

## SCHEDULE 5 - LOW NATIVE TITLE IMPACT ACTSIVITIES

This Schedule contains classes of Activities which have a *Low Native Title Impact* (refer to Clause 32 ).

Short Description	Class of Activities
Maintenance	<p>Anything which involves the maintenance, repair, protection or making safe of existing infrastructure, structures, improvements, earthworks and areas under a <i>Local Government's</i> ownership, care or control.</p> <p><i>Examples</i> - Repairs to buildings, re-sealing roads and car parks, mowing parks, removing rubbish, restoring erosion.</p>
<i>Low Impact Infrastructure</i>	<p>Anything which involves the construction or establishment of infrastructure, structures, improvements and earthworks which:</p> <ul style="list-style-type: none"> <li>• comprises signage or fencing which does not prevent the exercise of <i>Native Title</i>;</li> <li>• replaces, in the same location, previously existing infrastructure, structures, improvements and earthworks;</li> <li>• responds to an emergency or threats to public health and safety;</li> <li>• is located wholly in an area which is a <i>Reserve</i> and is consistent with the purpose of the <i>Reserve</i>; or</li> <li>• consists of the construction, operation, use, maintenance or repair of any of the things listed from time to time in Section 24KA(2) of the <i>Native Title Act</i>.</li> </ul> <p><i>Examples</i> - Street signs, replacing an existing sewerage treatment plant, underground water pipeline.</p>
Statutory Approvals	<p>Anything which involves, or which permits or requires, the granting, issuing, making by or to a <i>Local Government</i> of any approval, consent or permission under any <i>Law</i>.</p> <p><i>Examples</i> - Ministerial approval of a trustee lease, environmental approvals, permits under <i>Local Laws</i>.</p>
Low Impact Tenure Grants	<p>Anything which involves, or which permits or requires, the granting, issuing, dedicating, renewal, or making by or to a <i>Local Government</i> of an interest in land or waters<sup>13</sup> (including a <i>Permitted Lease</i>) but does not include a <i>High Impact Tenure Grant</i>.</p> <p><i>Examples</i> - Trustee lease by a <i>Local Government</i> to a sporting club over a <i>Reserve</i>, permit to occupy, easements</p>
<i>Invalid Past Acts</i>	<p>Anything which involves, or which permits or requires, the granting, issuing or making of anything which rectifies an <i>Invalid Past Act</i>.</p> <p><i>Example</i> - Gazettal of a road reserve over an off alignment road.</p>
Pest Control	<p>Anything which permits, requires or consists of the management, control or elimination of pests.</p> <p><i>Examples</i> - Removing weeds, eradicating feral animals.</p>

<sup>13</sup> Includes an interest in the nature of a trust.

Short Description	Class of Activities
Contractual Interests	<p>Anything which permits, requires or consists of the granting or making by or to a <i>Local Government</i> of a contractual interest relating to the management or use of land or waters for a public purpose.</p> <p><i>Examples</i> - A <i>Local Government</i> entering into a contract with a <i>Third Party</i> for the mowing or maintenance of public places, licence to a community group to use land or waters under a <i>Local Government's'</i> management or control.</p>
Operational Activities	<p>Anything which permits, requires or consists of the carrying out of the operational functions of a <i>Local Government</i> and which is not an <i>Activity</i> which has a <i>High Native Title Impact</i>.</p> <p><i>Examples</i> - Storage and stockpile of gravel, civic functions on land or waters, carrying out enforcement actions regarding alleged breaches of <i>Local Laws</i>, <i>Local Planning Instrument</i> and legislation.</p>
Access and Site Investigation	<p>Access and site investigation activities which do not require major excavations or earthworks.</p> <p><i>Examples</i> - Inspecting an area, surveying an area, conducting geotechnical testing, water quality testing.</p>
Emergencies	<p>Anything which is undertaken for the purpose of preventing or minimising physical harm or the threat of physical harm to persons or property.</p> <p><i>Examples</i> - Constructing a fire break or a safety barrier.</p>
Contractual Interests with <i>Third Parties</i>	<p>Anything which involves, or which permits or requires, the granting, issuing or making of a contract or agreement.</p> <p><i>Examples</i> - A management agreement, maintenance contract, permit or agreement entered into in accordance with the <i>Law</i>.</p>
Low Impact Works/infrastructure Otherwise Agreed at a <i>Capital Works Forum</i>	<p>Anything which involves the construction or establishment of infrastructure, structures, improvements or earthworks and which is decided to be low impact for purposes of <i>Native Title</i> at a <i>Capital Works Forum</i>.</p> <p><i>Note:</i> Clause 51 has more information about how this decision is made at a <i>Capital Works Forum</i>.</p>