

SCHEDULE 3

MINOR WORKS OR ACTIVITIES

1. OPERATIVE OF SCHEDULE

This Schedule describes the Future Acts (consisting of minor works or activities) for which the Native Title Parties have given their consent.

2. MINOR WORKS OR ACTIVITIES FOR WHICH CONSENT IS GIVEN:

The Minor Works or Activities for which consent is given are:-

- (a) constructing Council Infrastructure required in emergency circumstances to ensure the safety of people and the preservation of property where people or property are subject to an immediate threat;
- (b) tree lopping but not removal or destruction in the immediate vicinity of Council Infrastructure;
- (c) repairing any damaged Council Infrastructure;
- (d) reinstating any destroyed Council Infrastructure to its pre-existing state;
- (e) inspecting Council Infrastructure;
- (f) maintaining Council Infrastructure;
- (g) fencing or barricading Council Infrastructure other than roads;
- (h) erecting sign posts;
- (i) accessing any land or waters which are adjacent to the land on which the Minor Works or Activities are located which is necessary for, or incidental to, the carrying out of the Minor Works or Activities listed in paragraph 2(a) to (h).

3. MEANING OF TERMS

For the purpose of this Schedule:-

- (a) any of the Minor Works or Activities may be done by the agents, contractors or employees of the Council; and
- (b) a reference to Council Infrastructure means:-
 - i) Council Infrastructure that exists on the Commencement Date; and
 - ii) Council Infrastructure lawfully constructed after the Commencement Date.

4. THE WAY MINOR WORKS OR ACTIVITIES TO BE DONE

In constructing or carrying out Minor Works or Activities, Council will:-

- (a) where it is reasonably practicable or where required by Law (other than the Native Title Act), give the Native Title Parties notice before doing the Minor Work or Activity;

- (b) Where it is not reasonably practicable to give the Native Title Parties notice as contemplated by paragraph 4(a), the Council will provide notice as soon as practicable after doing the Work or Activity.
 - (c) use its best endeavours to cause as little interference or damage to the ILUA Area as is reasonably possible;
 - (d) use its best endeavours to avoid any interference with the privacy of the Native Title Holders of the ILUA Area;
 - (e) take all reasonable measures to rehabilitate any damage or interference to the ILUA Area as quickly as possible after the Minor Work or Activity has been undertaken.
5. Nothing in paragraph 2 is a consent to access to, or the construction of Council Infrastructure in any building used as a dwelling or the curtilage of a building used as a dwelling in the ILUA Area.