

SCHEDULE 1. **Technical Descriptions**

Item 1 – Mayala Country Marine Park Subtidal Area

Mayala Country Marine Park Subtidal Area comprises all that portion of the area within MAYALA COUNTRY described below that:

- a) is seaward of the low water mark; and
- b) excludes all onshore places; and
- c) excludes the Marine Optional Area.

Item 2 – Mayala Country Marine Park Intertidal Area

Mayala Country Marine Park Intertidal Area comprises all that portion of the area within MAYALA COUNTRY described below that:

- a) is seaward of the high water mark and landward of the low water mark; and
- b) includes all other onshore places; and
- c) excludes the Marine Optional Area.

Item 3 – Mayala Country Marine Park Additional Area

Mayala Country Marine Park Additional Area comprises all that portion of Lalang-garram / Camden Sound Marine Park (Marine Reserve 15 on Deposited Plan 409992) contained within and bounded by a line:

- i) commencing offshore in the Indian Ocean generally east-south-east of Tasmanian Shoal at the intersection of Latitude 15°55'00" South and the seaward limit of the coastal waters of the State, that point being the western-most point of Lalang-garram / Camden Sound Marine Park (Marine Reserve 15 on Deposited Plan 409992), and from that point;
- ii) extending east-north-easterly along that limit, contiguous with the boundary of that marine park, to the point located at the intersection of that limit and the northernmost boundary of the Mayala People (WCD2018/009) Determination Area, that point also being coincident with a western point of the Dambimangari (WCD2011/002) Determination Area;
- iii) thence easterly along the northern boundary of the Mayala People (WCD2018/009) Determination Area, to the easternmost point of that northern boundary;
- iv) thence southerly along the northernmost eastern boundary of that determination area, to the point located at the intersection of that boundary and Latitude

15°55'00" South, that point also being located on the westernmost southern boundary of Lalang-garram / Camden Sound Marine Park (Marine Reserve 15 on Deposited Plan 409992);

thence west along that latitude, contiguous with the boundary of that marine park, to the point of commencement.

Item 4 – Marine Optional Area

Marine Optional Area comprises all that portion of the area within MAYALA COUNTRY described below that is contained within and bounded by the following mining tenements:

- i) M 04/452-I (Mining Lease);
- ii) E 04/2337-I (Exploration Licence); and
- iii) E 04/1589-I (Exploration Licence).

Item 5 – Tanner Island Nature Reserve

Tanner Island Nature Reserve comprises all that portion of land that is Reserve 44670 (Lot 38 on Deposited Plan 92404).

For the purposes of the technical descriptions in this Schedule, the area within MAYALA COUNTRY means the area comprising Western Australian waters, the airspace above those waters, the seabed below those waters, and the subsoil to a depth of two hundred metres below that seabed that are -

- a) contained within and bounded by a line:
 - i) commencing offshore in the Indian Ocean generally east-south-east of Tasmanian Shoal at the intersection of the seaward limit of the coastal waters of the State and Latitude 15°55'00" South, that point being the westernmost point of Lalang-garram / Camden Sound Marine Park (Marine Reserve 15 on Deposited Plan 409992), and from that point;
 - ii) extending east along that latitude, contiguous with the boundary of that marine park, to the point located at the intersection of that latitude and the northernmost eastern boundary of the Mayala People (WCD2018/009) Determination Area that crosses that latitude;
 - iii) thence southerly along that determination area boundary to the point located at the intersection of that determination area boundary and the northern boundary of Yampi Sound Port Area vested pursuant to the *Marine and Harbours Act 1981*;
 - iv) thence westerly along the northern boundary of that Port, and along the northern high water mark of the island intersected by that lot boundary, and continuing westerly along the northern boundary of that Port to the westernmost point of that northern boundary;

- v) thence southerly along the western boundary of that Port, and along the high water mark of islands where that water mark intersects and extends generally west of that Port boundary, and including those waters adjacent to Irvine Island that are isolated between that Port boundary and that island, and continuing southerly along the western boundary of that Port to the westernmost south-western corner of that Port;
 - vi) thence easterly along the boundary of that Port to the point located at the intersection of that Port boundary and an eastern boundary of the Mayala People (WCD2018/009) Determination Area that intersects that Port boundary;
 - vii) thence generally southerly along the boundary of the Mayala People (WCD2018/009) Determination Area, and along the high water mark of any land that intersects that determination area boundary and extends into that determination area, and continuing generally southerly along that determination area boundary, past Strickland Bay, Cone Bay and Cascade Bay, to the easternmost point of the southernmost boundary of that determination area;
 - viii) thence westerly along the southernmost boundary of that determination area to the point located at the westernmost point of that southernmost boundary, that point being coincident with the boundary of the Bardi and Jawi (WCD2005/003) Determination Area in King Sound;
 - ix) thence generally north-westerly along the boundary of the Mayala People (WCD2018/009) Determination Area, through King Sound and Sunday Strait, to the point located at the intersection of that determination area boundary and the seaward limit of the coastal waters of the State; and
 - x) thence generally north-easterly along that limit to the point of commencement;
- b) and within that line; and
- i) excludes all islands for that part of those islands that is landward of the high water mark.

NOTES:

- a) All referenced Deposited Plans and Diagrams are held by the Western Australian Land Information Authority, trading as Landgate.
- b) **Bardi and Jawi (WCD2005/003) Determination Area** means for the purposes of this Schedule 1 (Technical Descriptions) the area the subject of the determination of native title made by the Federal Court of Australia in *Sampi on behalf of the Bardi and Jawi People v State of Western Australia (No 2) [2010] FCAFC 99*, National Native Title Tribunal file number WCD2005/003.
- c) Cadastral boundaries sourced from Landgate Spatial Cadastral Database (SCDB) dated 02 October 2020.
- d) **Dambimangari (WCD2011/002) Determination Area** means the area the subject of the determination of native title made by the Federal Court of Australia in *Barunga v State of Western Australia [2011] FCA 518*, National Native Title Tribunal file number WCD2011/002.
- e) **Datum:** Geocentric Datum of Australia 1994 (GDA94).

- f) **Use of Coordinates:** Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome of the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.
- g) **coastal waters of the State** has the meaning given to that term in the *Coastal Waters (State Powers) Act 1980* (Commonwealth) section 3(1).
- h) **high water mark** has the meaning given to that term in the *Mayala People (WCD2018/009) Determination*.
- i) **low water mark** has the meaning given to the term 'low water' in the definition of 'waters' in the *Native Title Act 1993* (Commonwealth) section 253.
- j) **onshore place** has the meaning given to that term in the *Native Title Act 1993* (Commonwealth) section 253.
- k) **Mayala People (WCD2018/009) Determination** means the determination of native title made by the Federal Court of Australia in *Wiggan on behalf of the Mayala People v State of Western Australia [2018] FCA 1485*, National Native Title Tribunal file number WCD2018/009.
- l) **Mayala People (WCD2018/009) Determination Area** means the area the subject of the *Mayala People (WCD2018/009) Determination*.
- m) **Western Australian waters** means all waters that are within the limits of the State; or that are *coastal waters of the State*.

Prepared By: Department of Biodiversity, Conservation and Attractions (DBCA) and
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