



# Aboriginal Cultural Heritage Act 2021

## EXEMPT ACTIVITIES

A range of activities undertaken by landowners, farmers, the community and industry are exempt from requiring approval under the *Aboriginal Cultural Heritage Act 2021* (Act). These exemptions include maintaining existing infrastructure where there is no new ground disturbance and undertaking 'like-for-like' activities – being activities that are the same in extent, height and depth as existing activity.

For developments which have already received approval, the assumption is they have complied with the existing Aboriginal Cultural Heritage Framework. Developers who are concerned they may not have, are obligated to comply with the new laws.

<b>EXEMPT ACTIVITIES: Consult section 100 of the Act and the <a href="#">Activity Tiers</a> for the full list.</b>	
Development on residential lots less than 1,100sqm.	Maintaining existing infrastructure where there is no new ground disturbance
Installing a patio, pergola, verandah, deck, swimming pool and shade sail; clearing a tree; building a boundary wall or fence, garage, carport and ancillary dwelling; on residential properties – regardless of lot size.	Replacing an existing fence, maintaining existing infrastructure or running livestock or cropping on established farms.
Undertaking 'like-for-like' activities – being activities that are the same in surface area, height and depth as existing activity.	Camping in tents, campervans, caravans and swags.
Installing and maintaining residential water, gas, electricity, telecommunications, and other services, and driveways or crossovers on a lot under 1,100sqm.	Lifestyle and general maintenance activities associated with a residential building including gardening, repairs and minor developments (for example, installing a chicken coop or play equipment).
Demolition of houses (single, multiple or grouped dwellings), and home improvements typically conducted by homeowners, except where the dwelling is considered Aboriginal cultural heritage.	All activities, including existing mining activities, approved under the <i>Aboriginal Heritage Act 1972</i> .
Aerial transportation such as passenger and cargo flights that does not involve clearing at the landing site.	Recreational activities on public waters and in public places.
Demolition of structures (other than buildings) that does not involve disturbing the ground beyond what has already occurred during construction.	Land use or development that is no greater in surface area, height or depth than the existing land use or development.
Travel on an existing road or track and driving a vehicle on an existing area of ground disturbance.	Temporarily placing equipment on an existing area of ground disturbance.
Using a drone to undertake aerial surveys.	Visually inspecting an area as part of undertaking a due diligence assessment.

Where an activity is not exempt, approval will only be required if there is a risk of harm to Aboriginal cultural heritage. For example, where an activity can be relocated on the property to avoid any ACH that is present, then there isn't a risk of harm and no authorisation is required.

Visit [wa.gov.au/ach-act](http://wa.gov.au/ach-act) for more information on the next steps.

All land users should understand their obligations under the new Act. To learn more, visit the website, email us, or pick up the phone for a chat.

📞 [www.wa.gov.au/ach-act](http://www.wa.gov.au/ach-act) ✉ [achimplementation@dph.wa.gov.au](mailto:achimplementation@dph.wa.gov.au)  
☎ (08) 6551 8002 (8:30am – 5:00pm, Monday to Friday)