

16 June 2023

ARTC REF# 6-0000-250-EEC-00-LT-0009

Alexander Scott
Assistant Director – Freight Assessments Team
Planning and Assessment, Department of Planning and Environment
4 Parramatta Square
12 Darcy Street Paramatta, NSW 2150

Email: alexander.scott@planning.nsw.gov.au

Dear Alex,

CSSI 9487 Narromine to Narrabri Project

Unexpected and Incidental Finds Protocol

Minister's Condition of Approval A21

I refer to the Minister's Conditions of Approval (**MCoA**) issued for the Critical State Significant Infrastructure (**CSSI**) Project No. 9487 Narromine to Narrabri (**N2N**), on 21 February 2023, and specifically the requirement for an Unexpected and Incidental Finds Protocol (**N2N Protocol**) to be prepared and submitted to the Planning Secretary in accordance with MCoA A21.

In addition to MCoA A21, ARTC Inland Rail acknowledges conditions E155 (Unexpected Heritage Finds and Human Remains Procedure) and E168 (Unexpected Finds Procedure for Contamination). ARTC Inland Rail would like to confirm this submission effectively addresses both E155 and E168 requirements.

The N2N Protocol includes the following procedures:

- Unexpected Finds Procedure - Biodiversity
- Unexpected Finds Procedure - Contamination
- Unexpected Finds Procedure – Heritage and human remains.

ARTC Inland Rail submits the N2N Protocol to the Planning Secretary for information prior to commencing Low Impact Works. The Protocol is presented in **Attachment 1** (4-0035-250-PES-S0-PR-0001_C) to this letter for your reference.

If you wish to discuss any of the above further, please contact Tim Lennon, Program Environment Lead – Regulatory Engagement on TLennon@artc.com.au on 0475 772 454 or myself on Rhamilton3@artc.com.au on 0419 799 699.

Yours sincerely

Inland Rail

Australian Rail Track
Corporation Ltd

ACN 081 455 754

ABN 75 081 455 754

Level 16, 180 Ann Street, Brisbane,
QLD 4000

GPO Box 2462, Queen Street,
Brisbane, QLD 4000

1800 732 761
inlandrailenquiries@artc.com.au
inlandrail.com.au

Signature: 

Email: RHamilton3@ARTC.com.au

Richard Hamilton
AI Delivery Director – Southern

Attachment 1: Unexpected and Incidental Finds Protocol

Unexpected and Incidental Finds Protocol

Inland Rail – Southern Works Program

Project number:	N81120
Document number:	4-0035-250-PES-S0-PR-0001
Revision date:	15/6/2023
Revision:	C

Document Approval

Rev.	Date	Prepared by	Reviewed by	Approved by	Remarks
A	2/5/23	Gregor Wilson	John Keenan	Jason Moran	For submission
B	6/6/23	Rasuejah Achior	Gregor Wilson	Jason Moran	Updated post ARTC review
C	15/6/23	Gregor Wilson	John Keenan	Jason Moran	For DPE submission

Plan control and amendment

Details of Revision Amendments

Plan Control

The Environment and Sustainability Manager is responsible for the preparation and ongoing updates of this document. The Environment and Sustainability Manager is responsible for updating this plan to reflect changes to the project, legal and other requirements, as required.

Amendments

Any revisions or amendments must be approved by the Program Director and/or client before being distributed/implemented.

Revision Details

Revision History				
Rev:	Date:	Pages:	Revised by:	Description:
A	2/5/23	All	Gregor Wilson	For submission
B	6/6/23	All	Rasuejah Achior	Updated post ARTC review
C	15/6/23	All	Gregor Wilson	For DPE submission

Table of Contents

1. Introduction.....	5
1.1 Background	5
1.2 Scope	8
1.3 Emergency Contacts	8
2. Environmental requirements.....	10
2.1 Relevant legislation and guidelines	10
2.2 Project requirements	10
3. Implementation	12
3.1 Training and inductions	12
3.2 Roles and responsibilities.....	12
Appendix A Unexpected Finds Procedure - Biodiversity	13
Appendix B – Unexpected Finds Procedure - Contamination	16
Appendix C – Unexpected Finds Procedure – Heritage and human remains	19

Abbreviations/definitions

Term or Abbreviation	Definition
ACA CPB JV	ACCIONA CPB Joint Venture
ARTC	Australian Rail Track Corporation
CoA	Conditions of Approval
CPB	CPB Contractors Pty Ltd
CSSI	Critical State Significant Infrastructure
DPE	Department of Planning and Environment
EPA	<i>Environment Protection Authority</i>
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
ER	Environmental Representative
IR	Inland Rail
LIW	Low Impact Works
N2N	Narromine to Narrabri
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NSW	New South Wales
PFAS	Per- and Polyfluoroalkyl Substances
POEO Act	<i>Protection of Environmental Operations Act 1997</i>
RAP	Registered Aboriginal Party
UEMM	Updated Environmental Management Measures
Work	Any physical work for the purpose of the CSSI including construction and low impact work but not including operational maintenance work

1. Introduction

1.1 Background

Inland Rail (IR) is a 1,700-kilometre freight rail line that will connect Melbourne and Brisbane via regional Victoria, New South Wales (NSW) and Queensland. The Commonwealth has appointed the ARTC to deliver the IR Program. The IR Program has been divided into 13 segments, one of these being the Narromine to Narrabri (N2N) segment referred to as the Southern Works Program.

The N2N section of Inland Rail is in north-western NSW, it is 306 km in length of greenfield railway construction between Narromine and Narrabri. The rail corridor starts at the southern point of the Narrabri to North Star section and travels south, on the west side of the Narrabri township. It then continues south parallel to the Newell Highway then south-west through the Pilliga Forest. It then continues south-west near Baradine and through Curban where there is an at grade junction with the Country Rail Network (CRN) Dubbo to Coonamble line. The corridor continues south then around Narromine to the East, where it joins the Parkes to Narromine line.

This Unexpected and Incidental Finds Procedure applies to all works, including low impact works.

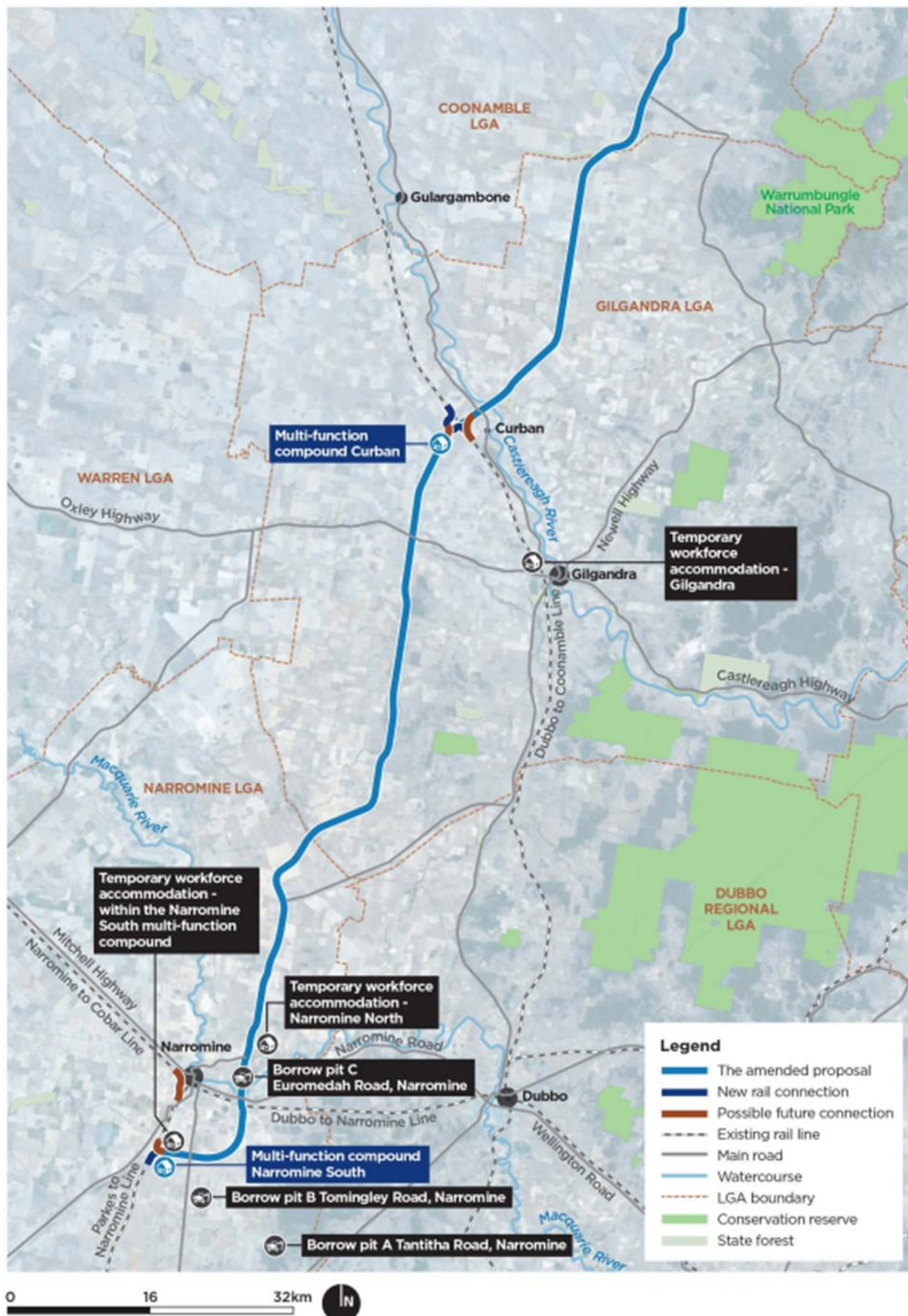


Figure 1-1 N2N Construction features Map 1 (source: Preferred Infrastructure and Amendment Report Figure 1-4)

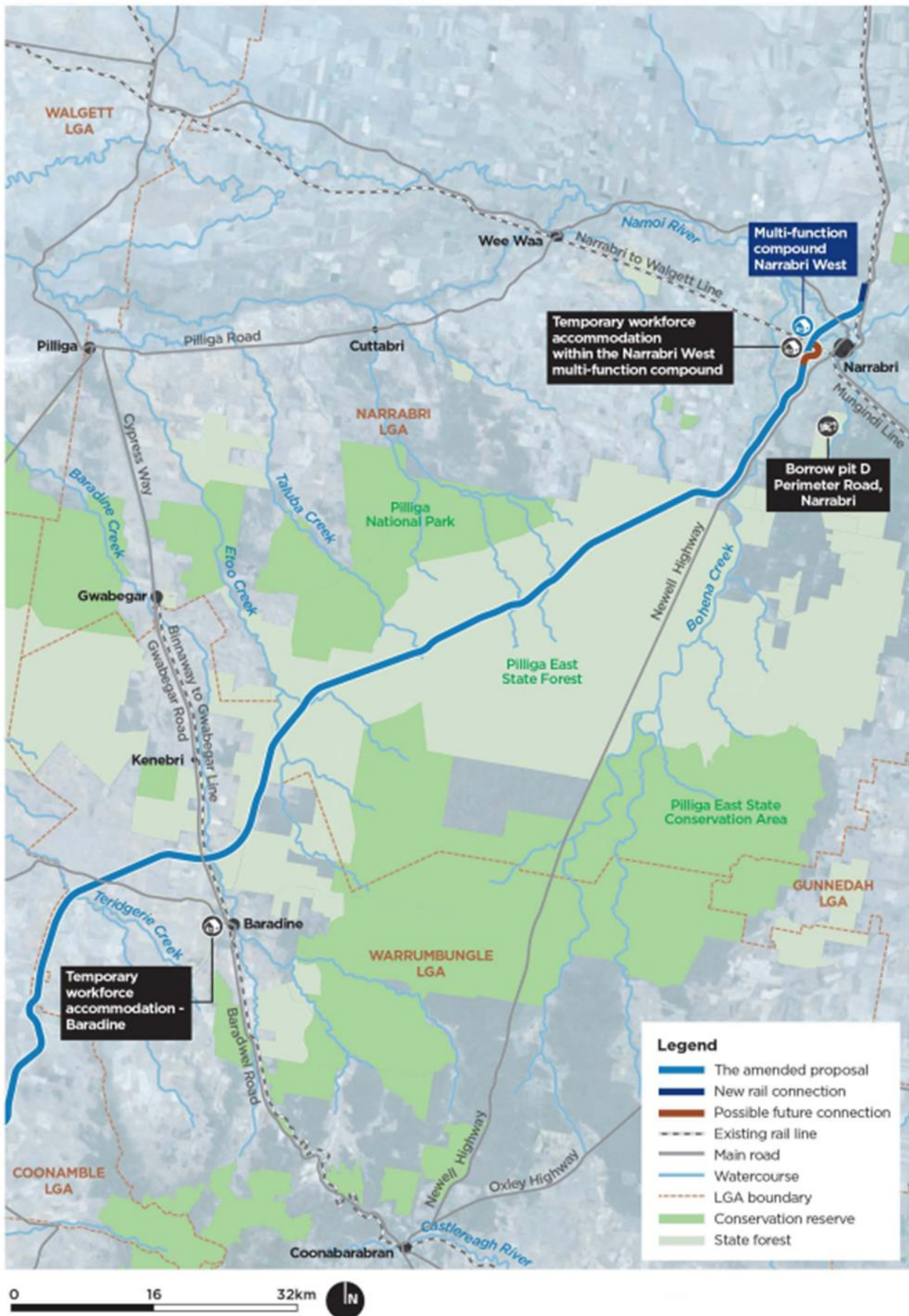


Figure 1-2 N2N Construction features Map 2 (source: Preferred Infrastructure and Amendment Report Figure 1-5)

1.2 Scope

This procedure outlines how Acciona CPB Joint Venture (ACA CPB JV) propose to manage unexpected and incidental finds, related to the following aspects, during works related to the N2N project:

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

This procedure is applicable to all physical activities undertaken in relation to the N2N project, including low impact work and construction work. 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 other documents. Further, this document is not intended to provide management controls required to protect human safety or meet health and safety industry requirements.

1.3 Emergency Contacts

Table 1-1 provides a list of key contacts for ACA CPB JV works/.

Table 1-1: Contact list

Emergency contact list	Details
Environment Protection Authority (EPA)	131 555
Safework NSW	131 050
RSCPA / WIRES	1300 094 737
Heritage NSW	(02) 9873 8500
NSW Police	(02) 8835 7888 Or 000 (Emergency only)
ACA CPB JV contact list	
John Keenan, Environment and Sustainability Manager	0447 029 566
Gregor Wilson, Environmental Approvals Lead	0432 089 430
Kristian Hancock, Senior Environmental Advisor	0456 740 970
Maddy Young, Ecologist	0474 474 704
Matthew Kelleher, Aboriginal heritage consultant	0400 821 264

Emergency contact list	Details
Harrison Rochford, Non-Aboriginal heritage consultant	0414 997 400

2. Environmental requirements

2.1 Relevant legislation and guidelines

Refer to specific procedures in Appendices A, B and C for relevant legislation and guidelines.

2.2 Project requirements

The Condition of Approval (CoA) and Updated Environmental Management Measures (UEMM) requirements relevant to this protocol are listed in Table 2-1 and Table 2-2.

Table 2-1 Relevant CoA

CoA no.	CoA requirements	Where addressed
A21	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. 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 submitted to the Planning Secretary for information prior to low impact work commencing.	This document and: (a) – Appendix A (b) – Appendix B (c) – Appendix C (d) – Appendix C
E155	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 C
E156	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 C
E168	An Unexpected Finds Procedure for Contamination must be prepared before the commencement of Work and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The procedure must be submitted to the Planning Secretary for information.	Appendix B
E169	The Unexpected Finds Procedure for Contamination must be implemented throughout Work	Appendix B

Table 2-2 Relevant UEMM

UEMM no.	UEMM requirements	Where addressed
AH12	An unexpected finds procedure would be developed and included in the Aboriginal cultural heritage management plan (mitigation measure AH10) to provide a consistent method for	Appendix C

UEMM no.	UEMM requirements	Where addressed
	managing any unexpected Aboriginal heritage items discovered during construction, including potential heritage items or objects, and human skeletal remains. The procedure would define the requirements for managing any human skeletal remains discovered during construction in accordance with mitigation measure NAH8.	Note: to be included in Aboriginal cultural heritage management plan once prepared
NAH8	An unexpected finds procedure would be developed and included in the heritage management plan to provide a consistent method for managing any unexpected heritage or archaeological items and unexpected human skeletal remains. The procedure would define the requirements for managing any human skeletal remains discovered during construction, in accordance with relevant legislation and guidelines, including the Public Health Regulation 2012 (NSW), Heritage Act 1977 (NSW), National Parks and Wildlife Act 1974 (NSW), Work Health and Safety Act 2011 (NSW), Coroners Act 2009 (NSW), NSW Health Procedures Exhumation of human remains (NSW Health, 2013), and Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977 (NSW Heritage Office, 1998b). Any human skeletal remains discovered during construction would be managed in accordance with the Policy Directive – Exhumation of Human Remains (NSW Health, 2013) and Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977 (NSW Heritage Office, 1998b).	Appendix C Note: to be included in heritage management plan once prepared

3. Implementation

3.1 Training and inductions

All personnel are to be inducted on the identification of potential unexpected finds along with this Protocol during the inductions and Toolbox Talks.

3.2 Roles and responsibilities

An outline of responsibilities is included in Table 3-1. The roles and responsibilities of personnel are also outlined in the flow charts included in each procedure.

Table 3-1 Roles and responsibilities

Role	Responsibility
Environment and Sustainability Manager	- Implementation of procedures - Liaise with specialist consultants and ARTC - Notify regulators as required - Complete incident investigation and reporting (where required) - Updates to this protocol and management plans (where required)
Supervisor	- Stop work as required - Delineate the area - Contact Environmental and Sustainability Manager - Manage access into and out of the site.
Specialist consultants – eg Heritage Consultant, Ecologist	Provide management advice
ARTC	Notify regulators as required

Appendix A Unexpected Finds Procedure - Biodiversity

A.1 Introduction

This procedure describes how to manage unexpected encounters of 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, namely CoA A21, and the Biodiversity Guidelines (Protecting and Managing Biodiversity on RTA Projects). Note this procedure will also be included in the Five-clawed Worm Skink Management Plan required by CoA E30.

A.2 Relevant legislation and guidelines

Legislation and guidelines relevant to this procedure include:

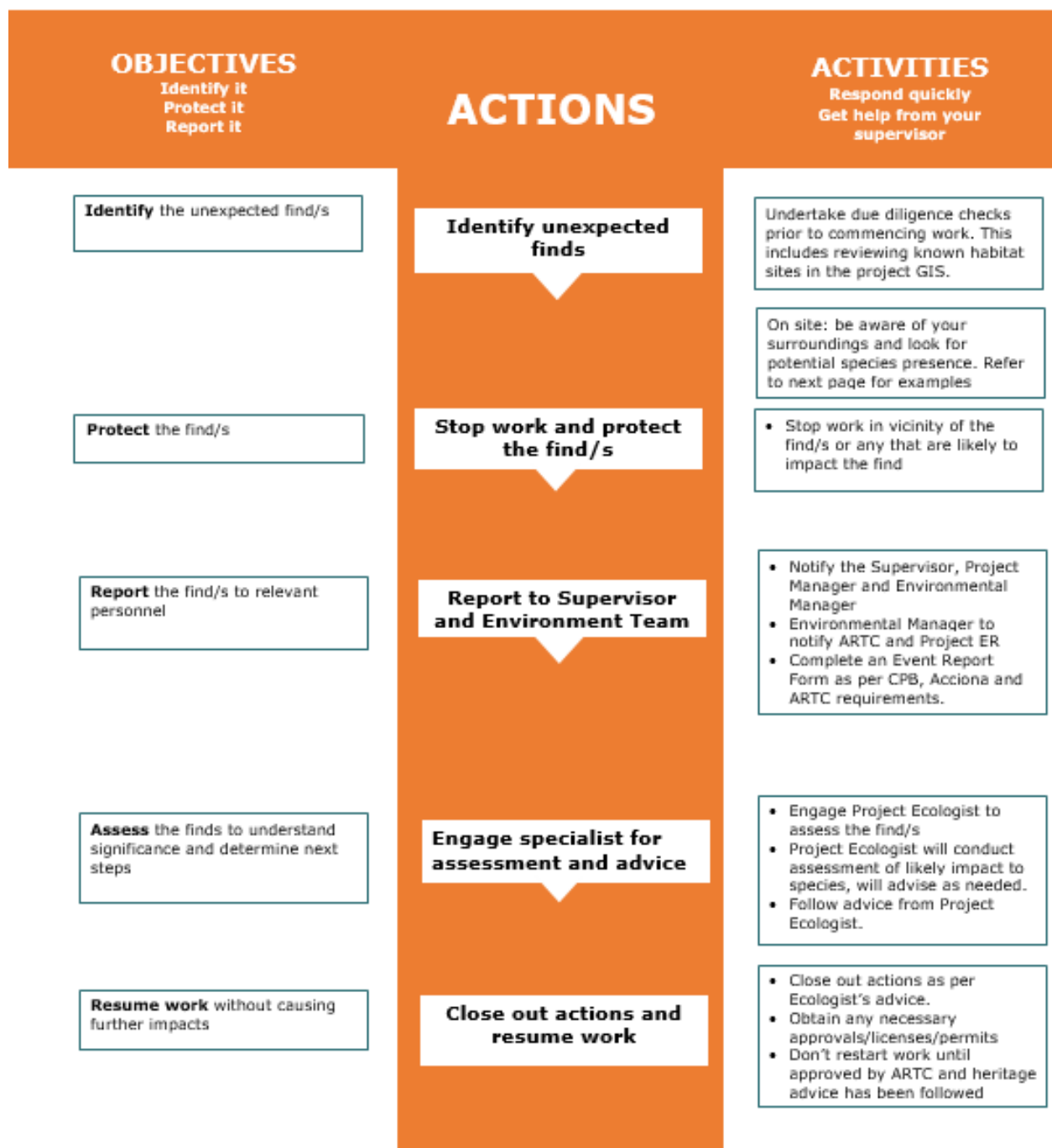
- *Biodiversity Conservation Act 2016*
- *Fisheries Management Act 1994*
- *National Parks and Wildlife Act 1994*
- *Environment Protection and Biodiversity Conservation Act 1999*
- Biodiversity Guidelines (Protecting and Managing Biodiversity on RTA Projects).

A.3 Reporting

A record of the unexpected finds will be maintained by ACA CPB JV and will include the following details:

- 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)
- Details regarding assessment by the Environment and Sustainability Manager (and advice from suitably qualified ecologist or specialist)
- Actions undertaken before work recommenced.

UNEXPECTED FINDS PROCEDURE – Biodiversity



For further information talk to your Supervisor or Environmental Team

Examples of Threatened Species that may be encountered:



Barking Owl - *Ninox connivens*



Black Striped Wallaby - *Macropus dorsalis*



Glossy Black Cockatoo - *Calyptorhynchus lathami*



Koala - *Phascolarctos cinereus*



Little Lorikeet - *Glossopsitta pusilla*



Pilliga Mouse - *Pseudomys pilligaensis*



Five-clawed Worm-skink - *Anomalopus mackayi*

Appendix B – Unexpected Finds Procedure - Contamination

B.1 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
- Polycyclic aromatic hydrocarbons
- Polychlorinated biphenyls (PCBs) and 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 A21 and CoA E168. CoA E169 requires that the Unexpected Finds Procedure for Contamination be implemented throughout Work (any physical work for the purpose of the CSSI including construction and low impact work).

B.2 Relevant legislation and guidelines

Legislation and guidelines relevant to this procedure include:

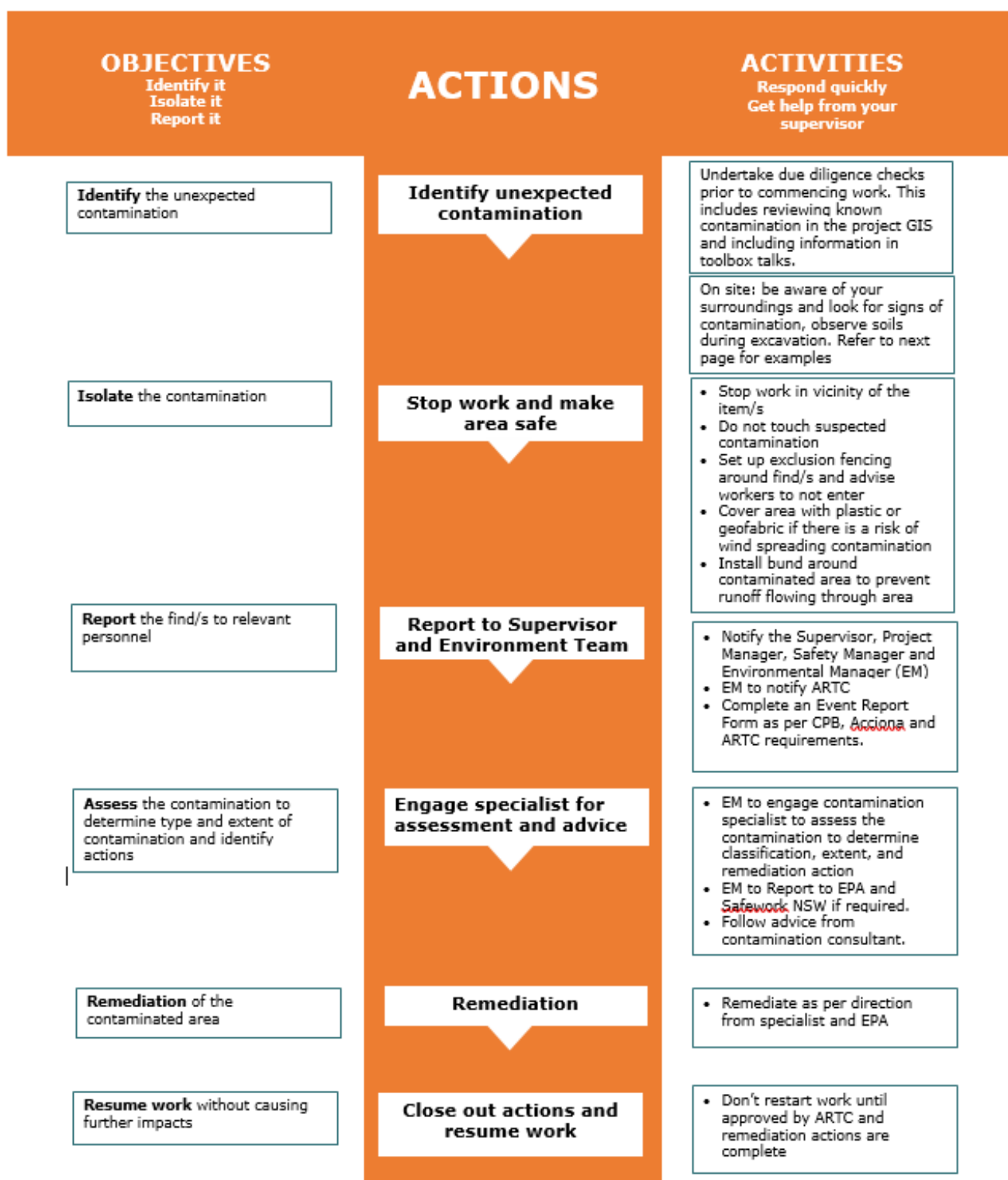
- *Protection of the Environment Operations Act 1997*
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2014
- *Contaminated Land Management Act 1997*
- Contaminated Land Management Regulation 2013
- Waste Classification Guidelines (EPA 2014).

B.3 Reporting

A record of the unexpected finds will be maintained by ACA CPB JV and will include the following details:

- Date, time and location of unexpected find, including depth
- Details regarding assessment by Environment Manager (and advice from suitably qualified contamination specialist)
- Neutralisation and treatment processes used
- Time of excavation, reuse or disposal of material
- Volume of material excavated
- Destination of treated material (i.e. offsite or onsite disposal), including a record on a site plan.

If treated material is to be disposed of offsite, material tracking would be undertaken in accordance with the *Protection of the Environment Operations Act 1997*. 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 classification of waste and must only dispose of the waste at a facility that is licenced to accept the waste classification.



For further information talk to your Supervisor, Safety Team, or Environmental Team

Examples of Contamination

Types of contamination:

- Chemical:
 - o Pesticides,
 - o PFAS (fire fighting chemical)
 - o Heavy metals eg. Arsenic and lead
- Hydrocarbons:
 - o Oil, grease and fuel spills or leaks
 - o Leachate from underground fuel storage
- Building waste
 - o Asbestos
 - o Other building wastes
- Acid sulfate soils (naturally occurring)



Asbestos pipes



Old Landfill or buried waste



Oil, grease and fuel in soil and water



Unusual coloured or clear water could indicate presence of heavy metals or salinity

Appendix C – Unexpected Finds Procedure – Heritage and human remains

C.1 Introduction

This procedure describes how to manage unexpected encounters of heritage items, both Aboriginal and non-Aboriginal and including human remains, during works. This procedure has been prepared to meet the requirements of the CoA, specifically CoA A21 and CoA E155. CoA E156 requires that the Unexpected Finds Procedure for Heritage and human remains be implemented throughout Work (any physical work for the purpose of the CSSI including construction and low impact work).

C.2 Relevant legislation and guidelines

Legislation and guidelines relevant to this procedure include:

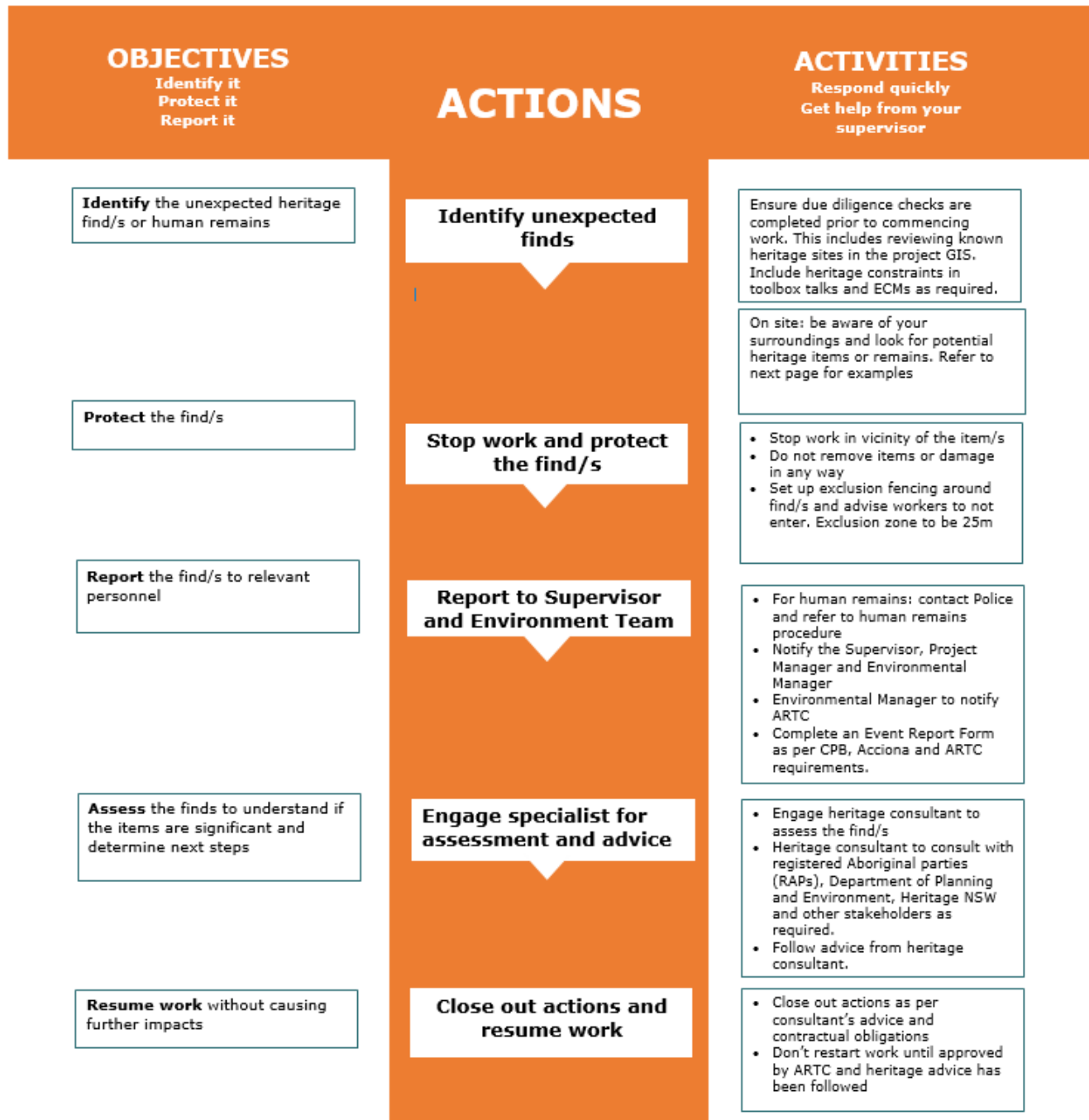
- *Heritage Act 1977*
- *Heritage Regulation 2012*
- *National Parks and Wildlife Act 1994*
- *Environment Protection and Biodiversity Conservation Act 1999.*

C.3 Reporting

A record of the unexpected finds will be maintained by ACA CPB JV and will include the following details:

- Date, time and location of 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.

UNEXPECTED FINDS PROCEDURE – Heritage & Human Remains



Examples of Aboriginal Heritage Items



Stone artefacts - flake tools



Stone artefacts - grinding stones



Human remains



Scar Tree

Examples of Non-Aboriginal Heritage Items



Historic rail



Bottles and pottery

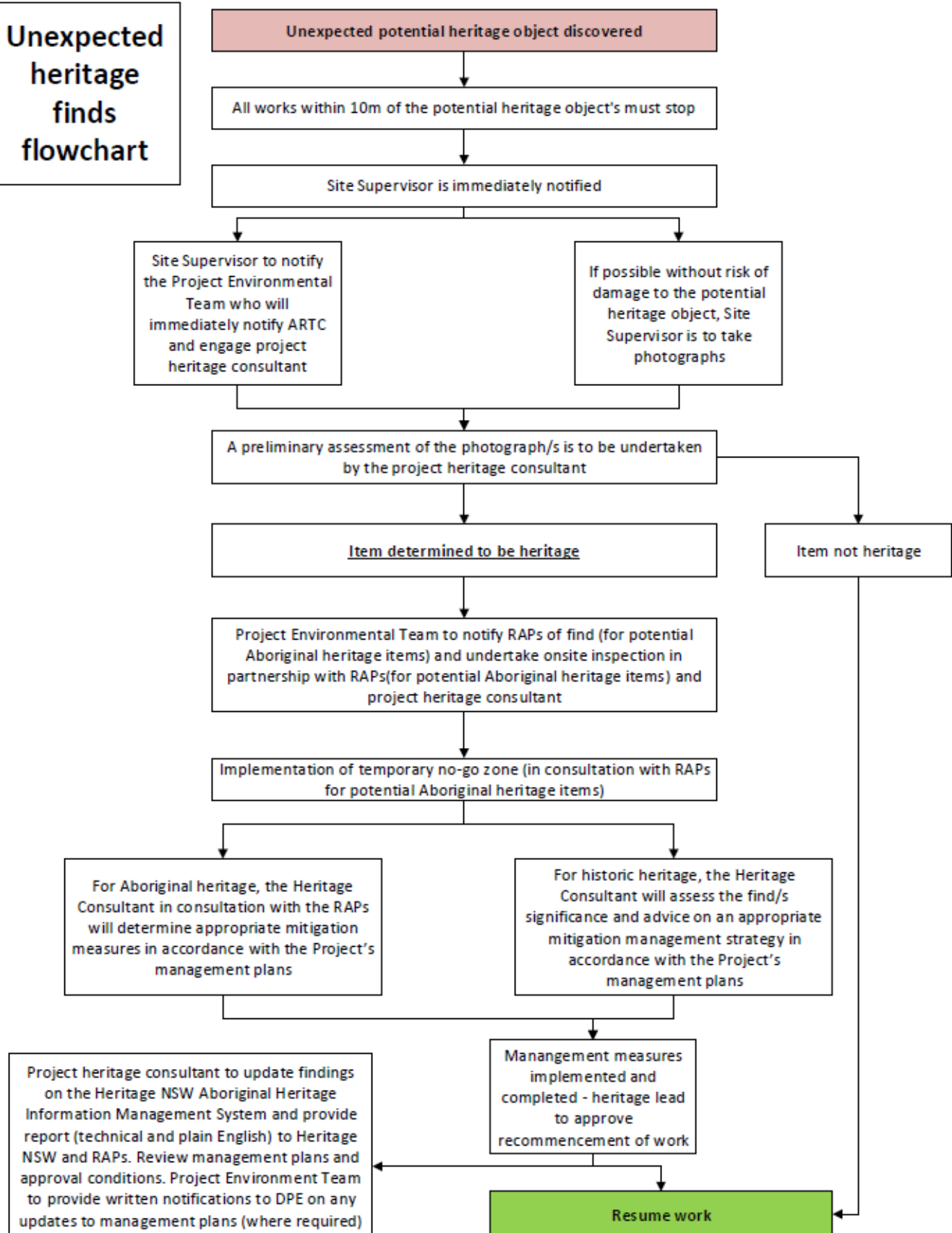


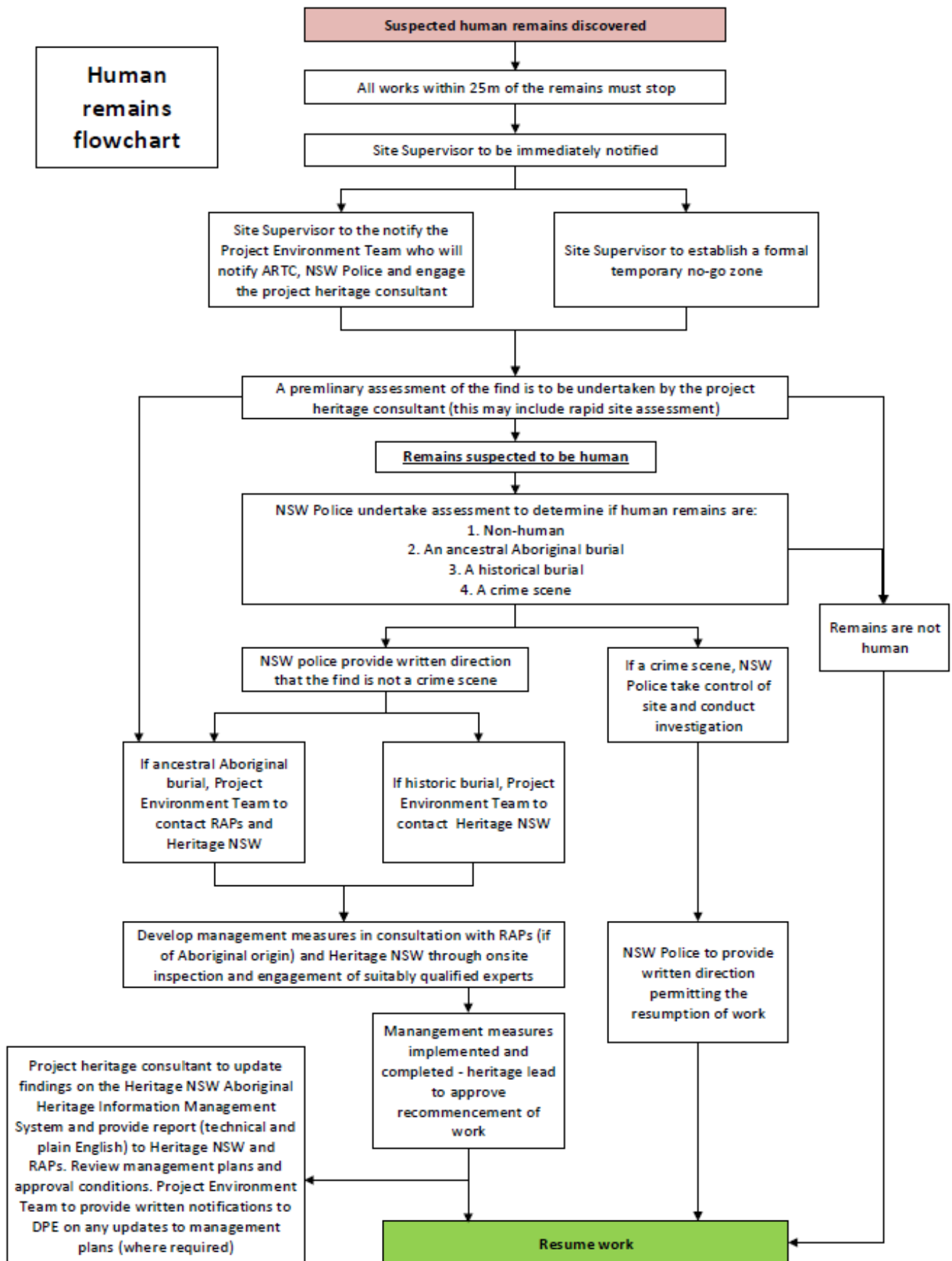
Historic cobblestone road



Historic wall

**Unexpected
heritage
finds
flowchart**





Unexpected and Incidental Finds Protocol

Final Audit Report

2023-06-16

Created:	2023-06-16
By:	Matt Mulcahy (mmulcahy@artc.com.au)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsE4JbqZL8ktxwH2RR13tSQff3q5DgwJ4

"Unexpected and Incidental Finds Protocol" History

-  Document created by Matt Mulcahy (mmulcahy@artc.com.au)
2023-06-16 - 0:38:53 AM GMT
-  Document emailed to Richard Hamilton (RHamilton3@ARTC.com.au) for signature
2023-06-16 - 0:39:25 AM GMT
-  Email viewed by Richard Hamilton (RHamilton3@ARTC.com.au)
2023-06-16 - 0:40:09 AM GMT
-  Richard Hamilton (RHamilton3@ARTC.com.au) has explicitly agreed to the terms of use and to do business electronically with Australian Rail Track Corporation
2023-06-16 - 5:31:24 AM GMT
-  Document e-signed by Richard Hamilton (RHamilton3@ARTC.com.au)
Signature Date: 2023-06-16 - 5:31:24 AM GMT - Time Source: server
-  Agreement completed.
2023-06-16 - 5:31:24 AM GMT