



Extract from Register of Indigenous Land Use Agreements

NNTT number	WI2015/003
Short name	Cape Preston Project Deed (YM Mardie ILUA)
ILUA type	Area Agreement
Date registered	06/11/2015
State/territory	Western Australia
Local government region	City of Karratha

Description of the area covered by the agreement

The agreement area is described in Clause 1.1 as the area of land and waters which is within the metes and bounds identified in Schedule 1A and visually depicted as the Agreement Area in the map contained in Schedule 1B, including:

- (a) the Granted Titles;
 - (b) all of that area within the external boundaries of the Mardie Pastoral Lease as those boundaries existed at 22 October 2008; and
 - (c) the Offshore Area,
- which overlaps the area covered by the YM Native Title Application as at the date of this Deed.

[A map of the agreement area is contained in Schedule 1B of the agreement. A technical description of the area is contained in Schedule 1A of the agreement. Copies of Schedules 1A and 1B are attached to this register extract.

The following general description of the agreement area has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It is provided for information only and should not be considered part of the Register of ILUAs:

The application area covers about 2660 sq km and is located approximately 40 km south west of Karratha.]

Parties to agreement

Applicant

Party name	CITIC Pacific Mining Management Pty Ltd
Contact address	45 St Georges Terrace Perth WA 6000

Other Parties

Party name	Pastoral Management Pty Ltd
Contact address	45 St Georges Terrace Perth WA 6000

Party name	Sino Iron Pty Ltd
Contact address	45 St Georges Terrace Perth WA 6000

Party name	Yaburara & Mardudhunera People
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Contact address c/- Corser & Corser Lawyers
Level 4, Irwin Chambers
16 Irwin Street
Perth WA 6000

Party name Yaburara and Coastal Mardudhunera Aboriginal Corporation
Contact address c/- Corser and Corser Lawyers
Level 4
Irwin Chambers
16 Irwin Street
Perth WA 6000

Period in which the agreement will operate

Start date 04/06/2015
End Date not specified

5.1 (a) Subject to clause 5.2, this Deed starts on the Commencement Date [the date of the agreement, being 4 June 2015] and ends on the End Date [the date upon which the term of the last of the Project Titles, including any Renewals, expires].
(b) Subject to clause 5.2, clauses 7, 8 and 15 survive any termination of this Deed.

Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

6.1(a) The YM Parties consent to: (i) the grant of the Future Titles; (ii) the grant of the Replacement Titles; and (iii) the Renewal of the Project Titles from time to time. (b) The YM Parties consent to the grant to the Project Participants of any tenements or titles within the boundaries of the Mardie Pastoral Lease for purposes which are not part of the Project but which are conducted by the Project Participants as part of its Community Engagement Programme such as tourism ventures and a prisoner release facility and the Renewal of those tenements or titles.

6.4(a) The YM Native Title Party recognises, acknowledges and agrees that: (i) the Project Interests are valid, effective and enforceable under the NTA, the Principal Acts and otherwise at Law; and (ii) the YM Native Title Party will not do anything to challenge or adversely affect the grant, Renewal or validity of the Project Interests under the Principal Acts or otherwise at Law. 11.2(b) subdivision P of the NTA does not apply to the future acts referred to in clause 11.2(a)(ii) [doing of future acts associated with the grant or Renewal of the Project Titles].

1.1 Definitions

"Community Engagement Programme" means the Project Participants' programme of engagement with the YM Native Title Party.

"Future Titles" means any: (a) mining tenements under the [Mining Act 1978 (WA)]; (b) titles or other interests in land under the [Land Administration Act 1997 (WA)]; (c) titles or other interests in land under the [Petroleum Pipelines Act 1969 (WA)]; or (d) an interest in land or water under any other Law, which are to be granted or transferred to the Project Participants for the purposes of an Infrastructure Facility for the Project, whether or not the affected lands or waters are already comprised within the boundaries of and are the subject of a Granted Title.

"Granted Titles" means: (a) Mining Leases M08/123-125 inclusive; (b) Mining Leases M08/264-266 inclusive; (c) General Purpose Leases, G08/51-54 inclusive; (d) General Purpose Lease G08/63; (e) General Purpose Lease G08/74; and (f) Miscellaneous License L08/20.

"Infrastructure Facilities" means all infrastructure necessary and incidental to the construction, operation and maintenance of the Project [...]

"Mardie Pastoral Lease" means Crown Lease 453/1984 comprising Ashburton Location 154 and De Witt Location 263.

"Principal Acts" means the: (a) NTA; (b) Mining Act [1978 (WA)]; (c) Racial Discrimination Act 1975 (Cth); (d) [Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002 (WA)]; (e) [Land Administration Act 1997 (WA)]; and (f) [Petroleum Pipelines Act 1969 (WA)], in their form from time to time.

"Project" means the Project Participants' project to construct, operate and maintain an iron ore mine, with the right to produce and export at least 27.6 million tonnes per annum of concentrate and 6 million tonnes per annum of pellets, and associated Infrastructure Facilities pursuant to the State Agreement and the Project Approvals. For the avoidance of doubt, the Parties record that the extraction of iron ore for the Project will take place only on Mining Leases M08/123, M08/124 and M08/125.

"Project Approvals" means any clearance, consent, registration, filing, agreement, notarisation, certificate, licence, approval, permit, accreditation, authority or exemption from a Government Agency over the Project Titles, or the Mardie Pastoral Lease, which the Project Participants consider are necessary or desirable for the Project, including any s 18 consents under the Aboriginal Heritage Act 1972 (WA) or environmental approvals.

"Project Interests" means the Project Titles (including Renewals), the Project Approvals, the [Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002 (WA)] and the State Agreement.

"Project Participant" means each of Sino Iron, CPMM [CITIC Pacific Mining Management Pty Ltd] and Pastoral Management and includes any New Project Participant who executes a Deed of Accession in accordance with clause 17.5 of this Deed from time to time. Any reference to the Project Participants means any and all of them as the context requires.

"Project Titles" means the: (a) Granted Titles; (b) Future Titles; (c) Replacement Titles; (d) Mardie Pastoral Lease; and (e) titles granted under clause 6.1(b), including any Renewal of the Project Titles listed in this definition.

"Renewal" means: (a) in relation to any Project Title or Project Approval includes the renewal, re-grant, extension, conversion, amalgamation, variation, replacement or substitution of the relevant Project Title or Project Approval [...]

"Replacement Title" means: (a) any (i) mining tenements under the Mining Act; (ii) titles or other interests in land under the LAA [Land Administration Act 1997 (WA)]; (iii) titles or other interests in land under the PPA [Petroleum Pipelines Act 1969 (WA)]; (iv) an interest in land or water under any other Law; or (v) amendment to the purpose of any Granted Title, (b) which is to be granted, transferred, or made by way of amendment to, or substitution or replacement for the whole or part of one or more of the Granted Titles [...]

"State Agreement" means the agreement which is a schedule to the [Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002 (WA)].

"YM Native Title Application" means the registered Native Title Claim made by the Yaburara & Mardudhunera People, NNTT number WC 96/89, Federal Court number WAD127/97, in its form from time to time including new claims, consolidations, or replacement claims made by the members of that application.

"YM Native Title Party" means the persons whose names appear from time to time on the register of native title claims as the people who are taken to be representative of the claimants in relation to the YM Native Title Application for and on behalf of themselves and the [Yaburara & Mardudhunera People], and includes the [Yaburara & Mardudhunera People].

"YM Parties" means each of the YM Native Title Party and the [Yaburara & Coastal Mardudhunera Aboriginal Corporation]. Any reference to the YM Parties means any and all of them as the context requires.

Attachments to the entry

[WI2015_003 Schedule 1A Technical Description of Agreement Area.pdf](#)

[WI2015_003 Schedule 1B Map of Agreement Area.pdf](#)