

Heritage of Western Australia Act 1990
Section 29

VARIATION OF HERITAGE AGREEMENT

between

HERITAGE COUNCIL OF WESTERN AUSTRALIA

and

CITY OF KARRATHA

in respect of

COSSACK HISTORIC TOWN

(HCWA Place No. 3239)

VARIATION OF HERITAGE AGREEMENT

COSSACK HISTORIC TOWN WESTERN AUSTRALIA

THIS AGREEMENT is made between the following parties:

1. **HERITAGE COUNCIL OF WESTERN AUSTRALIA**, of Perth, Western Australia, 6000 (the "Council"); and
2. **CITY OF KARRATHA**, of Welcome Road, Karratha, Western Australia, 6714 (the "City").

RECITALS:

- A. The State Government of Western Australia's Minister for Lands is the Registered Proprietor of all of the land comprising the Place.
- B. In 1996, the Shire of Roebourne (the "Shire") entered into a lease agreement (the 1996 Lease) with the Minister for Lands under which the Place was leased to the Shire for a period of 21 years, commencing 1 July 1996.
- C. As a condition of the 1996 Lease the Shire and the Council entered into a heritage agreement on 27 August 1996 (the "1996 Heritage Agreement") in respect of the Place. By its own terms, the 1996 Heritage Agreement is to expire upon the lapse of the 1996 Lease.
- D. On 1 July 2014 the Shire became the City of Karratha (the City) and the City assumed all of the Shire's rights and obligations under the 1996 Lease and the 1996 Heritage Agreement.
- E. In 2017, the City entered into discussions with the Minister for Lands with a view to extending the original 1996 Lease. The Minister for Lands agreed to extend the 1996 Lease for a period of three years, until 30 June 2020, to allow the parties time to discuss transfer of the land in freehold to the City. That agreement is subject to the 1996 Heritage Agreement also being extended for the same period.
- F. Consequently, the Council and the City wish to vary the 1996 Heritage Agreement to extend its term for the same period by which the Lease is to be extended, until 30 June 2020.

AGREEMENT:

The Parties agree with each other as follows:

1.1 Unless the context otherwise requires, terms defined in Clause 1.1 of the 1996 Heritage Agreement have the same meanings when used in this Variation.

1.2 The definition of "**Lease**" that appears in Clause 1.1 of the 1996 Heritage Agreement is amended as follows:

"Lease" means the lease granted in 1996 to the Owner under section 33 of the Land Act 1933 in respect of Reserve Number 36813 and Reserve Number 44103 as modified by the 2017 Lease Extension made under section 79(4) of the Lands Administration Act 1997 commencing 1 July 2017 to extend the term of the lease to 30 June 2020.

1.3 A new definition is added to the 1996 Heritage Agreement:

"Variation" means this 2017 variation instrument.


1.4 The principles of interpretation contained in clause 1.2 of the 1996 Heritage Agreement apply to this Variation unless the context otherwise requires.

1.5 As from and including the date of this Variation, Clause 2.1 "Commencement and duration of this Agreement" of the 1996 Heritage Agreement is amended as follows:

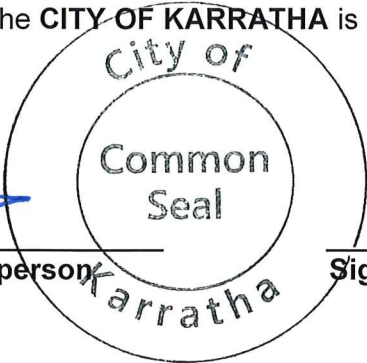
Subject to the provisions of this Agreement, this Agreement commences on the Effective Date and will continue for the term of the Lease and any extensions to the term of the Lease agreed to between the Minister for Lands and the City unless terminated earlier with the written consent of the Council.


EXECUTED AS A DEED

THE COMMON SEAL of the CITY OF KARRATHA is affixed by authority of its Council in the presence of:



Signature of authorised person


Common Seal
City of Karratha



Signature of authorised person

COO

Office held

MAYOR

Office held

CUNIS ADAMS

Name of authorised person

PETER LONG

Name of authorised person


1/9/17

Date signed


4.9.2017


Date signed

THE COMMON SEAL of the HERITAGE COUNCIL OF WESTERN AUSTRALIA is affixed by authority if its Board in the presence of:



Graeme Gammie
ASSISTANT DIRECTOR GENERAL,
HERITAGE SERVICES DIVISION
DEPT OF PLANNING, LANDS & HERITAGE


Common Seal
HERITAGE COUNCIL OF WESTERN AUSTRALIA



Anne Arnold
CHAIRPERSON, HERITAGE
COUNCIL OF WESTERN
AUSTRALIA

12/9/17

Date signed

26.9.2017

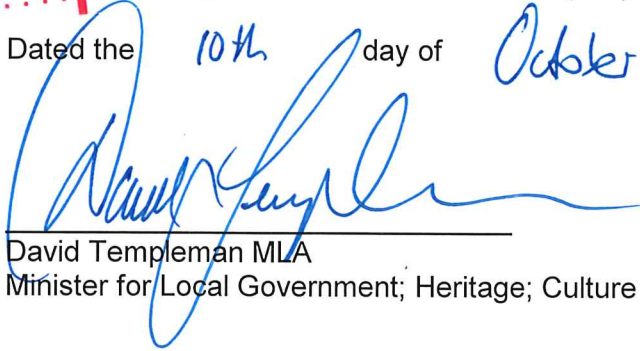
Date signed

**SIGN
HERE**

**CERTIFICATE UNDER SECTION 32
OF THE HERITAGE OF WESTERN AUSTRALIA ACT (WA) 1990**

I, the Hon. David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts, hereby certify that this Variation is necessary for the purposes of, and complies with, the *Heritage of Western Australia Act (WA) 1990*.

Dated the 10th day of October 2017.



David Templeman MLA
Minister for Local Government; Heritage; Culture and the Arts