

SCHEDULE 7 - LOW NATIVE TITLE IMPACT ACTIVITIES

This Schedule contains classes of *Activities* which have a *Low Native Title Impact* (refer to sub-clause 45.1).

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>
Low Impact Infrastructure	<p>Anything which involves the construction or establishment of infrastructure, structures, improvements and earthworks which:</p> <ul style="list-style-type: none"> (a) comprises signage or fencing which does not prevent the exercise of <i>Native Title</i>; (b) replaces, in the same location, previously existing infrastructure, structures, improvements and earthworks; (c) responds to an emergency or threats to public health and safety; (d) is located wholly in an area which is a <i>Reserve</i> and is consistent with the purpose of the <i>Reserve</i>; or (e) 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>. <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 waters²⁰ (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>
Invalid Past Acts	<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>

²⁰ Includes an interest in the nature of a trust.
 Birriah People and Local Government ILUA

Schedules

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 - A Local Government entering into a contract with a Third Party for the mowing or maintenance of public places, licence to a community group to use land or waters under a Local Government's' management or control.</i></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 - Storage and stockpile of gravel, civic functions on land or waters, carrying out enforcement actions regarding alleged breaches of Local Laws, Local Planning Instrument and legislation.</i></p>
Access and Site Investigation	<p>Access and site investigation <i>Activities</i> which do not require major excavations or earthworks.</p> <p><i>Examples - Inspecting an area, surveying an area, conducting geotechnical testing, water quality testing.</i></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 public property.</p> <p><i>Examples - Constructing a fire break or a safety barrier.</i></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 - A management agreement, maintenance contract, permit or agreement entered into in accordance with the 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: Clause 62 has more information about how this decision is made at a Capital Works Forum.</i></p>