

## SCHEDULE 8 - LOW NATIVE TITLE IMPACT ACTIVITIES

This Schedule contains classes of Activities which have a *Low Native Title Impact* (refer to sub-clause 43.1).

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 or consists of:</p> <ol style="list-style-type: none"> <li>1. The construction or establishment of infrastructure, structures, improvements and earthworks which:           <ol style="list-style-type: none"> <li>a) comprises signage or fencing which does not prevent the exercise of <i>Native Title</i>;</li> <li>b) replaces, in the same location, previously existing infrastructure, structures, improvements and earthworks;</li> <li>c) responds to an emergency or threats to public health and safety;</li> <li>d) is located wholly in an area which is a <i>Reserve</i> and is consistent with the purpose of the <i>Reserve</i>.</li> </ol> </li> <li>2. The operation, use, maintenance or repair of any of the things listed below:-           <ol style="list-style-type: none"> <li>e)</li> <li>a) a road, railway, bridge or other transport facility (other than an airport or port);</li> <li>b) a jetty;</li> <li>c) a navigation marker or other navigational facility;</li> <li>d) lighting of streets or other public places;</li> <li>e) a well, or a bore, for obtaining water;</li> <li>f) a pipeline or other water supply or reticulation facility;</li> <li>g) a drainage facility, or a levee or other device for management of water flows;</li> <li>h) an irrigation channel or other irrigation facility;</li> <li>i) a sewerage facility, other than a treatment facility;</li> <li>j) a cable, antenna, tower or other communication facility;</li> <li>k) an automatic weather station;</li> <li>l) playgrounds, toilet blocks, bbque facilities, seating, walking tracks, signage and other similar recreational facilities.</li> </ol> </li> </ol> <p><i>Examples</i> - Street signs, replacing an existing sewerage treatment plant,</p>

	underground water pipeline.
Statutory Approvals	Anything which involves, or which permits or requires, the granting, issuing, making by a <i>Local Government</i> of any approval, consent or permission under any <i>Law</i> .  <i>Examples</i> - Ministerial approval of a trustee lease, environmental approvals, permits under <i>Local Laws</i> .
Low Impact Tenure Grants	Anything which involves, or which permits or requires, the granting, issuing, dedicating, renewal, or making by a <i>Local Government</i> of an interest in land or waters <sup>21</sup> (including a <i>Permitted Lease</i> ) but does not include the granting, issuing or making of a lease other than a <i>Permitted Lease</i> or the issue of a deed of grant in fee simple.  <i>Examples</i> - Trustee lease by a <i>Local Government</i> to a sporting club over a <i>Reserve</i> , permit to occupy, easements
Pest Control	Anything which permits, requires or consists of the management, control or elimination of pests.  <i>Examples</i> - Removing weeds, eradicating feral animals.
Contractual Interests	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.  <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.
Operational Activities	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> .  <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.
Access and Site Investigation	Access and site investigation activities which do not require major excavations or earthworks.  <i>Examples</i> - Inspecting an area, surveying an area, conducting geotechnical testing, water quality testing.
Emergencies	Anything which is undertaken for the purpose of preventing or minimising physical harm or the threat of physical harm to persons or property.  <i>Examples</i> - Constructing a fire break or a safety barrier.
Contractual Interests with <i>Third Parties</i>	Anything which involves, or which permits or requires, the granting, issuing or making of a contract or agreement.  <i>Examples</i> - A management agreement, maintenance contract, permit or agreement entered into in accordance with the <i>Law</i> .
Low Impact Works/infrastructure Otherwise Agreed at a <i>Capital Works Forum</i>	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> .  <i>Note</i> : Clause 59 has more information about how this decision is made at a <i>Capital Works Forum</i> .

<sup>21</sup> Includes an interest in the nature of a trust.

<p>Preventing the Exercise of <i>Native Title</i></p>	<p>Anything which prevents the exercise and enjoyment of Native Title if the Activity is:</p> <ul style="list-style-type: none"><li>a) For a purpose that is temporary in nature and in any case is for a period of no more than two months ;</li><li>b) lawfully done pursuant to a <i>Permitted Lease</i>; or</li><li>c) required by Law.</li></ul> <p>Example - Enclosing an area by a fence or other structure which prevents the Native Title Claim Group from entering the area temporarily.</p>
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