

From: Jim Engelke
Sent: Thu, 6 Sep 2018 08:15:08 +0000
To: Stuart Dyson
Cc: Ellis, Jo-Anne; Jackie Song
Subject: I-52794 - RD.07.18 - KAI - Roads

Dear Stuart,

RE: CARLTON HILL ROAD & MANTINEA

As a follow up to recent discussion on the status of the road maintenance in the region.

Carlton Hill Road

For clarity Kimberley Agricultural Investment is prepared to undertake the necessary maintenance of the road from the boundary of the Carlton Hill Station Pastoral lease into the lease.

This, KAI believes, simplifies the arrangement currently in place between KAI and SWEK. Importantly this will also allow for the removal of the Charge held by SWEK over the Carlton Plain Freehold title. Without the removal of this charge development of Carlton Plain will be unable to proceed.

KAI understand that and Indigenous Land Use Agreement (ILUA) will need to be negotiated with MG Corporation as part of this process of de-gazetting the road and changing to an Access Easement.

Mantinea Development

KAI have yet to commence Environmental approvals process for Mantinea parcel of land. The commencement of these approvals is subject to finding a commercially acceptable landing on the status of the Parry Creek Road.

- KAI as the proposed developer of Mantinea will utilise the Parry Creek Road in their existing condition and has no expectation that the Shire will maintain or upgrade the road access to support the development.
- KAI would appreciate confirmation that SWEK will not be seeking to recover road maintenance costs from KAI from their legal use of the road.
- KAI is required by the State under the Option to Lease Mantinea to consult with SWEK in regards to roads. This condition was discussed extensively at the time of negotiation. The clause below captures the State's requirement.

5.5 ROAD IMPROVEMENT *The Grantee must provide to the Grantor evidence in writing from the Local Government and the MRWA (if required) to advise the Grantor whether there are any conditions imposed on the Grantee or to be included in the Lease in relation to any dedicated road access to the Land in relation to:*

- (a) the Permitted Use under the Lease; and*
- (b) any transfer of the fee simple of the Land (or part of the Land).*

I look forward to having this issue resolved in the near future.

Regards,

Jim Engelke
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Kimberley Agricultural Investment

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