



Aboriginal Cultural Heritage Act 2021

ACTIVITY TIERS





1. Purpose

A key function of the *Aboriginal Cultural Heritage Act 2021* (Act) is to manage activities that may harm Aboriginal cultural heritage (ACH). The Act categorises activities that may harm ACH into tiers and provides a corresponding authorisation process for each of the tiers, as outlined in Table 1.

Proponents are required to seek an authorisation if there is a risk of harm being caused to ACH by their proposed activity. To assist proponents to determine whether there is a risk of harm, the Act provides for due diligence assessment (DDA) to be conducted in accordance with the ACH Management Code (Code).

2. Overview

Activity tiers reflect different levels of ground disturbance that are caused by specified activities. The activity tiers will be set out in the *Aboriginal Cultural Heritage Regulations 2022* (Regulations). For the purposes of a DDA, a proponent is required to determine the tier of their activity by referring to the Activity Tables¹.

Where there is a risk of harm to ACH from a proposed activity, *a proponent is required to follow the authorisation pathway corresponding to the relevant activity tier*. The DDA process applies to all activities having regard to their level of ground disturbance. If a specific activity is not listed, a proponent should contact the Department of Planning, Lands and Heritage for advice.

Activity Tier	If no risk of harm to ACH	Authorisation requirements if risk of harm to ACH
Exempt Activity	Able to proceed as planned provided it is not in a Protected Area	Activity authorised to proceed as planned. To be consistent with the Objects and Principles of the Act, it is recommended that proponents should undertake the activity to avoid or minimise harm wherever possible
Tier 1 Activity		Activity is authorised to proceed as planned provided it is not in a Protected Area and as long as a DDA is undertaken, and the proponent takes all reasonable steps possible to avoid or minimise the risk of harm being caused to ACH.
Tier 2 Activity		Activity will require the issue of a Permit
Tier 3 Activity		Activity will require an approved or authorised Plan.

Table 1 - Authorisation process for Exempt Activities and the three Activity Tiers

¹ The Activity Tiers are available on the Department of Planning, Lands and Heritage's website



1. Fall-back for overlap between activities in activity tiers Schedule

40. Most specific description of activity applies

- (1) This regulation applies if an activity is described by more than 1 item in Schedule 1.
- (2) The activity is taken to be described by the most specific item, and not by any other item, in Schedule 1.
- (3) The most specific item is —
 - (a) unless paragraph (b) applies — the item in Schedule 1 that most specifically describes the activity; or
 - (b) if 1 or more of the items set out in Schedule 1 that describe the activity are under a Subdivision heading referring to exempt activities — the item in Schedule 1 under a Subdivision heading referring to exempt activities that most specifically describes the activity.



2. Definitions for activity tiers

ancillary dwelling has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1;

application area has the meaning given in section 69 of the Act;

boat means a vessel, craft or floating platform of any description that is capable of use in or on water, whether floating or submersible;

coastal waters means the coastal waters of the State as defined in the Off-shore (Application of Laws) Act 1982 section 2;

common property means —

- in relation to a strata titles scheme as defined in the Strata Titles Act 1985 section 3(1) — common property as defined in that section; or
- in relation to a tier 1 scheme, tier 2 scheme or tier 3 scheme as defined in the Community Titles Act 2018 section 3(1) — common property as defined in that section;

emergency management has the meaning given in the *Emergency Management Act 2005* section 3;

grouped dwelling has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1;in

litter has the meaning given in the *Litter Act 1979* section 5(1);

multiple dwelling has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1;

planning and development lot means a lot as defined in the *Planning and Development Act 2005* section 4(1);

residential building means a building occupied, or intended for occupation, as a place of residence;

strata or community titles lot means —

- a lot in a strata scheme or lot in a survey-strata scheme as defined in the *Strata Titles Act 1985* section 3(1); or
- a lot as defined in the *Community Titles Act 2018* section 3(1);

strata or community titles scheme means —

a strata titles scheme as defined in the in the *Strata Titles Act 1985* section 3(1); or

a tier 1 scheme, tier 2 scheme or tier 3 scheme as defined in the *Community Titles Act 2018* section 3(1);

tracks includes walking tracks, horse tracks and access tracks;

waterway includes the following —

- (a) a river, creek, brook or other naturally flowing stream of water, whether or not it flows permanently;
- (b) a lake, salt lake, claypan, lagoon, marsh or swamp;
- (c) a floodplain, estuary or inlet;
- (d) an artificial waterway as defined in the *Planning and Development Act 2005* section 4(1).



3. Activity tiers

Division 1 — General activities

Subdivision 1 — Exempt general activities

- (1) The following types of development —
- (a) development set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 61(1) the Table item 1, 2, 3, 4, 7, 8 or 13 column 1, other than in relation to a building that is Aboriginal cultural heritage about which information is contained on the ACH Directory;
 - (b) the demolition of a multiple dwelling or grouped dwelling, other than in relation to a multiple dwelling or grouped dwelling that is Aboriginal cultural heritage about which information is contained on the ACH Directory;
 - (c) internal building work, other than in relation to a building that is Aboriginal cultural heritage about which information is contained on the ACH Directory;
 - (d) the erection or installation of, or alterations or additions to, any of the following on the same planning and development lot or strata or community titles lot as a multiple dwelling —
 - (i) an ancillary dwelling;
 - (ii) an outbuilding;
 - (iii) an external fixture;
 - (iv) a boundary wall or fence;
 - (v) a patio;
 - (vi) a pergola;
 - (vii) a verandah;
 - (viii) a deck;
 - (ix) a garage;
 - (x) a carport;
 - (xi) a swimming pool;
 - (xii) shade sails;
 - (e) the installation of a water tank that complies with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 61(1) the Table item 12 column 2 conditions (b) and (c);
 - (f) the erection or installation of a flagpole that complies with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 61(1) the Table item 14 column 2 conditions (a) to (d);
 - (g) development carried out on subdivided parcel of land if —
 - (i) a residential building is located on the land, or will be constructed on the land; and
 - (ii) the subdivision was the subject of an approved or authorised ACH management plan; and
 - (iii) the development is consistent with the subdivision.



Note for this item:

See regulation 36(1) and paragraph (b) of the definition of **exempt activity** in section 100 of the Act.

- (2) Construction, renovation or demolition of a residential building on a strata or community titles lot that is less than 1 100 m².
- (3) Installing or maintaining reticulated electricity, gas, water, sewerage, drainage or telecommunications services if the works are located between —
 - (a) the boundary of a planning and development lot, a strata or community titles lot in a strata or community titles scheme, or common property in the strata or community titles scheme if —
 - (i) a residential building is located on the lot, or will be constructed on the lot; and
 - (ii) the lot is less than 1 100 m²;
 and
 - (b) 1 of the following —
 - (i) the residential building;
 - (ii) a building ancillary to the residential building;
 - (iii) where the residential building or an ancillary building will be constructed.
- (4) Installing a driveway or crossover on a planning and development lot, a strata or community titles lot in a strata or community titles scheme, or common property in the strata or community titles scheme if —
 - (a) a residential building is located on the lot, or will be constructed on the lot; and
 - (b) the lot is less than 1 100 m².
- (5) Subdivision of land that results in the creation of no more than 5 planning and development lots or strata or community titles lots, each of which is less than 1 100 m².
- (6) Maintaining existing infrastructure in a way that does not involve disturbance to ground beyond that which was disturbed during the construction of, or earlier works in relation to, the infrastructure.
- (7) The demolition of a structure, other than a building, in a way that does not involve disturbance to ground beyond that which was disturbed during the construction of, or earlier works in relation to, the structure.
- (8) Undertaking an activity in an area that results in land use or development that —
 - (a) is no greater in surface area or height than existing land use or development in the area; and
 - (b) is either —
 - (i) no greater in depth than existing land use or development in the area; or
 - (ii) only greater in depth than existing land use or development



in the area in a part of the area in which the depth of the existing land use or development extends 10 m or lower below natural ground level.

- (9) Temporarily placing equipment on an existing area of ground disturbance.
- (10) Visually inspecting an area as part of undertaking a due diligence assessment.
- (11) Lifestyle and general maintenance activities associated with a residential building, including gardening, repairs and carrying out minor development (for example installing a chicken coop or play equipment).
- (12) Driving a vehicle on an existing area of ground disturbance.
- (13) Setting up and using a temporary camp —
 - (a) in a way that does not involve clearing the camp site; and
 - (b) that involves only 1 or more of the following forms of accommodation —
 - (i) swags;
 - (ii) tents;
 - (iii) camper trailers;
 - (iv) caravans.
- (14) Aerial transportation that does not involve clearing at the landing site.
- (15) A burial authorised under the *Cemeteries Act 1986* section 12 of an Aboriginal person.
- (16) A burial under the *Cemeteries Act 1986* section 11, other than a burial authorised under section 12 of that Act.
- (17) Caring for, controlling or managing a cemetery declared under the *Cemeteries Act 1986* section 4(1).

Subdivision 2 — General tier 1 activities

- (18) Temporarily placing a structure on an existing area of ground disturbance.
- (19) Removing plant and equipment.
- (20) Maintaining existing infrastructure in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material;
 - (b) disturbing more than 10 m² of ground in total;
 - (c) disturbing more than 1 m² of contiguous ground;
 - (d) excavating to a depth of more than 0.5 m.
- (21) The demolition of a structure, other than a building, in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material;
 - (b) disturbing more than 10 m² of ground in total;
 - (c) disturbing more than 1 m² of contiguous ground;
 - (d) excavating to a depth of more than 0.5 m.



- (22) Erecting or installing a fence in a way that does not involve clearing.
- (23) Driving a vehicle in a way that does not result in a new track being formed.
- (24) Clearing for tracks in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material;
 - (b) disturbing more than 10 m² of ground in total;
 - (c) disturbing more than 1 m² of contiguous ground;
 - (d) excavating to a depth of more than 0.5 m.
- (25) Drilling, carried out as part of bore construction, in a way that does not involve any of the following —
 - (a) disturbing more than 10 m² of ground in total;
 - (b) disturbing more than 1 m² of contiguous ground.
- (26) Stockpiling on an established stockpile.
- (27) Stockpile sampling.
- (28) Removing a stockpile.

Subdivision 3 — General tier 2 activities

- (29) Construction or renovation of —
 - (a) a residential building on a planning and development lot, or strata or community titles lot in a strata or community titles scheme, that is 1 100 m² or larger; or
 - (b) a building ancillary to such a building on —
 - (i) the planning and development lot; or
 - (ii) the strata or community titles lot or common property in the strata or community titles scheme.
- (30) Installing or maintaining reticulated electricity, gas, water, sewerage, drainage or telecommunications services if the works are located between —
 - (a) the boundary of a planning and development lot, a strata or community titles lot in a strata or community titles scheme, or common property in the strata or community titles scheme if —
 - (i) a residential building is located on the lot, or will be constructed on the lot; and
 - (ii) the lot is 1 100 m² or larger;
 and
 - (b) 1 of the following —
 - (i) the residential building;
 - (ii) a building ancillary to the residential building;
 - (iii) where the residential building or an ancillary building will be constructed.
- (31) Installing a driveway or crossover on a planning and development lot, a



- strata or community titles lot in a strata or community titles scheme, or common property in the strata or community titles scheme.
- (32) Erecting or installing a structure on undisturbed ground in a way that does not involve building foundations for the structure.
- (33) Maintaining existing infrastructure, other than as described in item 20, in a way that does not involve any of the following —
- (a) removing more than 20 kg of material;
 - (b) disturbing more than 200 m² of ground in total;
 - (c) disturbing more than 10 m² of contiguous ground;
 - (d) excavating to a depth of more than 1 m.
- (34) The demolition of a structure, other than a building and other than as described in item 21, in a way that does not involve any of the following —
- (a) removing more than 20 kg of material;
 - (b) disturbing more than 200 m² of ground in total;
 - (c) disturbing more than 10 m² of contiguous ground;
 - (d) excavating to a depth of more than 1 m.
- (35) Undertaking an activity in an area that results in land use or development that is no greater in surface area than existing land use or development in the area.
- (36) An activity that will, through repetition by the proponent, result in a new track being formed.
- (37) Clearing for tracks, other than as described in item 24, in a way that does not involve any of the following —
- (a) removing more than 20 kg of material;
 - (b) disturbing more than 200 m² of ground in total;
 - (c) disturbing more than 10 m² of contiguous ground;
 - (d) excavating to a depth of more than 1 m.
- (38) Internal building work in relation to a building that is Aboriginal cultural heritage about which information is contained on the ACH Directory.
- (39) Burning, other than as part of an activity described by another item in Divisions 1 to 8.
- (40) A burial authorised under the *Cemeteries Act 1986* section 12 of a non-Aboriginal person.
- (41) Air core drilling.
- (42) Drilling, carried out as part of bore construction, other than as described in item 25, in a way that does not involve any of the following —
- (a) disturbing more than 200 m² of ground in total;
 - (b) disturbing more than 10 m² of contiguous ground.
- (43) Establishing a stockpile with a surface area of 200 m² or less.



Subdivision 4 — General tier 3 activities

- (44) Subdivision of land.
- (45) Maintaining existing infrastructure, other than as described in item 20 or 33.
- (46) The demolition of a structure, other than a building and other than as described in item 21 or 34.
- (47) Clearing for tracks, other than as described in item 24 or 37.
- (48) The demolition of a building that is Aboriginal cultural heritage about which information is contained on the ACH Directory.
- (49) Blasting.
- (50) Drilling, other than as part of an activity described by another item in Division 1 to 8.

Examples for this item:

1. Rotary mud drilling.
 2. Diamond drilling.
 3. Percussion drilling.
 4. Drilling carried out as part of bore construction that involves disturbing more than 200 m² of ground in total or more than 10 m² of contiguous ground.
- (51) Establishing or expanding a cemetery declared under the *Cemeteries Act 1986* section 4(1).
 - (52) Establishing a stockpile, other than as described in item 43.

Division 2 — Emergency activities

Subdivision 1 — Exempt emergency activities

- (53) An emergency management activity intended to prevent imminent loss of life, prejudice to the safety, or harm to the health, of people or animals.
- (54) An activity undertaken in an emergency situation for the purpose of preventing or minimising irreversible damage to a significant part of the environment.

Subdivision 2 — Tier 1 emergency activities

- (55) Fire hazard reduction.
- (56) Inspecting, protecting, providing or restoring essential services.
- (57) Complying with a notice given under the *Bush Fires Act 1954* section 33(1) or a direction given under section 33(4)(a) of that Act.

Division 3 — Aboriginal cultural heritage investigation activities

Subdivision 1 — Exempt Aboriginal cultural heritage investigation activities

- (58) Investigation of Aboriginal cultural heritage, carried out on foot, that does not involve excavation or removal of Aboriginal cultural heritage.

Examples for this item:

1. Site recording and assessment.



2. Monitoring and auditing.
 3. Digital capture of Aboriginal cultural heritage.
 4. Non-digital photography.
 5. Probing.
- (59) Removal or relocation of an Aboriginal object located in an area by, or with the written approval of, a local ACH service for the area.
- (60) Investigation of Aboriginal cultural heritage in an area by, or with the written approval of —
- (a) a local ACH service for the area; or
 - (b) if there is not a local ACH service for the area —
 - (i) a native title party for the area; or
 - (ii) if there is not a native title party for the area — a native title representative body for the area.

Subdivision 2 — Tier 2 Aboriginal cultural heritage investigation activities

- (61) Investigation of Aboriginal cultural heritage that does not involve any of the following —
- (a) the use of non-handheld equipment;
 - (b) test pitting, excavation or other ground disturbance over a surface area that is greater than 1 m²;
 - (c) removing any more Aboriginal cultural heritage than necessary for investigation purposes;
 - (d) rock chipping or making moulds of petroglyphs or rock art.

Examples for this item:

1. Radiocarbon dating.
2. Luminescence dating.
3. Dosimetry.
4. Extraction of scarred element parts from scarred trees.
5. Mechanical sieving.

Subdivision 3 — Tier 3 Aboriginal cultural heritage investigation activities

- (62) Investigation of Aboriginal cultural heritage other than as part of another activity described in this Division.

Division 4 — Activities impacting waterways or coastal waters

Subdivision 1 — Exempt activities involving waterways or coastal waters

- (63) Anchoring a boat in a waterway or coastal waters.
- (64) Maintenance of a waterway or coastal waters, including the bed or banks of a waterway or coastal waters, to rectify accretion and erosion of natural material.



Subdivision 2 — Tier 1 activities impacting waterways or coastal waters

- (65) Taking water from a waterway or coastal waters without causing ground disturbance.
- (66) Discharging water into a waterway or coastal waters in a way that does not involve disturbance to the bed or banks of the waterway or coastal waters.
- (67) Monitoring and sampling in relation to a waterway or coastal waters in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material;
 - (b) disturbing more than 10 m² of the bed or banks of the waterway or coastal waters in total;
 - (c) disturbing more than 1 m² of contiguous bed or banks of the waterway or coastal waters;
 - (d) excavating the bed or banks of the waterway to a depth of more than 0.5 m.
- (68) Removing litter from a waterway or coastal waters in a way that does not involve disturbance to the bed or banks of the waterway or coastal waters beyond that which was caused by leaving the litter.
- (69) Removing flora from a waterway or coastal waters in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material (not counting the flora);
 - (b) disturbing more than 10 m² of the bed or banks of the waterway or coastal waters in total;
 - (c) disturbing more than 1 m² of contiguous bed or banks of the waterway or coastal waters;
 - (d) excavating the bed or banks of the waterway or coastal waters to a depth of more than 0.5 m.
- (70) Placing pipe or cable on the bed or banks of a waterway or coastal waters without anchoring the pipe or cable to the bed or banks.
- (71) Installing a structure into, or anchoring a structure to, the bed or banks of a waterway or coastal waters in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material;
 - (b) disturbing more than 10 m² of the bed or banks in total;
 - (c) disturbing more than 1 m² of contiguous bed or banks;
 - (d) excavating the bed or banks to a depth of more than 0.5 m.

Subdivision 3 — Tier 2 activities impacting waterways or coastal waters

- (72) Discharging water into a waterway or coastal waters, other than as described in item 66.
- (73) Monitoring and sampling in relation to a waterway or coastal waters, other than as described in item 67.
- (74) Stabilising the bed or banks of a waterway or coastal waters using handheld equipment only, including —
 - (a) matting installation; or



- (b) brushing; or
 - (c) surface preparation for application of materials.
- (75) Removing flora from a waterway or coastal waters, other than as described in item 69, in a way that does not involve any of the following —
- (a) removing more than 20 kg of material (not counting the flora);
 - (b) disturbing more than 200 m² of the bed or banks of the waterway or coastal waters in total;
 - (c) disturbing more than 10 m² of contiguous bed or banks of the waterway or coastal waters;
 - (d) excavating the bed or banks of the waterway or coastal waters to a depth of more than 1 m.
- (76) Installing a structure to enable the movement of fauna within a waterway or coastal waters.
- (77) Installing a mooring into, or anchoring a mooring to, the bed or banks of a waterway or coastal waters.
- (78) Installing a structure into, or anchoring a structure to, the bed or banks of a waterway or coastal waters, other than as described in item 71, in a way that does not involve any of the following —
- (a) removing more than 20 kg of material;
 - (b) disturbing more than 200 m² of the bed or banks in total;
 - (c) disturbing more than 10 m² of contiguous bed or banks;
 - (d) excavating the bed or banks to a depth of more than 1 m.

Subdivision 4 — Tier 3 activities impacting waterways or coastal waters

- (79) Stabilising the bed or banks of a waterway or coastal waters using non-handheld equipment.
- (80) Reclaiming land from a waterway or coastal waters or reshaping a beach.
- (81) Capital dredging
- (82) Removing flora from a waterway or coastal waters, other than as described in item 69 or 75.
- (83) Establishing new, or expanding existing, trench irrigation.
- (84) Establishing an aquaculture or mariculture pen and supporting infrastructure.
- (85) Erecting or installing a dam, weir or waterway diversion.
- (86) Installing a structure into, or anchoring a structure to, the bed or banks of a waterway or coastal waters, other than as described in item 71 or 78.
- (87) Erecting, installing or expanding a structure in a waterway or coastal waters, other than as part of another activity described by another item in this Division.



Division 5 — Agriculture and natural resource management activities

Subdivision 1 — Tier 1 agriculture and natural resource management activities

- (88) Controlling feral or pest fauna without digging or excavating.
- (89) Managing weeds or flora in a way that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material (not counting the weeds or flora);
 - (b) disturbing more than 10 m² of ground in total;
 - (c) disturbing more than 1 m² of contiguous ground;
 - (d) excavating to a depth of more than 0.5 m.

Subdivision 2 — Tier 2 agriculture and natural resource management activities

- (90) Controlling feral or pest fauna, other than as described in item 88.
- (91) Managing weeds or flora, other than as described in item 89, in a way that does not involve any of the following —
 - (a) removing more than 20 kg of material (not counting the weeds or flora);
 - (b) disturbing more than 200 m² of ground in total;
 - (c) disturbing more than 10 m² of contiguous ground;
 - (d) excavating to a depth of more than 1 m.
- (92) Erecting or installing new agricultural infrastructure on existing agricultural land.

Examples for this item:

 1. Erecting or installing a stock watering point.
 2. Erecting or installing a new yard.

Subdivision 3 — Tier 3 agriculture and natural resource management activities

- (93) Managing weeds or flora, other than as described in item 89 or 91.
- (94) Conducting agricultural activities in an area not previously subject to agricultural activities.
- (95) Establishing a new farm or pastoral station.
- (96) Establishing a new tree plantation.
- (97) Harvesting trees in an area not previously subject to tree harvesting.

Division 6 — Field investigation activities

Subdivision 1 — Tier 1 field investigation activities

- (98) An aerial survey.
- (99) A field investigation (including exploration) that does not, over the course of 1 calendar year, involve any of the following —
 - (a) removing more than 4 kg of material;



- (b) disturbing more than 10 m² of ground in total;
- (c) disturbing more than 1 m² of contiguous ground;
- (d) excavating to a depth of more than 0.5 m.

Subdivision 2 — Tier 2 field investigation activities

- (100) A field investigation (including exploration), other than as described in item 99, that does not involve any of the following —
 - (a) removing more than 20 kg of material;
 - (b) disturbing more than 200 m² of ground in total;
 - (c) disturbing more than 10 m² of contiguous ground;
 - (d) excavating to a depth of more than 1 m.
- (101) A seismic survey that does not involve using a seismic vibrator truck.

Subdivision 3 — Tier 3 field investigation activities

- (102) A field investigation (including exploration), other than as described in item 99 or 100.
- (103) A seismic survey, other than as described in item 101.
- (104) Costeaming.

Division 7 — Mining activities

Subdivision 1 — Tier 1 mining activities

- (105) Marking out under the *Mining Act 1978*.
- (106) Metal detecting.
- (107) Scrape and detect activities using handheld equipment only.
- (108) Extracting basic raw materials —
 - (a) from within existing pits; and
 - (b) in a way that does not involve an increase to the area of ground disturbance.

Subdivision 2 — Tier 2 mining activities

- (109) Bulk leach extractable gold (BLEG).
- (110) Reopening underground mine workings.

Subdivision 3 — Tier 3 mining activities

- (111) Scrape and detect activities using non-handheld equipment.
- (112) Activities involved with establishing a new, or expanding an existing, mine or mine site.



Division 8 — Rehabilitation and remediation activities

Subdivision 1 — Exempt rehabilitation and remediation activities

- (113) Removing surface waste, litter or contaminated or waste material from —
- (a) a planning and development lot on which a residential building is located, or will be constructed; or
 - (b) a strata or community titles lot on which a residential building is located, or will be constructed, or common property in the relevant strata or community titles scheme.

Subdivision 2 — Tier 1 rehabilitation and remediation activities

- (114) Preliminary contaminated site investigation.

Examples for this item:

1. Identifying potential sources of contamination, contaminants of concern, receptors that may be exposed to contamination and exposure pathways.
2. Carrying out a site inspection.

- (115) Removing surface waste, litter or contaminated or waste material in a way that does not, over the course of 1 calendar year, involve any of the following —

- (a) removing more than 4 kg of material (not counting the surface waste, litter or contaminated or waste material);
- (b) disturbing more than 10 m² of ground in total;
- (c) disturbing more than 1 m² of contiguous ground;
- (d) excavating to a depth of more than 0.5 m.

- (116) Revegetation using handheld equipment only.

- (117) Rehabilitation of drill holes including casing removal, sealing and capping.

Subdivision 3 — Tier 2 rehabilitation and remediation activities

- (118) Detailed contaminated site investigation.

Examples for this item:

1. Collecting and evaluating site-specific data.
2. Carrying out a detailed site investigation to establish ground conditions.
3. Collecting soil and groundwater samples.

- (119) Removing surface waste, litter or contaminated or waste material, other than as described in item 115, in a way that does not involve any of the following —

- (a) removing more than 20 kg of material (not counting the surface waste, litter or contaminated or waste material);
- (b) disturbing more than 200 m² of ground in total;
- (c) disturbing more than 10 m² of contiguous ground;



- (d) excavating to a depth of more than 1 m.
- (120) Revegetation using non-handheld equipment.
- (121) A remediation activity not otherwise described in this Subdivision or in Subdivision 2 that does not involve any of the following —
 - (a) removing more than 20 kg of material;
 - (b) disturbing more than 200 m² of ground in total;
 - (c) disturbing more than 10 m² of contiguous ground;
 - (d) excavating to a depth of more than 1 m.
- (122) A rehabilitation activity not described by another item in this Subdivision or Subdivision 2 that is carried out in an area that has been subject to ground disturbance.

Subdivision 4 — Tier 3 rehabilitation and remediation activities

- (123) Removing surface waste, litter or contaminated or waste material, other than as part of an activity described by another item in this Division.
- (124) Landform re-contouring or reshaping.
- (125) A remediation activity not described by another item in this Division.
- (126) A rehabilitation activity not described by another item in this Division.

Division 9 — Other activities

Subdivision 1 — Other tier 1 activities

- (127) An activity that —
 - (a) is not described by an item in any other Division of this Schedule; and
 - (b) is not an exempt activity; and
 - (c) does not, over the course of 1 calendar year, involve any of the following —
 - (i) removing more than 4 kg of material;
 - (ii) disturbing more than 10 m² of ground in total;
 - (iii) disturbing more than 1 m² of contiguous ground;
 - (iv) excavating to a depth of more than 0.5m

Subdivision 2 — Other tier 2 activities

- (128) An activity that —
 - (a) is not described by an item in any other Division of this Schedule; and
 - (b) is not an exempt activity or tier 1 activity; and
 - (c) does not involve any of the following —
 - (i) removing more than 20 kg of material;



- (ii) disturbing more than 200 m² of ground in total;
- (iii) disturbing more than 10 m² of contiguous ground;
- (iv) excavating to a depth of more than 1 m.

Subdivision 3 — Other tier 3 activities

- (129) An activity that —
- (a) is not described by another item in this Schedule; and is not an exempt activity.