sydney. Port Kembla is mainly characterised by an existing import and export terminal and multiple other business, cargo, logistics, bulk goods, and heavy industrial facilities in the vicinity.

Port Kembla is situated about two kilometres south of the centre of Wollongong. Other localities surrounding Port Kembla and the Project site include Mangerton, Mount St. Thomas and Figtree to the north-west; Unanderra to the west; Berkeley to the south-west; and Cringila, Lake Heights, Warrawong and the residential region of Port Kembla to the south.

The zoned land use in the region includes special use and industrial use at Port Kembla and a mix of primarily residential and commercial uses at the surrounding localities. Major infrastructure in the region of Port Kembla includes the Princes Highway, which is a major state and regional highway connecting Sydney and Wollongong and regional areas further south. Princes Highway provides access to Port Kembla through turnoffs at Masters Road, Five Islands Road and Northcliffe Drive and is broadly utilised including by heavy vehicles from the port.

The South Coast railway line runs along the periphery of Port Kembla including the stations Port Kembla, Port Kembla North, Cringila and Lysaghts. The rail line services commuters and is also used to transport bulk solid goods like coal, grain, copper and steel from Port Kembla. The environmental features of Port Kembla and the surrounding region are limited given the extensive industrial, commercial and residential development. Waterways in the region include the Gurungaty Waterway, Allans Creek, American Creek and Byarong Creek. Green space includes JJ Kelly Park and Wollongong Golf Club to the north and a larger open area to the south-west.

The Project will be predominantly located within land zoned for dedicated port and industrial uses. Berth and wharf facilities, as well as the FSRU, would be situated at Berth 101 at the Inner Harbour, while the gas pipeline would extend around the periphery of port operations from Berth 101 to a tie-in point at Cringila. The Emplacement Cell will be located in the Outer Harbour. A site overview is provided as Figure 2.1.





Figure 2.1 Site overview

## 2.2 Project construction scope of works

### 2.2.1 Overview

The Project construction scope of work has been divided into the three main packages (with associated activities), as outlined in Table 2.1. Construction staging of the Project has been approved in accordance with Condition 3 of Schedule 4 of Infrastructure Approval SSI-9471 as per correspondence from DPIE dated 27 October 2021. This HUPF applies only to the works associated with Stage 2A.

**Table 2.1** Construction stages/work packages

Stage	Package	Proposed commencement	Activities
1	Early Enabling Works	May 2021	Demolition of Berth 101, removal of structures and land based excavation works, and Cone Penetration Testing (CPT) in the Outer Harbour to inform Emplacement Cell design and relocation of Bunker Oil Pipeline.
2A	Marine Berth Construction – Land Based	January 2022	Completion of excavation works undertaken during Stage 1. Transport of spoil materials for storage at the Emplacement Cell Construction Site. Quay wall construction.
		February 2022	Installation of communications conduit, potable water line, and 11kV power cable and Padmount Substation within MBD Site Compound.
		April 2022	Construction of the ORF, which comprises three areas: Wharf Topside Area; Utility Area; and Common Area.
		June 2022	Pipeline construction and associated ancillary infrastructure within MBD Site Compound delivered as part of ORF scope.
2B	Marine Berth Construction and Dredging – Land and Marine Based	March 2022	Continuation of Stage 2A with addition of the following activities:
			Excavation/dredging and construction of the Emplacement Cell in the Outer Harbour.
			Marine based construction activities including installation of navigational aids and revetment shore protection.
3	Pipeline Installation including tie-ins (NGP)	June 2022	Construction of an 18" onshore natural gas pipeline approximately 6.3km in length from the Berth 101 site boundary to Tie-in Facility at Cringila for connection to the Eastern Gas Pipeline. Pipeline construction to occur concurrently with Jemena, subject to separate set of management plans.

The construction of Stage 2A works is located within the former Port Kembla Coal Terminal (PKCT) Bulk Products Berth (Berth 101). As part of the Early Enabling works the removal of existing structures and services and excavation was undertaken to facilitate subsequent development stages of the Project.

The following will be undertaken as part of the Stage 2A land-based works:

- Construction of the quay wall at MBD Site Compound incorporating finalisation of excavation works undertaken during Stage 1 (including transport of spoil materials to Emplacement Cell Construction Site).
- Installation of and commissioning of power, communications, and potable water line.
- Construction of ORF at MBD Site Compound (including construction of Wharf Topside Area, Utility Area, and Common Area).
- Installation of gas pipeline within the MBD Compound site.

An outline of the tasks associated with Stage 2A is provided in Section 2.3 through Section 2.5. The site of the works includes the MBD Site Compound with materials being transported to the Emplacement Cell Construction Site. The location of the Stage 2A works, MBD Site Compound, and the Emplacement Cell Construction Site is shown in Figure 2.2.



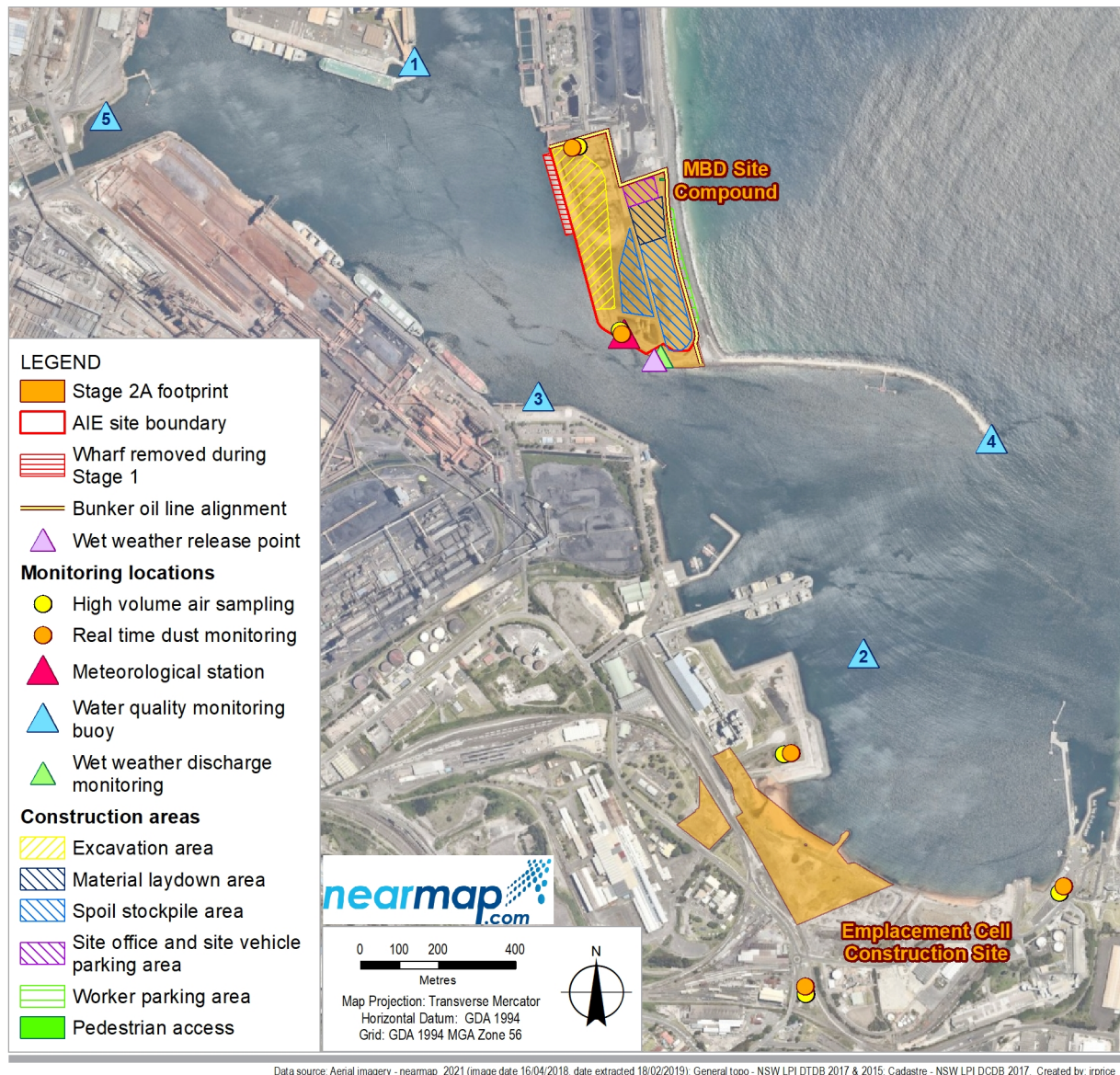


Figure 2.2 Stage 2A works and location of MBD Site Compound and Emplacement Cell Construction Site

## 2.2.2 Traffic

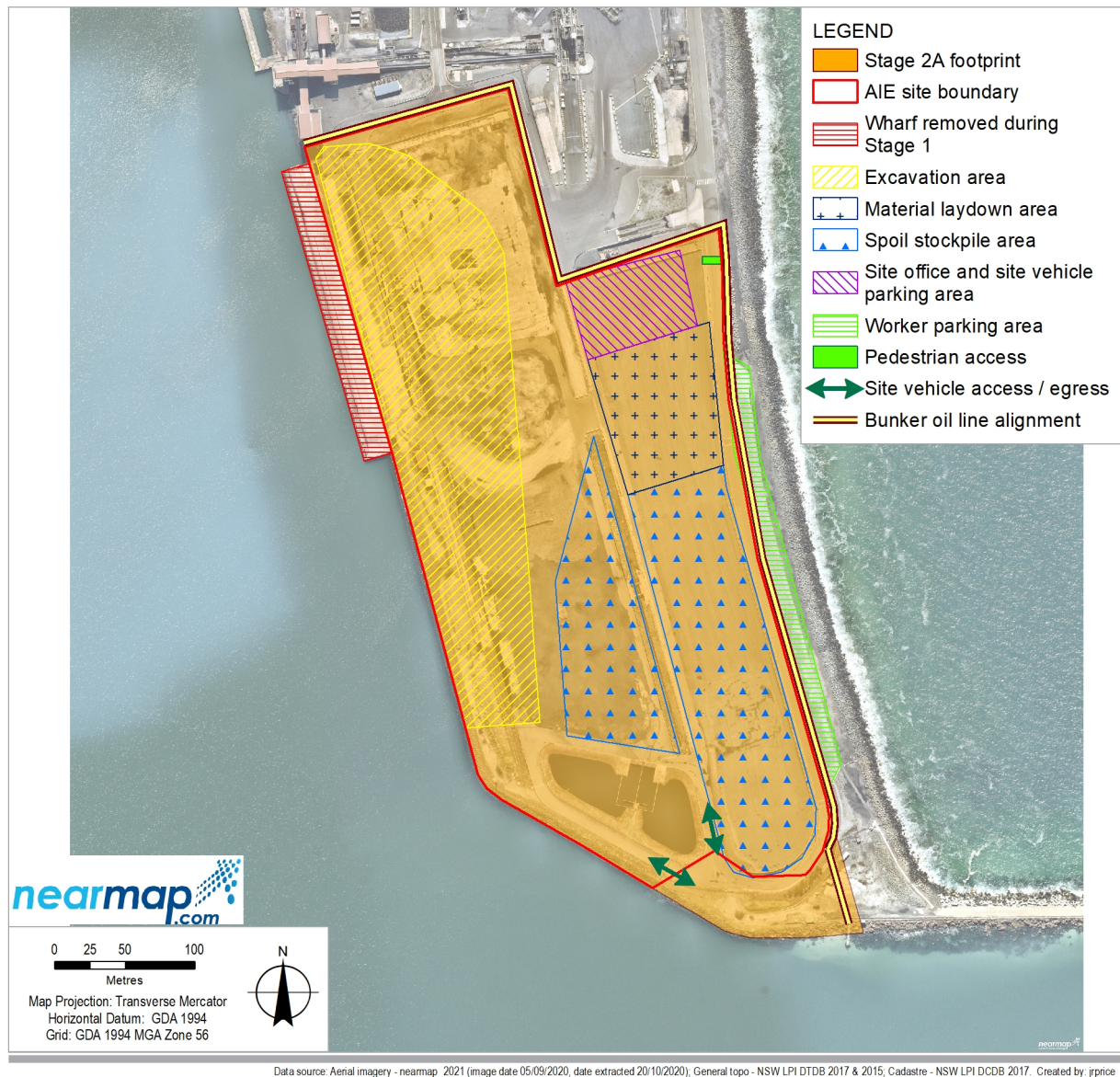
Traffic generated by Stage 2A will be controlled through the gate on Sea Wall Road. Heavy vehicle movements will be generated by the delivery of materials, equipment, and plant to the MBD Site Compound and transport of stockpiled material to the Emplacement Cell Construction Site.

There may be a requirement to transport and tip up to 8000m<sup>3</sup> of crushed concrete and up to 2000m<sup>3</sup> of crushed heavily bound base course to the Emplacement Cell Construction Site via road to increase the storage footprint area within the East Stockyard and to facilitate for later use during the construction of the Emplacement Cell.

The activities associated with this task will involve loading, road transportation via truck and trailer (approximately 30-tonne capacity), unloading, stockpiling, and management of the stockpiles.

Light vehicle movements will be generated from construction workers accessing the MBD Site Compound. Parking will be provided for up to 76 workers on the MBD Site Compound (refer to Figure 2.3).





**Figure 2.3** Layout of MBD Site Compound

## 2.2.3 Program

The Stage 2A works are anticipated to commence in January 2022. Stage 2B which includes the continuation of land-based construction and water-based works) are then anticipated to commence in March 2022 (refer to Table 2.1).



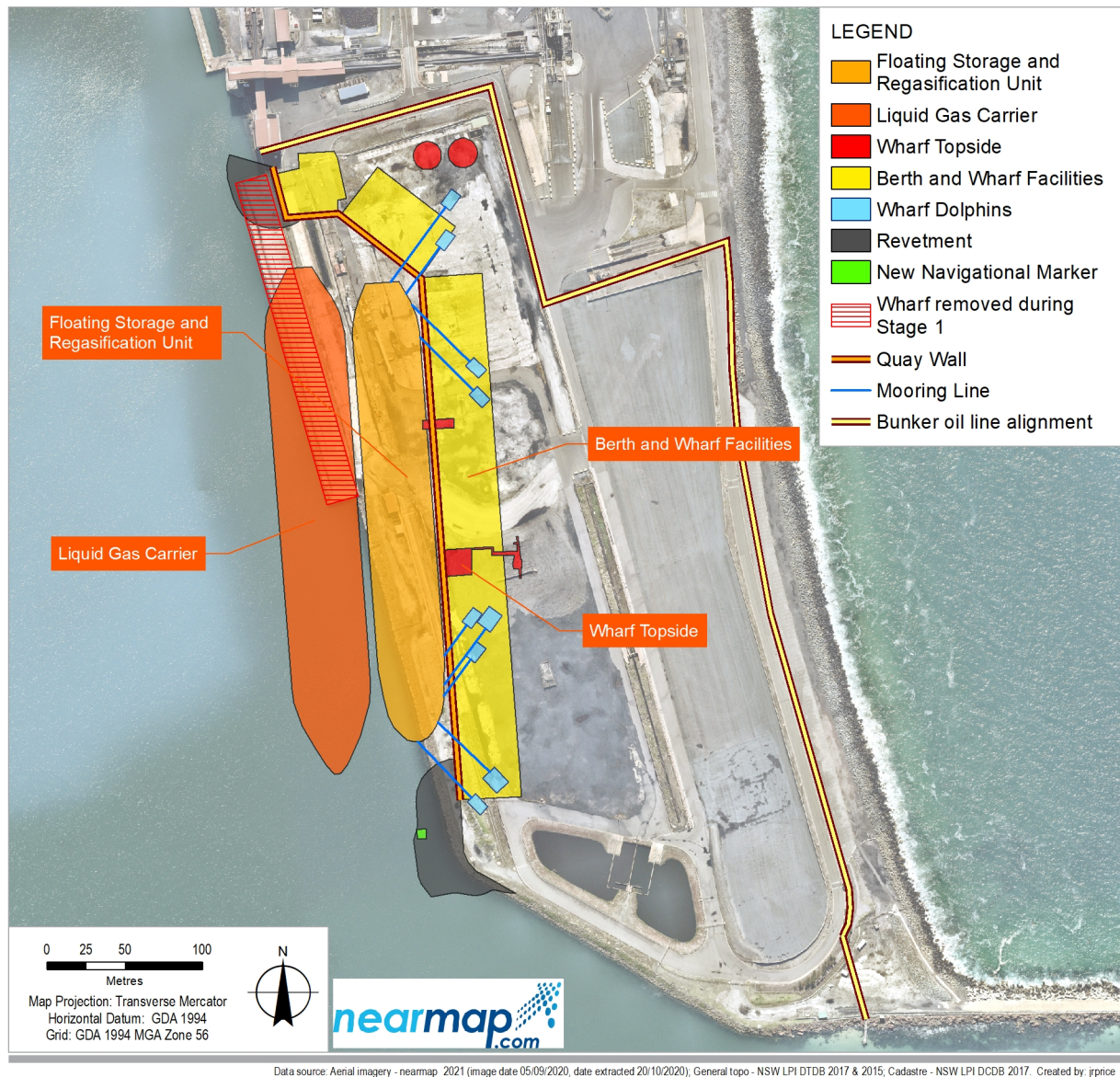
## 2.3 Construction of quay wall (MBD – Land Based)

A number of structures will be constructed within the MBD Site Compound to accommodate the FSRU and LNG carrier for the Project. Excavation and stockpiling activities from the Stage 1 Early Enabling Works will continue on-site during Stage 2A to lay the platform for ongoing construction activities at the MBD Site Compound.

The new structures that will commence construction during Stage 2A are summarised in Table 2.2. The location of the quay wall and layout of the marine berth and wharf facilities is shown in Figure 2.4.

**Table 2.2** Marine berth and wharf structures to be constructed during Stage 2A

Component	Works required
Earthworks and stockpiles	<ul style="list-style-type: none"> <li>– Completion of excavation and backfilling works from Stage 1 Early Enabling Works.</li> <li>– A nominal 15-metre-wide section on the northern end and a circa 60-metre 'wedge' at the south- west corner of the excavation zone was left to facilitate contractor access and will required completion at commencement of Stage 2A.</li> <li>– Excavated materials from the Early Enabling Works have been stockpiled within the Eastern and Western Stockyards of the MBD Site Compound and the Emplacement Cell Construction Site.</li> <li>– The excavated materials stockpiled include: <ul style="list-style-type: none"> <li>• Approximately 15,000m<sup>3</sup> of demolished concrete crushed to nominal 70mm minus.</li> <li>• Approximately 30,000m<sup>3</sup> of heavily bound base course crushed to nominal -150mm minus.</li> <li>• Approximately 25,000<sup>3</sup> of mixed slag, general fill, and coal nominally &lt; 150mm in size.</li> <li>• Approximately 10,000m<sup>3</sup> of predominantly sand with some slag and coal.</li> </ul> </li> <li>– The excavated materials will be used/reused for quay wall construction and to backfill the landside area of the quay wall or transported to the Emplacement Cell Construction Site for storage and use in construction of the Emplacement Cell.</li> </ul>
Quay wall	<ul style="list-style-type: none"> <li>– Construction of a new piled quay wall keyed into bedrock complete with sheet pile anchor wall, capping beam and tie rods to the south of the existing coal terminal.</li> <li>– Excavated and processed materials from the Stage 1 Early Enabling Works are stockpiled within the MBD Site Compound and will be used during construction of the quay wall and to backfill on landside area of the wall.</li> <li>– Installation of a marine fender system attached to the capping beam along the quay wall to protect the quay wall from berthing and mooring loads.</li> <li>– Installation of a cathodic protection system to the quay wall and associated elements, including assessment of the potential impacts the FSRU and pipeline cathodic protection will have on quay wall.</li> <li>– Backfilling and compaction on landside area of wall utilising the site stockpiled materials.</li> </ul>
Mooring dolphins	<ul style="list-style-type: none"> <li>– Installation of landside mooring dolphin structures on reinforced concrete platforms supported by steel piles.</li> <li>– Mooring equipment will be installed and comprise the following: <ul style="list-style-type: none"> <li>• 20 load sensing quick release hooks.</li> <li>• Up to four land-based mooring winches on mooring dolphins may be required.</li> <li>• Up to four swivel fairleads may be required to enable each mooring line to land-based winches to be fed in a horizontal alignment.</li> </ul> </li> </ul>
Marine Loading Arm foundations	Construction of a new reinforced concrete foundation supported on steel piles, located behind the new quay wall.
Gangway tower foundation	Construction of foundation for Gangway tower
Fire monitor foundation	Fire monitor foundations, subject to risk studies.



**Figure 2.4** Location of quay wall and layout of MBD and ORF

## 2.4 Power, communications, and water connections

Works required for power, communications, and water connections are summarised in Table 2.3.

**Table 2.3** Construction of power connections for Stage 2A

Component	Works required
Power and communications	<ul style="list-style-type: none"> <li>Construction and installation of a new 11kV power cable in a buried conduit and Substation.</li> <li>Energisation of the Padmount Substation and 415kV Temporary Building Supply.</li> <li>Installation of communication conduit and pits.</li> </ul>
Potable water	<ul style="list-style-type: none"> <li>Extension of existing potable water line within MBD Site Compound.</li> </ul>

## 2.5 Construction of ORF

The general layout of the ORF areas is shown in Figure 2.4. Works required for the three ORF areas are summarised in Table 2.4.

**Table 2.4** Structures to be constructed for ORF during Stage 2A

Component	Works required
<b>Wharf Topside Area</b>	
Marine Loading Arms (MLAs)	Installation of MLAs, including: <ul style="list-style-type: none"> <li>Civils and structures.</li> <li>Associated works such as piping, hydraulics, electrical, instrumentation, and auxiliary systems.</li> </ul>
Piping and valving	<ul style="list-style-type: none"> <li>All necessary piping and valving.</li> <li>Odorant injection facilities.</li> <li>Pig launcher, downstream of the MLAs to tie-in to the Natural Gas Pipeline.</li> </ul>
Gangway	<ul style="list-style-type: none"> <li>Gangway access tower to provide connection between the wharf and FSRU.</li> </ul>
Utility connections	FSRU utilities connections for: <ul style="list-style-type: none"> <li>Communications.</li> <li>Marine Diesel Oil.</li> <li>Freshwater.</li> <li>Sewage, bilge, and grey water.</li> </ul>
<b>Utility Area</b>	
Site Utilities	Site utilities including: <ul style="list-style-type: none"> <li>Potable water and sewerage.</li> <li>Instrument air and bottled nitrogen.</li> <li>Diesel storage.</li> <li>Electrical distribution (including UPS and emergency diesel generators).</li> <li>Control and instrumentation.</li> <li>Telecommunications.</li> </ul>
<b>Common Areas</b>	
Firefighting systems and equipment	Firefighting equipment including: <ul style="list-style-type: none"> <li>Firewater storage.</li> <li>Pumps.</li> <li>Firewater monitors.</li> </ul>
Security systems and equipment	<ul style="list-style-type: none"> <li>CCTV.</li> <li>Fencing and gates.</li> <li>Security access and monitoring systems.</li> </ul>
Equipment housing	Equipment shelters and buildings to house:

Component	Works required
	<ul style="list-style-type: none"> <li>– Electrical, control, and operating equipment, critical spares, emergency response and site monitoring facilities.</li> <li>– Buildings will include appropriate building services e.g., HVAC, potable water, amenities, sewerage etc.</li> </ul>
Site roadways, lighting and drainage	<ul style="list-style-type: none"> <li>– Roads and car parking areas.</li> <li>– General lighting, earthing, lightning system.</li> <li>– Drainage system to tie into the existing Port Kembla drainage system.</li> </ul>
Gas Pipeline	A section of gas pipeline will be installed within the MBD Compound site as part of the Stage 2A works. Final safety studies will be prepared prior to the construction of the gas pipeline and prior to commencement of operation as per Schedule 3, Condition 21 of Infrastructure Approval (SSI 9471).



### 3. Roles and responsibilities

The Project Team is responsible for all activities associated with Stage 2A, including the implementation and maintenance of the various mitigation/management measures outlined in this HUPF. Relevant roles and responsibilities of the Project Team are outlined in Table 3.1.

**Table 3.1** *Roles and responsibilities of Project Team*

Project Role	Responsibility
AIE Project Director	<ul style="list-style-type: none"> <li>– Responsible for the overall funding and direction of civil and environmental works associated with Stage 2A.</li> <li>– Ensuring provision of adequate resources to achieve the environmental objectives for the project including ensuring sufficient resourcing for the Environmental Team, Engineering and Construction Teams.</li> </ul>
AIE Construction Manager	<ul style="list-style-type: none"> <li>– Proactively stewards the effective implementation of Stage 2A in accordance with requirements of the Infrastructure Approval (SSI9471), this HUPF, EMS, and all related Sub-Plans.</li> <li>– Demonstrate proactive support for environmental requirements.</li> </ul>
AIE HSE Manager	<ul style="list-style-type: none"> <li>– Develops and update all Health, Safety and Environmental (HSE) Management Strategies and Sub-Plans.</li> <li>– Ongoing liaison and engagement with government agencies and point of escalation for any environmental incidents.</li> <li>– Identifying environmental issues as they arise and proposing solutions.</li> <li>– Coordinate and facilitate weekly environmental inspections with the key contractors.</li> <li>– Environmental Reporting.</li> </ul>
Principal Contractor Project Manager	<ul style="list-style-type: none"> <li>– On-site Project management and control.</li> <li>– Decision-making authority relating to environmental performance of the construction program.</li> <li>– Authority over Project construction and site activities in accordance with the EMS.</li> <li>– Ensure relevant training is provided to all Project staff prior to commencing individual activities.</li> <li>– Reports to AIE Construction Manager on environmental matters.</li> <li>– Ensures appropriate Contractor resources are allocated to implement the environmental requirements.</li> <li>– Responsible for planning and scheduling of construction, and to ensure operations are conducted in accordance with statutory requirements and the EMS.</li> <li>– Monitors performance against environmental Key Performance Indicators (KPI's).</li> <li>– Ensures that all environmental objectives associated with the Project are achieved.</li> <li>– Day-to-day decision-making authority relating to environmental performance of construction activities and direct site activities and construction.</li> <li>– To provide resources to ensure environmental compliance and continuous improvement.</li> <li>– Ensure all personnel are aware of any changes to EMS, this HUPF and improved procedures.</li> <li>– Ensure this HUPF is implemented for the duration of Stage 2A.</li> </ul>
Principal Contractor Construction Foreman	<ul style="list-style-type: none"> <li>– Implement requirements contained in the EMS and Sub-Plans, work procedures and standard drawings.</li> <li>– Maintaining open and transparent communication with other Project discipline managers and other areas of the Project.</li> <li>– Reporting of hazards and incidents and implementing any rectification measures.</li> <li>– Ensures appropriate contractor resources are allocated.</li> <li>– Orders STOP WORK for any environmental breaches and reports incidents to the Project Manager.</li> <li>– Ensure this HUPF is implemented for the duration of Stage 2A.</li> </ul>

Project Role	Responsibility
Principal Contractor Environmental Representative	<ul style="list-style-type: none"> <li>– Delivers environmentally focussed toolbox talks and provides applicable site inductions.</li> <li>– Provides environmental advice, assistance, and direction to Project Manager to ensure construction activities are conducted in accordance with regulatory legislation and this EMS.</li> <li>– Participate and cooperate with AIE HSE Manager with regards to undertaking of joint weekly environmental site inspections.</li> <li>– Coordinate / undertake wet-weather inspections as per EPL No. 21529 and report accordingly to the AIE HSE Manager.</li> <li>– Develop strong working relationships with the AIE team and Consultants.</li> <li>– Ensure environmental risks are appropriately identified, communicated, and effectively managed.</li> <li>– Ensure communication of relevant environmental information to Project personnel.</li> <li>– Provide specialist advice and input as required.</li> <li>– Ensure construction manager, superintendents and field supervisors fully understand the environmental constraints and how construction practices must ensure any such constraints are considered and mitigated against during construction.</li> <li>– Orders STOP WORK for any environmental breaches and immediately reports incidents to Principal Contractor Project Manager and AIE HSE Manager.</li> </ul>
AIE Environmental Representative	<ul style="list-style-type: none"> <li>– Develop strong working relationships with the Principal Contractor Team and Consultants.</li> <li>– Ensure environmental risks are appropriately identified, communicated, and effectively managed.</li> <li>– Instruct and advise management team on compliance issues.</li> <li>– Provide specialist advice and input as required.</li> <li>– Co-ordinate internal audits of this HUFPP.</li> <li>– Conduct audit review as required.</li> <li>– Reports on the performance of this HUFPP and recommends changes or improvements to Project Manager.</li> <li>– Orders STOP WORK for any environmental breaches and immediately reports incidents to the AIE Construction Manager and AIE HSE Manager.</li> <li>– Conducts investigation and response to environmental complaints and inquiries, where required.</li> </ul>
Subcontractors and construction personnel	<ul style="list-style-type: none"> <li>– Undertake an environmental induction prior to accessing to site.</li> <li>– Comply with legislative requirements.</li> <li>– Participate in weekly inspections and audits.</li> <li>– Follow environmental procedures.</li> <li>– Report all environmental incidents and hazards.</li> <li>– Introduce environmental topics to prestart meetings.</li> <li>– Ensure that all relevant permits and clearances are in place prior to commencing work.</li> </ul>

## 4. Legislative requirements

The legislative requirements applicable to Stage 2A are listed in Table 4.1.

**Table 4.1**      *Legislation and relevant policy applicable to this HUF*

Legislation and Regulation	Description	Applicability
<b>Federal</b>		
ATSIHP Act	The ATSIHP Act provides protection for areas in Australia and Australian waters that are of particular significance to Aboriginals in accordance with Aboriginal traditions. This includes areas and objects. The Act also provides provisions for the discovery and disposal of Aboriginal remains.	The Port Kembla harbour area is not considered to be an area of Aboriginal significance. The Project does not require approval from the Department of Agriculture, Water and the Environment (DAWE) Minister.  Division 3 of the Act provides the process for the discovery and disposal of Aboriginal remains. In the event that unexpected Aboriginal remains are uncovered during the Stage 2A a report to the Minister must be made.
<i>Native Title Act 1993</i> (Native Title Act)	The Native Title Act provides for the recognition and protection of native title across Australia. It provides for the process by which native title rights can be established and compensation determined and a future regime where native title rights are protected, and conditions imposed on acts which affect native title land and waters.	A registered native title claim made by the South Coast People (Tribunal File No. NC2017/003) covers the land and waters in NSW between Port Hacking in the north, the Towamba River in the south, the coast region between those rivers, and the eastern edge of the Southern Highlands. The Port Kembla harbour area is included in this native title claim area.  Section 23B outlines areas of land and water from native title claims if they are: <ul style="list-style-type: none"> <li>a. Scheduled interest</li> <li>b. freehold estate</li> <li>c. commercial lease that is neither an agricultural lease nor a pastoral lease</li> <li>d. an exclusive agricultural lease or an exclusive pastoral lease</li> <li>e. a residential lease</li> <li>f. a community purpose lease</li> <li>g. a lease dissected from a mining lease and referred to in s 23B(2)(c)(vii) of the Act; and</li> <li>h. any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.</li> </ul> As the Stage 2A footprint is located on freehold land it is not included with the South Coast People's native title claim.
<b>State</b>		
NPW Act	The NPW Act provides for the protection of Aboriginal objects (sites, objects, and cultural material) and Aboriginal places. Under the NPW Act, an Aboriginal object is defined as any deposit, object or material evidence relating to indigenous and non-European habitation, being habitation both prior to and concurrent with the occupation	An AHIP was not required for the Project under Section 5.23 of the EP&A Act. An AHIP is not required for Stage 2A as they were approved as part of the overall Infrastructure Approval.

Legislation and Regulation	Description	Applicability
	<p>of that area by persons of European extraction and includes Aboriginal remains.</p> <p>It is an offence under Section 86 of the NPW Act to harm or desecrate an object the person knows is an Aboriginal object. It is also a strict liability offence to harm an Aboriginal object or to harm or desecrate an Aboriginal place, whether knowingly or unknowingly.</p> <p>Section 87 of the NPW Act provides a series of defences against the offences listed in Section 86 which includes if the harm was authorised by and conducted in accordance with the requirements of an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act.</p>	
Heritage Act	<p>The Heritage Act is concerned with all aspects of heritage conservation ranging from basic protection against indiscriminate damage and demolition of buildings and sites, through to restoration and enhancement.</p> <p>Heritage places and items of particular importance to the people of NSW are listed on the State Heritage Register. Approval under Section 60 of the Heritage Act is required for any direct impacts on an item on the register. Approval from the NSW Heritage Council under Section 139 of the Heritage Act is required prior to any activities likely to disturb a relic while Section 140 of the Heritage Act provides for the application for a permit for excavation likely to disturb a relic.</p>	<p>Approval under Section 139 or an excavation permit under Section 140 of the Heritage Act is not required for CSSI under Section 5.23 of the EP&amp;A Act.</p> <p>The heritage assessment undertaken for the PKGT EIS anticipated a low potential impact on known heritage items.</p> <p>In the event an unexpected find is discovered, Heritage NSW will be notified under Section 146 of the Act.</p>
CA Act	<p>The CA Act provides provisions related to the investigation of certain kinds of death and enables coroners to make recommendations in connection with an inquest or inquiry.</p>	<p>Chapter 9, Section 100 states that a person must not dispose of human remains unless the appropriate disposal authorisation has been given. In the unlikely even human remains are discovered during Stage 2A the applicable provisions of Chapter 4 Section 35 of the Act must be followed in reporting the remains to the NSW Police and coroner/assistant coroner as soon as possible.</p>



## 5. Planning requirements

The planning requirements and the corresponding heritage management measures applicable to Stage 2A are listed in Table 5.1. Management measures are outlined in Section 6 through Section 8, and in Appendix A.

The planning requirements include the conditions set out in the Infrastructure Approval (SSI 9471) dated 24 April 2019 and the mitigation/management measures outlined in the PKGT EIS.

Table 5.1 Approval conditions

Requirement	Reference	Responsibility	Evidence	Applicability to this HUPF
<b>Infrastructure Approval Requirements (SSI 9471)</b>				
<b>Protection of Heritage Items</b> The Proponent must ensure the development does not cause any direct or indirect impacts on heritage items located outside the approved development footprint.	Schedule 3, Condition 17	<ul style="list-style-type: none"> <li>– AIE HSE Manager</li> <li>– AIE Environmental Representative</li> </ul>	Section 6	Applicable
<b>Unexpected Finds Protocol – Heritage</b> Prior to commencement of construction, the Proponent must prepare an Unexpected Finds Protocol for managing heritage items identified during construction of the development, in consultation with BCD of DPIE and the ILALC, to the satisfaction of the Planning Secretary.	Schedule 3, Condition 18	<ul style="list-style-type: none"> <li>– AIE HSE Manager</li> </ul>	Section 8	Applicable
<b>Discovery of Human Remains</b> If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Proponent must notify BCD as soon as possible following the discovery, and work must not recommence in the area until this is authorised by BCD.	Schedule 3, Condition 19	<ul style="list-style-type: none"> <li>– AIE HSE Manager</li> <li>– AIE Environmental Representative</li> <li>– Principal Contractor Project Manager</li> <li>– Principal Contractor Environmental Rep</li> <li>– Principal Contractor Construction Foreman</li> <li>– Subcontractors and construction personnel</li> </ul>	Section 7.1.3 Section 8	Applicable
<b>PKGT EIS Management Measures</b>				
The construction workforce would be given a heritage induction and supporting material to be able to identify materials of potential heritage value and how to respond.	EIS Measure H1	<ul style="list-style-type: none"> <li>– AIE Environmental Representative</li> <li>– Principal Contractor Environmental Rep</li> <li>– Principal Contractor Construction Foreman</li> </ul>	Section 7.2	Applicable
A protocol to be followed in the event of an unexpected find would be developed and would include clear lines of communication and stop work procedures to be followed.	EIS Measure H2	<ul style="list-style-type: none"> <li>– AIE HSE Manager</li> <li>– Principal Contractor Project Manager</li> <li>– Principal Contractor Environmental Rep</li> <li>– Principal Contractor Construction Foreman</li> </ul>	Section 8	Applicable

## 6. Existing heritage context

The Project site has undergone significant modification for port development and extensive industrial development. Due to the highly disturbed nature of the site, there is limited Aboriginal and non-Aboriginal heritage values present. Detailed heritage assessments were undertaken for the EIS which identified the known Aboriginal and non-Aboriginal heritage values and items within the vicinity of the PKGT (refer to Figure 6-1 and Figure 6-2).

The Stage 2A footprint is located within the MBD Site Compound. Stage 2A would not have any direct or indirect impacts on the recorded Aboriginal and non-Aboriginal heritage values present due to the proximity of works from the heritage items (all are located over two kilometres from the MBD Site Compound).

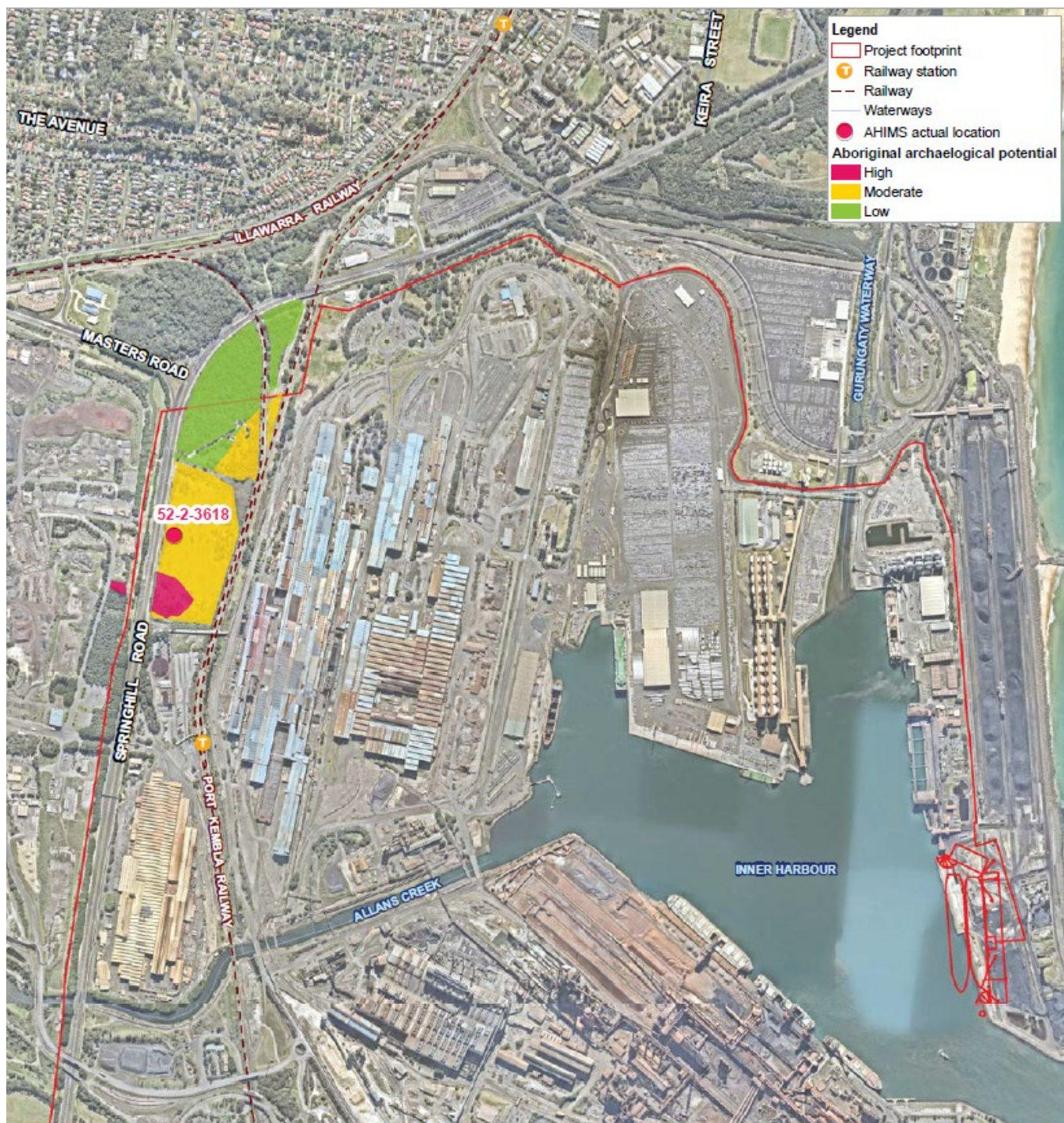


Figure 6-1 Aboriginal heritage areas and items within the Project area





Figure 6-2 Non-Aboriginal heritage items within the Project area

## 7. Unexpected heritage items and heritage induction

### 7.1 Unexpected heritage items

An 'unexpected heritage item' means any unanticipated discovery of an actual or potential heritage item, for which AIE and its contractor does not have approval to disturb or does not have a safeguard in place (apart from this procedure) to manage the disturbance.

Unanticipated discoveries are categorised as either:

- Aboriginal objects.
- Historic (non-Aboriginal) heritage items.
- Human skeletal remains.

Images of examples of Aboriginal and non-Aboriginal heritage items are provided in Appendix A.

#### 7.1.1 Aboriginal objects

The NPW Act protects Aboriginal objects which are defined as:

*“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”.*

Examples of Aboriginal objects include:

- Stone tool artefacts.
- Shell middens.
- Axe grinding grooves.
- Pigment or engraved rock art.
- Burial sites.
- Scarred trees.

#### 7.1.2 Non-Aboriginal heritage items

The Heritage Act protects non-Aboriginal heritage items which are defined as:

*“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”.*

Non-Aboriginal heritage items may include:

- Archaeological 'relics.
- Other historic items (i.e., works, structures, buildings, or movable objects).

Relics are archaeological items of local or state significance which may relate to past domestic, industrial or agricultural activities in NSW, and can include bottles, remnants of clothing, pottery, building materials and general refuse.

#### 7.1.3 Human skeletal remains

Human skeletal remains can be identified as either an Aboriginal object or non-Aboriginal relic depending on ancestry of the individual (Aboriginal or non-Aboriginal) and burial context (archaeological or non-archaeological). Remains are considered to be archaeological when the time elapsed since death is suspected of being 100 years or more.

All bones must be treated as potential human skeletal remains and work around them must stop while they are protected and investigated urgently. Under the applicable legislation outlined in Section 4, the following agencies must be notified in the event of human remains being discovered:

- NSW Police.
- NSW Coroner's Office.
- Heritage NSW (in the event Aboriginal remains are uncovered).
- DAWE Minister (in the event Aboriginal remains are uncovered).

In the event that work must stop due to human remains being uncovered, works will not recommence within the area until authorised by the applicable agencies listed above.

## **7.2 Heritage induction**

Prior to Stage 2A commencing, individuals involved with the works will be given an induction on heritage matters related to the works and unexpected finds included in the general induction package. This includes any person involved in undertaking or supervising ground disturbance works. Visitors to site need not be given a heritage induction.

Personnel will be provided with supporting material with descriptions of potential heritage features and relics, how to visually identify materials of potential heritage value (both Aboriginal and non-Aboriginal) and how to appropriately respond to the unexpected find.

The induction will also include the protocols in the event of unexpected human remains being uncovered during Stage 2A and the appropriate notification and response process to be undertaken. The unexpected finds procedure is provided in Section 8.

Heritage inductions may be carried out on site and will be delivered by Principal Contractor Environmental Representative.

## 8. Unexpected finds protocol

The Unexpected Finds Protocol that must be followed by any work personnel in the event of an unexpected heritage item being discovered is outlined in Table 8.1. This procedure has been prepared in consultation with the Heritage NSW and the ILALC.

**Table 8.1** *Unexpected Heritage items find procedure*

Step	Action
<b>1</b>	<b>Stop work, protect item and inform the site supervisor</b>
1.1	Stop all work in the immediate area of the item and notify the AIE Project Manager.
1.2	Establish a 'no-go zone' around the item. Use high visibility fencing, where practical.
1.3	Inform all site personnel about the no-go zone.
1.4	Inspect, document, and photograph the item.
1.5	<i>Is the item likely to be bone?</i> Where it is obvious that the bones are human remains, you must notify the local police by telephone immediately. They may take command of all or part of the site. Where human remains are likely to be Aboriginal ancestral remains, also contact the Heritage NSW on (02) 9873 8500.
1.6	Confirm with the site environment representative that the site is unexpected.
1.7	Following confirmation of discovery Heritage NSW will be notified immediately. Works will not recommence in the area until authorised by Heritage NSW. Any verbal conversations with regulators must be noted on the Project file for future reference. Heritage NSW Environment Line ph. (02) 9873 8500. Email: <a href="mailto:heritagemailbox@environment.nsw.gov.au">mailto:heritagemailbox@environment.nsw.gov.au</a> Registered Aboriginal Parties (RAP) will be notified at this point to inform them of unexpected find.
<b>2</b>	<b>Contact and engage an Aboriginal or Historical archaeologist and/or an Aboriginal heritage consultant</b>
2.1	Contact a qualified Aboriginal or Historical archaeologist to discuss the location and extent of the item and arrange a site inspection, if required. Preference will be given to using an archaeologist supplied by the ILALC for local context or assigned Consultant Archaeologist who completed the heritage assessments for the EIS. If requested, provide photographs.
<b>3</b>	<b>Preliminary assessment and recording of the find</b>
3.1	In a minority of cases, the Aboriginal or Historical archaeologist or ILALC Representative may determine from the photographs that no site inspection is required because no archaeological constraint exists for the Project (e.g., the item is not a 'relic', a 'heritage item' or an 'Aboriginal object'). Any such advice should be provided in writing to the AIE HSE Manager (e.g., via email)
3.2	Arrange site access for the Aboriginal or Historical archaeologist/Aboriginal heritage consultant to inspect the item as soon as practicable.
3.3	Subject to the Aboriginal or Historical archaeologist/Aboriginal heritage consultant's assessment, work may recommence at a set distance from the item. Existing protective fencing established in Step 1 may need to be adjusted to reflect the extent of the newly assessed protective area. No works are to take place within this area once established.
3.4	The Aboriginal or Historical archaeologist/Aboriginal heritage consultant may provide advice after the site inspection and preliminary assessment that no heritage constraint exists for the Project (e.g., the item is not a 'relic' or a 'heritage item' or an 'Aboriginal item'. Any such advice should be provided in writing (e.g., via email or letter with the consultant's name and company details clearly identifiable) to the AIE HSE Manager.
3.5	Where required, seek additional specialist technical advice (such as a forensic or physical anthropologist to identify skeletal remains). The Aboriginal or Historical archaeologist/Aboriginal heritage consultant can provide contacts for such specialist consultants.
3.6	Where the item has been identified as a 'relic' or 'heritage item' or an 'Aboriginal object' the Aboriginal or Historical archaeologist should formally record the item.



Step	Action
	Where an Aboriginal object is recorded it must be registered on the Aboriginal Heritage Information Management System (AHIMS) in accordance with section 89A of the NPW Act.
<b>4</b>	<b>Aboriginal or Historical Archaeologist to prepare management requirements for site</b>
4.1	An archaeological or heritage management plan is developed outlining management actions to ensure damage to the site is minimised and work can recommence. This plan will be developed by the Aboriginal or Historical archaeologist in consultation with the RAP's, Heritage NSW and DPIE as required.
<b>5</b>	<b>Notify the regulator, if required.</b>
5.1	If notification is required, complete the template notification letter, including the archaeological/heritage management plan and other relevant supporting information. For historical relics a Section 146 notification form will be required to be submitted to the Heritage NSW.
5.2	Forward the signed notification letter to Heritage NSW and the Planning Secretary.
5.3	A copy of the final signed notification letter, archaeological or heritage management plan and the site recording form is to be kept on file and a copy sent to the Project Manager
<b>6</b>	<b>Resume work</b>
6.1	The management plan is implemented, and the Project's EMS is updated to reflect any additional controls and requirements
6.2	Seek written clearance to resume Project work from the AIE HSE Manager and the Aboriginal or Historical Archaeologist/Aboriginal heritage consultant. Clearance would only be given once all archaeological excavation and/or heritage recommendations and approvals (where required) are complete. Resumption of Project work must be in accordance with all relevant Project/heritage approvals/determinations.
6.3	If required, ensure archaeological excavation/heritage reporting and other heritage approval conditions are completed in the required timeframes. This includes artefact retention repositories, conservation and/or disposal strategies

## 9. Contact details

Contact details applicable to this Stage 2A HUFPP are listed in Table 9.1.

*Table 9.1 Contact details*

Position	Name	Phone Number
Principal Contractor Project Manager	Ivan Bota	0447 804 373
AIE	Alex Lovell	0413 250 961
Wollongong Local Police station		(02) 4226 7899
Consultant Archaeologist	Asher Ford Maaci (GHD)	(03) 8687 8891
Illawarra LALC		(02) 4226 3338
Heritage NSW		131 555

## 10. Communication and complaints

Effective communication between the Principal Contractor and construction personnel, AIE project team, sub-contractors and external stakeholders will be undertaken throughout the Project to ensure effective implementation of this HUFPP.

Project communication can be categorised into internal and external communications, as well as communications specifically dealing with complaints. The specific communication methods for each category are discussed below.

### 10.1 Internal communications

Communication on environmental issues related to heritage within the Project team will be maintained, as a minimum, through the following forums (organiser as noted):

- Weekly project construction team meetings (AIE Construction Manager or delegate).
- Weekly Environmental management team meetings with relevant contractors (AIE HSE Manager or Delegate).
- Toolbox talks and daily pre-start briefings (Principal Contractor Project Manager or delegate).
- Minutes of formal meetings will be taken and distributed to record issues raised and actions required, with action status established at subsequent meetings.
- Monthly review of the internal AIE Environmental Compliance Tracking register (AIE HSE Manager or delegate).

All internal meetings include appropriate documentation in the form of agenda and formal distribution via the Project's document system.

In addition to the above, the AIE Environment Team will also undertake informal planning sessions and resource review meetings to plan and forecast for upcoming key construction dates, critical issues and other relevant matters associated with environmental planning and approvals.

### 10.2 External communications

AIE is committed to keeping the local community and relevant agencies informed about the development of the Project. The principal external communication objectives are, therefore, to:

- Continue to maintain open communication with relevant stakeholders.
- Minimise environmental impacts.
- Be proactive in addressing any concerns that the community / external stakeholder may express.

AIE will build upon the stakeholder and community engagement phase undertaken during project development including multiple group or one on one briefings. A project website ([www.ausindenergy.com](http://www.ausindenergy.com)) has been developed and provides comprehensive, clear, and accessible information that is updated on a regular basis.

As well as the local Port Kembla and broader community of the Wollongong region, extensive engagement was also undertaken with a range of other interested key stakeholders, such as local commerce organisations, the Port Authority of NSW and local and state government.

Consultation with key stakeholders and the wider community on the Project will continue throughout Stage 2A and subsequent construction phases. These measures will ensure the stakeholders, including the wider community, remain informed of the project's progress.

Key methods of engagement are provided in the Stage 2A EMS.

## 10.3 Complaints management

All complaints where a third party has identified a construction activity as being unsatisfactory or unacceptable will be dealt with promptly and efficiently in accordance with the complaint and dispute response outlined in the Project's Stage 2A EMS.

AIE will operate a free 24-hour Community Information Line (1800 789 177) where members of the community can leave details about an inquiry, they may have regarding construction activities related to heritage. This message will be passed on to site personnel and/or the Stakeholder Engagement Team, as appropriate.

Initial responses to complaints will be provided within 24 hours of the complaint being received. As part of the response, a review of the activity will be undertaken. If required and possible, immediate changes will be made to reduce any impact on the community. In some cases, the issues cannot be resolved immediately, and ongoing actions might be required to resolve the issue.

All complaints related to air quality will be recorded in a Complaints and Disputes Register. The following information will be recorded for each complaint:

1. The date and time of the complaint.
2. The method by which the complaint was made.
3. Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect.
4. The nature of the complaint.
5. The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant.
6. If no action was taken by the licensee, the reasons why no action was taken.

The Complaints and Disputes Register will be maintained by the Project's HSE Manager or delegate, and will detail what the issue was, initial response provided, how and when the issue was resolved, and by whom.

Where resolving a complaint with a third party is protracted or develops into a dispute, the AIE HSE Manager shall escalate proactively to Senior Project Leadership (e.g., AIE Project Manager and/or Project Director) to assist with resolution. AIE will work proactively with the complainant to resolve the dispute including having face to face meetings, site familiarisation sessions and agreeing on actions to resolve the dispute. All communications and agreed actions shall be documented.

For the management and reporting of corrective actions (which may be required in response to a complaint), refer to the Project's Stage 2A EMS.

# 11. Inspections, monitoring and audits

Monitoring and auditing will be undertaken to determine the impact on the environment and identify opportunities for improvement. Monitoring to be implemented for specific actions or environmental issues (e.g., water quality monitoring, air quality monitoring) will be detailed in their relevant sub-plan and will specifically address the monitoring requirements for those issues.

## 11.1 Environmental inspections

### 11.1.1 AIE and Principal Contractor joint environmental weekly inspection

As a minimum, the AIE HSE Manager (or nominated delegate) will undertake weekly inspection of the work sites with the relevant Principal Contractor's environmental personnel (Environmental Representative or similar) to evaluate the effectiveness of environmental controls (inclusive of erosion and sediment control measures) and general compliance with the implementation of the HUFPP for site-based activities.

If any maintenance and/or deficiencies in environmental controls or in the standard of environmental performance are observed, they will be recorded on the checklist form. Records will also include details of any maintenance required, the nature of the deficiency, any actions required and an implementation priority.

Actions raised during inspections will be documented on the *Weekly Environmental Site Checklist* and will be issued formally through the Project's document management system to the relevant Contractor for action. If they represent an actual or potential significant environmental risk, these issues shall be reviewed at the Project Planning meetings and will have non-conformances raised if not closed out in the nominated timeframe (Nonconformance Report).

### 11.1.2 Contractor environmental inspections

In addition to the joint weekly environmental site inspection with AIE, the Principal Contractor will be required to undertake daily site environmental inspections, targeting key environmental risks commensurate with the activity being undertaken. The daily environmental site inspection will be documented on a checklist, or similar, to be prepared and completed by the Principal Contractor.

Copies of the daily environmental site inspection records are to be provide to AIE on request.

The HSE Manager is responsible for the initial reporting of significant non-compliances with the HUFPP or relevant legislation to the AIE Project Director and government authorities (refer to Section 12).

## 11.2 Monitoring

Monitoring will not be required with respect to this HUFPP.

## 11.3 Auditing

AIE will conduct internal audits at frequencies as determined in the risk-based auditing schedule. The purpose of auditing is to verify compliance with:

- The EMS and this HUFPP.
- Compliance with the requirements of relevant components outlined within the EMS and HUFPP, including but not limited to, site inspection compliance, document control / management, non-compliance, and incident management etc.

Additional details regarding the auditing process are detailed in the Project's Stage 2A EMS.

## 11.4 Environmental reporting

### 11.4.1 DPIE reporting

Regular reports on compliance and other matters will be provided during the construction phase of the Project. This will include reporting to the DPIE in accordance with Schedule 4, Conditions 7 and 8 of the Infrastructure Approval (SSI 9471), with specific reference to the *Compliance Reporting Post Approval Requirements* (2020).

In addition, DPIE will be notified in writing of the date of commencement of each of the relevant phases of the Project in accordance with Schedule 2, Condition 8 of the Infrastructure Approval (SSI 9471).

Reporting applicable to this HUFPP will consist of Environmental Incident Report(s), as required.

### 11.4.2 Other reporting requirements

A monthly environmental monitoring report will be developed for each calendar month which will include details of the monitoring results and frequencies and inclusion of any exceedance of EPL No. 21529 monitoring limits / criteria. A copy of the monthly environmental monitoring report will be made available on the AIE Project website.

Further reporting requirements are provided in Section 11.6 and Section 12.

## 11.5 Compliance tracking register

A Compliance Tracking Register has been developed as a monitoring tool to assist with the compliance reporting requirement as set out under Condition 7, Schedule 4 of the Infrastructure Approval (SSI 9471) as follows:

### Compliance Reporting

*The proponent must provide regular compliance reports to the Department on the development in accordance with the relevant requirements of the Department's guideline Compliance Reporting Post Approval Requirements (2020), or its most recent edition.*

The compliance tracking register includes a breakdown of the requirements from the following key approval and project documents:

- Infrastructure Approval (SSI 9471).
- EPL No. 21529.
- Requirements of this HUFPP.

The Compliance Tracking Register includes tabulation of reference conditions, the requirements, responsibility, status (i.e., ongoing, close-out, not triggered, etc.) and supporting evidence where required.

A routine review of the Compliance Tracking Register is undertaken by the AIE HSE Manager (or delegate) with input sought from the relevant contractors as required. The Compliance Tracking is a live document which is kept up to date for each stage of the construction works.

## 11.6 Non-conformance, corrective, and preventative actions

Non-conformances or potential non-conformances are situations or events that do not comply with the safeguards and procedures stipulated in the EMS or this HUFPP:

- As part of site inspections, supervision or monitoring of construction activities.
- During internal audits.
- Following justified / supported verbal or written third party complaints.

All non-conformances related to heritage will be managed and reported using the non-conformance function of the Project's document management system. Each non-conformance event and follow-up action will be documented and traceable, including identification of key dates and responsible personnel.

Additional details regarding corrective and preventative actions are outlined in the Project's Stage 2A EMS.

The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within 7 days after the identification of any non-compliance issue. The notification must identify the development, including the application number, set out the condition of approval that the development is non-compliant with, the way in which it does not comply, the reasons for the non-compliance (if known) and what actions have been taken, or will be taken, to address the non-compliance.

## 12. Incident management and emergency response

### 12.1 Incident management

#### 12.1.1 Overview

Incidents are defined as an occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. The consequences of such incidents may result in material environmental harm, damage, or asset loss. 'Near misses' are extraordinary events that could have reasonably resulted in an incident.

All incidents related to heritage, including those of the Principal Contractor, its subcontractors, and visitors that occur during the undertaking of the construction works for the Project will be managed to satisfy the requirements of AIE's Incident Reporting and Investigation System Requirements. Whilst it is noted that key Contractors will be implementing their own environmental management system procedures and processes, AIE will be responsible for ensuring that these systems and processes satisfy the requirements of the AIE EMS, including the incident management components. The Contractor will be responsible for providing all necessary documentation with regards to the incident investigation and close-out actions where required. The timing of the provision of this documentation is to align with the AIE requirements.

The AIE HSE Manager must be notified immediately of any environmental incident or near miss related to heritage. These may include, but are not limited to the following:

- Exceedance of monitoring criteria as required under the Project EPL (EPL No. 21529)
- Spill of any dangerous goods or hazardous substance to ground or water.
- Substantiated complaints received from members of the community or regulatory authorities.
- Regulatory breaches such as fines, prosecutions, improvement notices, breaches of licence conditions.
- All incidents of third-party property damage or loss.
- Incidents involving impact or potential damage to items or places of cultural heritage significance.
- Land-based off-site sediment loss to the environment, including sediment tracking onto the roadway.

The AIE HSE Manager will be responsible for regulatory notification of all notifiable environmental incidents (refer to Section 12.1.2 for notifiable incidents). All environmental incidents will be reported immediately to DPIE in writing via the Planning Portal after AIE becomes aware of the incident, as per Schedule 4 Condition 5 of the Infrastructure Approval (SSI 9471). The notification must identify the development, including the application number, and set out the location and nature of the incident.

In the event of a notifiable non-compliance incident arising, the Principal Contractor will notify the AIE HSE Manager immediately to allow the AIE HSE Manager to notify DPIE in writing (via the Planning Portal) within 7 days of AIE becoming aware of the non-compliance, as per Schedule 4 Condition 6 of the Infrastructure Approval (SSI 9471). The notification must identify the development, including the application number, set out the condition of approval that the development is non-compliant with, the way in which it does not comply, the reasons for the non-compliance (if known) and what actions have been taken, or will be taken, to address the non-compliance.

#### 12.1.2 Notifiable incident under the POEO Act

In the event of a Notifiable Incident as defined under the *Protection of the Environment Operations Act 1997* (POEO Act), AIE is responsible for immediately notifying the NSW Environment Protection Authority (EPA), and any other relevant authority, of pollution incidents on or around the site via the EPA Environment Line (telephone 131 555) in accordance with Part 5.7 of the POEO Act. The circumstances where this will take place include:

- *If the actual or potential harm to the health or safety of human beings or ecosystems is not trivial.*



- *If actual or potential loss or property damage (including clean-up costs) associated with an environmental incident exceeds \$10,000.*

Follow-up written notification to the EPA and any other relevant authorities will be required in accordance with the POEO Act and requirements of the EPA. This includes the provision of written details of the notification to the EPA within 7 days of the date on which the incident occurred.

All notifiable incidents will also be managed, documented, and reported in accordance with the AIE *Incident Reporting and Investigation System Requirement*.

In addition, an authorised officer of the EPA has the right to request a written report (in accordance with Condition R3 of the EPL No. 21529) if they suspect on reasonable grounds that an event has occurred at the licensed premises which has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies). The written report is to address all the requirements under Condition R3 of the EPL.

### 12.1.3 Notifiable incident under the Infrastructure Approval (SSI-9471)

In accordance with Condition 5 of Schedule 4, DPIE must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after AIE becomes aware of an incident on site.

Additional details regarding notifiable incidents and procedures are outlined in the Project's Stage 2A EMS.

## 12.2 Emergency response

Actual or potential emergency situations will vary in type and severity. The required level of response and notification will be at the discretion of the AIE Construction Manager in consultation with the AIE HSE Manager.

Any emergency situation may require only isolated containment and control or may require the complete evacuation of the site and notification of relevant emergency services. Consideration should be made of the response requirements for different situations. If at any time there is uncertainty on how to proceed, response should be for the worst possible scenario. Ultimately, the AIE Construction Manager or representative has authority and responsibility to instigate an evacuation if he/she feels it is warranted.

In the event of an emergency, the following plans shall be consulted and implemented, as relevant:

- The Principal Contractor's site-specific Emergency Response Plan.
- AIE Port Kembla Gas Terminal Emergency Spill Plan.
- Pollution Incident Response Management Plan (PIRMP).
- AIE Emergency Management Procedures.

# 13. Document management and review

## 13.1 Record management

Records and registers specified in for Stage 2A shall be maintained. Records to be kept may include but will not be limited to the following:

- Environmental Inspection Checklist.
- Environment Reporting.
- Environmental Monitoring Reports / Records.
- Fauna and Weed Register.
- Internal Audit Reports.
- Incident Reports and Register.
- Toolbox Talk Records.
- Induction Presentation and Register.
- Environmental Activities Safe Work Method Statement (SWMS).
- Corrective Actions Register.
- Waste and Resource Register.
- Material Tracking Register.
- Training Register / Matrix.
- Complaints Register.

## 13.2 Review and revision of HUFP

This HUFP will be reviewed and updated, as required under Condition 3 of Schedule 4 of Infrastructure Approval (SSI 9471) to ensure the objectives of the applicable approval conditions contained within are being met throughout Stage 2A.

In addition, as required under Condition 4 of Schedule 4 of Infrastructure Approval (SSI 9471), the HUFP must be reviewed, and if necessary, revised within 3 months (unless otherwise agreed with DPIE) for any of the following:

- Following the submission of an incident report as per Condition 5, Schedule 4 of Infrastructure Approval (SSI 9471) (refer to Section 12).
- Following approval of any modification to the conditions of approval outlined in Infrastructure Approval (SSI 9471).
- At the direction of the Planning Secretary as per Condition 4, Schedule 2 4 of Infrastructure Approval (SSI 9471).

## 13.3 Access to information

AIE will make the following information publicly available on the PKGT website, as per Schedule 4, Condition 12 of the Infrastructure Approval (SSI 9471) and the requirements as set-out under the Project EPL (No. 21529):

- The PKGT EIS.
- Current statutory approvals for the Project.
- Approved strategies, plans or programs required under the conditions of Infrastructure Approval (SSI 9471).
- A comprehensive summary of the monitoring results of the development, reported in accordance with the specification of any conditions, or any approved plans and programs relating to Infrastructure Approval (SSI 9471).
- A summary of complaints (updated monthly).
- Any independent environmental audit, and responses to the recommendations in any audit.

- The approved premises map (EPL No. 21259, Condition A2.4).
- PIRMP (EPL No. 21529, Condition E2).
- Any other matter required by the Planning Secretary.

This information will be kept up to date by AIE when required.

# References

Environmental Protection Licence No. 21529, dated 5 October 2021.

GHD 2018, Port Kembla Gas Terminal Environmental Impact Statement.

Infrastructure Approval SSI 9471 dated 24th April 2019.

National Native Title Tribunal, NC2017/003 - South Coast People.

# Appendices

# **Appendix A**

**Identifying unexpected heritage items**

## Identifying unexpected heritage items

The following images can be used to assist in the preliminary identification of potential unexpected items (both Aboriginal and non-Aboriginal) during construction and maintenance works. Please note this is not a comprehensive typology.



**Top left hand picture continuing clockwise:** Stock camp remnants (Hume Highway Bypass at Tarcutta); Linear archaeological feature with post holes (Hume Highway Duplication), Animal bones (Hume Highway Bypass at Woomargama); Cut wooden stake; Glass jars, bottles, spoon and fork recovered from refuse pit associated with a Newcastle Hotel (Pacific Highway, Adamstown Heights, Newcastle area).





**Top left hand picture continuing clockwise:** Woodstave water pipe with tar and wire sealing (Horsley Drive); Tram tracks (Sydney); Brick lined cistern (Clyde); Retaining wall (Great Western Highway, Leura).





**Top left hand picture continuing clockwise:** Road pavement (Great Western Highway, Lawson); Sandstone kerbing and guttering (Parramatta Road, Mays Hill); Telford road (sandstone road base, Great Western Highway, Leura); Ceramic conduit and sandstone culvert headwall (Blue Mountains, NSW); Corduroy road (timber road base, Entrance Road, Wamberai).





**Alignment pin**



**Survey tree**



**Alignment stone**



**Survey tree**

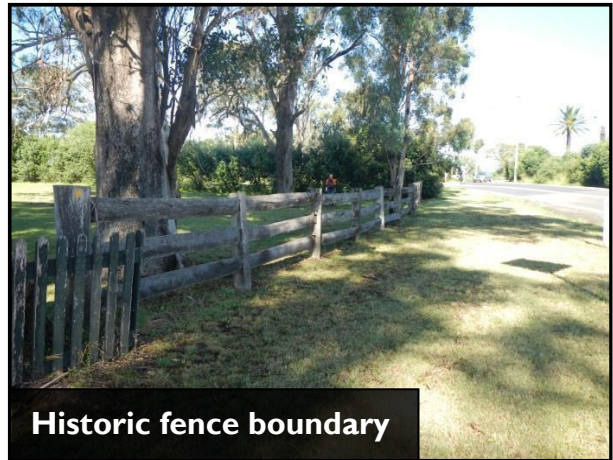


**Milestone**



**Top left hand corner continuing clockwise:** Alignment Pin (Great Western Highway, Wentworth Falls); Survey tree (MR7, Albury); Survey tree (Kidman Way, Darlington Point, Murrumbidgee); Survey tree (Cobb Highway, Deniliquin); Milestone (Great Western Highway, Kingswood, Penrith); Alignment Stone (near Guntawong Road, Riverstone). Please note survey marks may have additional statutory protection under the *Surveying and Spatial Information Act 2002*.





**Top left hand corner continuing clockwise:** Remnant bridge piers (Putty Road, Bulga); Wooden boundary fence (Campbelltown Road, Denham Court); Dairy shed (Ballina); Golden Arrow Mine Shaft.





**Top left hand corner:** Culturally modified stone discovered on Main Road 92, about two kilometres west of Sassafras. The remaining images show a selection of stone artefacts retrieved from test and salvage archaeological excavations during the Hume Highway Duplication and Bypass projects from 2006-2010.



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