



Kununurra Neighbourhood House Family Support Service

PH: 08 9168 1615
Fax: 08 9168 1393
knx.house@bigpond.com

ABN: 71 135 651 977

PO Box 1101
(34 Leichhardt Street)
Kununurra WA 6743

Director Planning and Community Development
Planning Officer
Shire Wyndham East Kimberley
Po Box 614
KUNUNURRA WA 6743

Via email: Nick.Kearns@swek.wa.gov.au

Jennifer.Ninyette@swek.wa.gov.au

4 September 2018

Dear Nick Kearns and Jennifer Ninyette,

RE: Proposed Neighbourhood House Facility and Agreement for Lease

- Lot 507 Chestnut Avenue

Thank you for your letter dated 17 August 2018 (A6991P:TP4027). We are pleased to hear that SWEK's investigations into *"whether it would be possible and preferable to extend the EELC (Ewin Early Learning Centre) onto the adjoining Lot 507 (Chestnut Avenue), essentially requiring an alternative site for Kununurra Neighbourhood House"* have concluded.

KNH have secured \$2.1m in funding and are working toward construction of a new and valuable community facility for the community as soon as possible. Regrettably, the unfortunate timing of these 3-4 months of investigation and deliberation (since May 2018; first telephone contact with KNH 11 June 2018) has caused significant uncertainty for KNH and as a result delayed the progression of KNH's new facility project.

Specifically, the uncertainty caused by the investigations and deliberations by the council, have eliminated the amount of time that KNH had allowed as contingency for delays in our process to fulfil the Development Conditions of the Agreement for Lease. As such, KNH is requesting an extension of the "Latest Date" of the Agreement for Lease of Lot 507 to ensure that we are able to fulfil the Development Conditions as stated by the Agreement for Lease.

As a further result, the Development Approval DA6/14 recently extended by the Council (Minute No. 27/02/18 – 117894) is also at risk of lapsing, as KNH is advised in the notification letter from SWEK (20 March 2018).

Kununurra Neighbourhood House has previously requested acknowledgement of these concerns (letter 22 June 2018) and would like to address them with expedience so that we are able to progress our project to Tender and Construction with the full support of SWEK Council and Officers.

Kununurra Neighbourhood House Inc. wish to amend the "Latest Date" of the Agreement for Lease of Lot 507 Chestnut Avenue to align with the granted development approval DA6/14 to June 30, 2019.

It is unlikely that KNH will require this amount of time to fulfil the Development Conditions stated in the Agreement for Lease, however as the process to vary the Agreement for Lease will incur legal fees for both SWEK and KNH we are looking to reduce the incursion of further fees should unforeseen circumstances arise. Additionally, the Christmas holiday period will also create expected delays.

We further request that SWEK cover the legal fees that it incurs for its part in this variation process. KNH will manage its own legal fees.

Please confirm as soon as possible whether SWEK is agreeable to extending the Latest Date to 30 June 2019. If so, then KNH will arrange for the preparation of a short variation deed to the Agreement for Lease to amend the Latest Date.

We look forward to progressing the Kununurra Neighbourhood House new facility project towards construction with SWEK's support to build this much-needed family facility for the community.

Sincerely,

Kathryn Radford (p.p.)

Maria Chan
New Building Project Co-ordinator
Kununurra Neighbourhood House