



Conservation and Land Management Act 1984

## **Ngari Capes Marine Park Order 2012**

Made by the Governor in Executive Council under section 13(1) and (4) of the Act.

**1. Citation**

This order is the *Ngari Capes Marine Park Order 2012*.

**2. Terms used and application**

(1) In this order —

***coastal waters*** means “coastal waters of the State” as defined in the *Coastal Waters (State Powers) Act 1980* (Commonwealth) section 3(1);

***high water mark*** has the meaning given in the *Land Administration Act 1997* section 3(1);

***low water mark*** means the ordinary low water mark at spring tides.

(2) Where the water mark boundary of the marine park intersects the oceanic mouth of inlets, rivers, brooks and drains, the boundary of the marine park extends across the mouth of those inlets, rivers, brooks and drains along the most direct line tangential to the water mark boundary on either side of the mouth of those inlets, rivers, brooks and drains.

***Ngari Capes Marine Park Order 2012*****cl. 3**

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**3. Ngari Capes Marine Park reserved and classified**

- (1) The area described in Schedule 1 is reserved as a marine park, to be known as the Ngari Capes Marine Park, and classified as of Class A.
- (2) The area described in Schedule 1 is shown on Deposited Plan No. 61843, held by the Western Australian Land Information Authority trading as Landgate.
- (3) A copy of Deposited Plan No. 61843 may be inspected during office hours at the Department's offices at —
  - (a) 14 Queen Street, BUSSELTON WA 6280; and
  - (b) the corner of Dodson Road and South West Highway, BUNBURY WA 6230; and
  - (c) 17 Dick Perry Avenue, Technology Park, Western Precinct, KENSINGTON WA 6151.
- (4) For information purposes, a representation of the Ngari Capes Marine Park is set out in Schedule 2.

**4. Application of Geocentric Datum of Australia 1994**

A reference in this order to a geographic coordinate is to a coordinate expressed in accordance with the Geocentric Datum of Australia 1994 (GDA 94).

## Schedule 1 — Description of the area of the Ngari Capes Marine Park

[cl. 3(1) and (2)]

### Class 'A' Marine Reserve No. 14 — Ngari Capes Marine Park Boundary

Situated in the Indian Ocean and the Southern Ocean, the Ngari Capes Marine Park comprises Western Australian waters, the airspace above those waters, the seabed below those waters, and the subsoil to a depth of 200 metres below that seabed that are contained within and bounded by a line:

Commencing in Geographe Bay at the intersection of the seaward limit of the coastal waters of the State and the north-westerly prolongation of the geodesic joining the point at latitude 33°32'45" south longitude 115°24'36" east and the point at latitude 33°34'54" south longitude 115°27'15" east, and extending south-easterly along that geodesic to the intersection of that geodesic and the high water mark that is the north-western boundary of Lot 25 as shown on Landgate Deposited Plan 41766; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 4805 (Reserve 39193) as shown on Landgate Deposited Plan 240253; *thence* generally north-westerly and generally south-westerly along the low water mark boundary of that lot to the mouth of the Wonnerup Inlet; *thence* south-westerly across the mouth of that inlet, along the most direct line tangential to the seaward low water mark boundary of Lot 4805 and the seaward high water mark boundary of Lot 94 (part Reserve 385) as shown on Landgate Deposited Plan 91775, to the seaward high water mark that is the north-western boundary of that lot; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 57 (part Reserve 5217) as shown on Landgate Deposited Plan 223220; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that water mark and latitude 33°37'12" south; *thence* west along that latitude to the intersection of that latitude and longitude 115°23'36" east; *thence* south-westerly along the geodesic to the intersection of latitude 33°37'42" south and longitude 115°22'36" east; *thence* south

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**Ngari Capes Marine Park Order 2012****cl. 4**

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along that longitude to the intersection of that longitude and the north-western boundary of Lot 5030 (part Reserve 44314) as shown on Landgate Plan 8815; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 4339 (Reserve 26354) as shown on Landgate Plan 6436; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 4303 (part Reserve 24455) as shown on Landgate Plan 6309; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the northern boundary of Lot 4124 (part Reserve 24455) as shown on Landgate Diagram 19461; *thence* generally westerly along the high water mark boundary of that lot, and continuing generally westerly along the high water mark that is the northern side of Ford Road road reserve, to the intersection of that northern side and the north-western boundary of Lot 500 (part Reserve 49652) as shown on Landgate Deposited Plan 55319; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 3001 (Reserve 38558) as shown on Landgate Deposited Plan 43542; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 350 (Reserve 46715) as shown on Landgate Deposited Plan 55296; *thence* generally north-westerly, south-westerly, generally south-easterly, south-westerly and south-easterly along the boundary of that lot, around Busselton Jetty, to the intersection of that boundary and the north-western boundary of Lot 405 (part Reserve 37207) as shown on Landgate Deposited Plan 215327; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 4358 (part Reserve 37207) as shown on Landgate Deposited Plan 211912; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 4359 (Reserve 17319) as shown on Landgate Deposited Plan 211912; *thence* generally south-westerly along the high water mark boundary of that lot, and continuing generally south-westerly along the high water mark that is the northern side of Thurkle Street road reserve, to the intersection of that northern side and the northernmost north-western boundary of Lot 866 (part Reserve 16061)

as shown on Landgate Diagram 4170; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 4764 (part Reserve 37813) as shown on Landgate Diagram 61721; *thence* generally south-westerly along the high water mark boundary of that lot, and continuing generally south-westerly along the high water mark that is the northern side of Mill Road road reserve, to the intersection of that northern side and the north-western boundary of Lot 357 (part Reserve 26463) as shown on Landgate Deposited Plan 29251; *thence* generally south-westerly along the high water mark boundary of that lot, or south-westerly along the seaward boundary of the adjacent lot south of that lot where coastal movement has caused the high water mark to intersect the boundary of that adjacent lot, to the intersection of that line and the north-western boundary of Lot 30 as shown on Landgate Plan 4916; *thence* generally south-westerly along the high water mark boundary of that lot, or generally south-westerly along the seaward boundary of the adjacent lot and road reserve south of that lot where coastal movement has caused the high water mark to intersect the boundaries of that adjacent lot and road reserve, to the intersection of that line and the north-western boundary of Lot 436 (part Reserve 26463) as shown on Landgate Plan 8321; *thence* generally south-westerly along the high water mark boundary of that lot, or generally south-westerly along the seaward boundary of the adjacent road reserve south of that lot where coastal movement has caused the high water mark to intersect the boundaries of that adjacent road reserve, and continuing generally south-westerly along the high water mark that is the northern side of Earnshaw Road road reserve, to the intersection of that northern side and the northern boundary of Lot 4311 (Reserve 25909) as shown on Landgate Plan 7428; *thence* generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-western boundary of Lot 200 as shown on Landgate Deposited Plan 53024; *thence* generally south-westerly along the high water mark boundary of that lot, and continuing generally westerly along the high water mark that is the northern side of Dolphin Road road reserve, to the intersection of that northern side and the northern boundary of Lot 62 as shown on Landgate Deposited Plan 220436; *thence* generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 60 (part Reserve 22624) as shown on Landgate Deposited

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**Ngari Capes Marine Park Order 2012****cl. 4**

Plan 194383; *thence* generally north-westerly and generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the northern side of Geographe Bay Road road reserve; *thence* generally south-westerly and generally westerly along the high water mark that is the northern side of that road reserve, or generally south-westerly and westerly along the seaward boundary of the adjacent lots and reserves south of that road reserve where coastal movement has caused the high water mark to intersect the boundaries of those adjacent lots and reserves, to the intersection of the northern side of that road reserve and the northern boundary of Lot 5303 (Reserve 22674) as shown on Landgate Deposited Plan 220583; *thence* generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the eastern side of the unnamed road reserve as shown on Landgate Deposited Plan 171990; *thence* north-easterly and north-westerly along the eastern and northern sides of that road reserve to the intersection of that northern side and the northern boundary of Lot 44 (drain reserve) as shown on Landgate Deposited Plans 171990 and 140655; *thence* north-westerly and south-westerly along the boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 5302 (Reserve 46844) as shown on Landgate Deposited Plan 220583; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the northern boundary of Lot 4360 (Reserve 26871) as shown on Landgate Diagram 28314; *thence* generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the northern boundary of Lot 66 as shown on Landgate Diagram 15698; *thence* generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the northern boundary of Lot 401 as shown on Landgate Deposited Plan 37588; *thence* generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the northern boundary of Lot 8 as shown on Landgate Deposited Plan 26508; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 7 as shown on Landgate Deposited Plan 26508; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 4183 (part Reserve 24847) as shown on Landgate Diagram 21766; *thence* generally north-westerly along the high water mark boundary

of that lot, and continuing generally north-westerly along the high water mark that is the north-eastern boundary of the eastern severance of Lot 200 as shown on Landgate Plan 609, or generally north-westerly along the north-eastern boundary of Lot 4183 where that boundary is seaward of Lot 200, to the intersection of that line and the north-eastern boundary of Lot 4654 (part Reserve 24847) as shown on Landgate Diagram 49351; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the eastern boundary of Lot 4794 (part Reserve 40676) as shown on Landgate Deposited Plan 216131; *thence* northerly and north-westerly along the boundary of that lot, and continuing generally north-westerly along the high water mark that is the north-eastern boundary of the central severance of Lot 200 as shown on Landgate Plan 609 where that water mark is seaward of Lot 4794, and further continuing generally north-westerly along the high water mark boundary of Lot 200 where that water mark is seaward of Lot 22 as shown on Landgate Diagram 14775 and Lot 4377 (Reserve 27055) as shown on Landgate Diagram 28441, or generally north-westerly along the north-eastern boundaries of those lots where that water mark intersects those boundaries, to the intersection of that line and the north-eastern boundary of Lot 4221 (part Reserve 25150) as shown on Landgate Deposited Plan 169134; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 123 as shown on Landgate Diagram 20736; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 123 as shown on Landgate Diagram 17388; *thence* generally north-westerly along the high water mark boundary of that lot, and continuing generally north-westerly along the high water mark that is the north-eastern boundary of the western severance of Lot 200 as shown on Landgate Plan 609 where that water mark is seaward of Lot 5105 (Reserve 45169) as shown on Landgate Deposited Plan 20504, or generally north-westerly along the north-eastern boundary of Lot 5105 where that water mark intersects that north-eastern boundary, to the intersection of that line and the eastern boundary of Lot 4857 (Reserve 23572) as shown on Landgate Deposited Plan 188917; *thence* northerly along the eastern boundary of that lot, generally north-westerly along the low water mark that is the northern-eastern boundary of that lot, and southerly along the

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**Ngari Capes Marine Park Order 2012****cl. 4**

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western boundary of that lot, and across the mouths of Annie Brook and Toby Inlet along the most direct line tangential to the seaward low water mark on either side of those mouths, to the intersection of that boundary and the north-eastern boundary of Lot 4748 (part Reserve 29844) as shown on Landgate Plan 10146; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 4511 (part Reserve 29844) as shown on Landgate Plan 9047; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 500 (part Reserve 46) as shown on Landgate Deposited Plan 40449; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 500 (part Reserve 34111) as shown on Landgate Deposited Plan 67916; *thence* generally north-westerly along the high water mark boundary of that lot, or generally north-westerly along the seaward boundary of adjacent lots south-west of that lot where coastal movement has caused the high water mark to intersect the boundaries of those adjacent lots, and continuing generally north-westerly along the high water mark to the intersection of that line and the north-eastern boundary of Lot 480 as shown on Landgate Deposited Plan 65894; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 251 (Reserve 22965) as shown on Landgate Deposited Plan 91235; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 320 (part Reserve 44343) as shown on Landgate Plan 19587; *thence* generally northerly and generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 501 (part Reserve 44343) as shown on Landgate Deposited Plan 32529; *thence* generally north-westerly along the high water mark boundary of that lot to the intersection of that boundary and the south-eastern side of the unnamed road reserve east of Lot 182 (part Reserve 32231) as shown on Landgate Plan 9656; *thence* generally northerly along the easternmost boundary of that road reserve, or generally northerly along the high water mark where that water mark is seaward of that road reserve, past Point Daking and Point Dalling, to the intersection of that line and the easternmost southern boundary

of Lot 351 (part Reserve 21629) as shown on Landgate Deposited Plan 56267; *thence* easterly and generally north-westerly along the low water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 4971 (part Reserve 21629) as shown on Landgate Deposited Plan 240400; *thence* generally north-westerly along the low water mark boundary of that lot to the intersection of that boundary and the eastern boundary of Lot 4954 (part Reserve 21629) as shown on Landgate Deposited Plan 190993; *thence* generally northerly along the low water mark boundary of that lot to the intersection of that boundary and the eastern boundary of Lot 4970 (part Reserve 21629) as shown on Landgate Deposited Plan 240400; *thence* generally north-westerly and generally westerly along the low water mark boundary of that lot to the intersection of that boundary and the northern-eastern boundary of Lot 50 as shown on Landgate Deposited Plan 29164; *thence* generally north-westerly along the low water mark boundary of that lot to the intersection of that boundary and the north-eastern boundary of Lot 4969 (part Reserve 21629) as shown on Landgate Deposited Plan 240400; *thence* generally north-westerly and generally northerly along the low water mark boundary of that lot to the intersection of that boundary and the southernmost eastern boundary of Lot 300 (part Reserve 8428 - Leeuwin Naturaliste National Park) as shown on Landgate Deposited Plan 49919; *thence* generally northerly and generally westerly along the high water mark boundary of that lot, and continuing generally westerly along the high water mark that is the northern side of Bunker Bay Road road reserve, and further continuing generally westerly, generally south-easterly, generally south-westerly and generally south-easterly along the high water mark boundary of Lot 300, past Cape Naturaliste, Sugarloaf Rock and Kabbijgup Beach, to the intersection of that boundary and the northernmost western boundary of Lot 301 (part Reserve 8428) as shown on Landgate Deposited Plan 49920; *thence* generally south-easterly and generally south-westerly along the high water mark boundary of that lot, past Yallingup, to the intersection of that boundary and the northernmost north-western boundary of Lot 1409 at Smiths Beach as shown on Landgate cancelled Deposited Plan 219100; *thence* generally south-westerly, generally north-westerly and generally westerly along the high water mark boundary of that lot to the intersection of that boundary and the northernmost north-western boundary of Lot 1410 at Smiths Point as

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**Ngari Capes Marine Park Order 2012****cl. 4**

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shown on Landgate cancelled Deposited Plan 219100; *thence* generally south-westerly along the high water mark boundary of that lot to the intersection of that boundary and the northernmost north-western boundary of Lot 302 (part Reserve 8428) as shown on Landgate Deposited Plan 49921; *thence* generally south-westerly, generally southerly, generally westerly and generally south-easterly along the high water mark boundary of that lot, past Canal Rocks, Wyadup Rocks, Cape Clairault and Moses Rocks, to the intersection of that boundary and the northernmost western boundary of Lot 303 (part Reserve 8428) as shown on Landgate Deposited Plan 49922; *thence* generally southerly, generally south-westerly and generally easterly along the high water mark boundary of that lot, past Gallows, Guillotines and North Point surf breaks, to the intersection of that boundary and the northernmost western boundary of Lot 85 (part Reserve 27618) as shown on Landgate Deposited Plan 240093, in Cowaramup Bay; *thence* generally south-easterly and generally south-westerly along the high water mark boundary of that lot, past Gracetown, to the intersection of that boundary and the northernmost north-eastern boundary of Lot 303 (part Reserve 8428) as shown on Landgate Deposited Plan 49922; *thence* generally north-westerly, generally south-easterly and generally southerly along the high water mark boundary of that lot, past Cowaramup Point, Lefthanders surf break and Gnoocardup Beach, to the intersection of that boundary and the northernmost western boundary of Lot 304 (part Reserve 8428) as shown on Landgate Deposited Plan 49923; *thence* generally southerly, generally south-westerly and generally south-easterly along the high water mark boundary of that lot, past Kilcarnup Beach, Cape Mentelle and across the mouth of Margaret River, to the intersection of that boundary and the northernmost north-western boundary of Lot 4862 (part Reserve 41545) as shown on Landgate Deposited Plan 91785; *thence* generally south-westerly, generally southerly and generally south-easterly along the high water mark boundary of that lot to the intersection of that boundary and the northernmost western boundary of Lot 5389 (part Reserve 41545) as shown on Landgate Deposited Plan 195320; *thence* generally southerly and generally south-easterly along the high water mark boundary of that lot, past Gas Bay, to the intersection of that boundary and the northernmost western sea boundary of Lot 304 (part Reserve 8428) as shown on Landgate deposited Plan 49923; *thence* generally south-easterly and generally southerly along the high water mark boundary of that lot, past

Boodjidup Beach and Redgate, to the intersection of that boundary and the northernmost western boundary of Lot 305 (part Reserve 8428) as shown on Landgate Deposited Plan 49924; *thence* generally southerly, generally south-easterly and generally south-westerly along the high water mark boundary of that lot, past Conto Spring, Cape Freycinet and North Point, to the intersection of that boundary and the northernmost north-western boundary of Lot 306 (part Reserve 8428) as shown on Landgate Deposited Plan 49925; *thence* generally south-westerly, generally southerly, generally south-easterly, generally easterly and generally northerly along the high water mark boundary of that lot, past White Cliff Point, Cosy Corner, Cape Hamelin and Cape Leeuwin, to the intersection of that boundary and the southernmost eastern boundary of Lot 4127 (part Reserve 25141) as shown on Landgate Plan 7032; *thence* generally northerly and generally easterly along the high water mark boundary of that lot to the intersection of that boundary and the southern boundary of Lot 4487 (Reserve 29219) as shown on Landgate Plan 1326; *thence* generally easterly along the high water mark boundary of that lot to the intersection of that boundary and the westernmost southern sea boundary of Lot 4127 (part Reserve 25141); *thence* generally easterly along the high water mark boundary of that lot to the intersection of that boundary and longitude 115°09'24" east that is the southernmost western boundary of Augusta Port Area (Lot 852 on Landgate Deposited Plan 64848, Reserve 50466); *thence* south along that longitude, contiguous with the Augusta Port Area, to the intersection of that longitude and latitude 34°22'24" south; *thence* east along that latitude, contiguous with the Augusta Port Area, to the intersection of that latitude and longitude 115°10'06" east; *thence* north-easterly along the geodesic joining that point and the point at latitude 34°21'00" south longitude 115°10'54" east, contiguous with the Augusta Port Area, to the intersection of that geodesic and the south-western boundary of Lot 649 as shown on Landgate Deposited Plan 64849; *thence* south-easterly, north-easterly and north-westerly along the boundary of that lot to the intersection of that boundary and the afore-mentioned geodesic; *thence* north-easterly along that geodesic, contiguous with the Augusta Port Area, to the intersection of that geodesic and the point at latitude 34°21'00" south longitude 115°10'54" east; *thence* north along that longitude, contiguous with the Augusta Port Area, to the intersection of that longitude and latitude 34°19'54" south; *thence* north-easterly along the

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**Ngari Capes Marine Park Order 2012****cl. 4**

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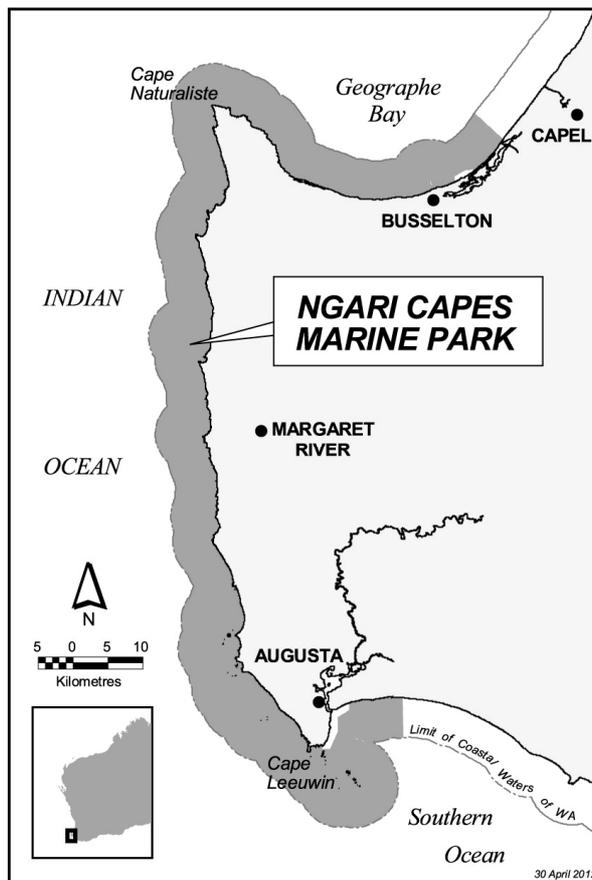
geodesic, contiguous with the Augusta Port Area, to the intersection of that geodesic and the point at latitude 34°19'24" south longitude 115°12'00" east; *thence* north along that longitude, contiguous with the Augusta Port Area, to the intersection of that longitude and the high water mark in Flinders Bay; *thence* generally north-easterly and generally easterly along the high water mark to the intersection of that water mark and longitude 115°17'00" east; *thence* south along that longitude to the intersection of that longitude and the seaward limit of the coastal waters of the State; *thence* generally westerly, generally south-easterly, generally south-westerly, generally westerly, generally north-westerly, generally northerly, generally south-easterly and generally north-easterly along that limit to the point of commencement.

Within that line:

- (a) seaward of the boundary of Lot 5150 (HMAS *Swan* wreck site) as shown on Landgate Deposited Plan 193647; and
- (b) seaward of the low water mark boundary of Lot 4919 (Reserve 41901 - Hamelin Island Nature Reserve) as shown on Landgate Deposited Plan 91987; and
- (c) seaward of the low water mark boundary of Reserve 39421 (Flinders Bay Nature Reserve) as shown on Landgate Deposited Plan 91567; and
- (d) seaward of the low water mark of all other islands; and
- (e) seaward of the low water mark of the mainland, except for Lot 400 as shown on Landgate Deposited Plan 68260 (that is from approximately latitude 34°12'30.30" south in Hamelin Bay to approximately latitude 34°13'41.40" south in Foul Bay) where the marine park extends to the high water mark.

**Schedule 2 — Representation of the Ngari Capes Marine Park**

[cl. 3(4)]



By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.