

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Gordon Road - Ordinary Council Meeting - 21 August 2023  
**Date:** Thursday, 24 August 2023 9:08:12 AM  
**Attachments:** [image937491.png](#)  
[image088390.png](#)  
[image854063.png](#)  
[image512852.png](#)  
[image645001.png](#)

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Hi Prue,

Please note that Council considered this item at the Ordinary Council Meeting last night and resolved to endorse the Officer recommendation (option 1) as following.

Regards

## Officer Recommendation

**That Council:**

1. **ACKNOWLEDGES** this is a challenging situation to resolve;
2. **ACKNOWLEDGES** the responses received from the two property owners affected, Lot 123 and Lot 124 Gordon Road in regards to the 4 options presented;
3. **NOTES** the legal advice received, that the Shire is under no responsibility to construct a road right up to the boundaries of Lot 123 and 124 as contained within Confidential Attachment 1;
4. **REQUESTS** that the CEO write to the affected properties advising that Council's adopted position is that it will only **AGREE** to design and construct the unconstructed 80m section of Gordon Road to a 4m wide sealed road, subject to the written agreement of the owners of Lot 123 and 124 Gordon Road that the:
  - i. Two owners pay the cost upfront to the Shire, split evenly between the two owners, or
  - ii. Two owners consent to signing a Deed of Agreement which will be supported by a "subject to" Caveat on their property title for payment of 50% of the total costs of the road construction to the Shire upon the sale or transfer of ownership of each lot;
  - iii. Whichever alternative is consented by the two owners, costs to be met by the owners upfront.
5. **AUTHORISES** the Chief Executive Officer to execute a formal deed of agreement, in agreement with the owner of Lot 123 and 124 Gordon Road, acknowledging the landowners' obligation to reimburse to the Shire for the total costs, by including a charging clause under which the landowners charge their land with the debt owed, and lodge caveat's on each title in accordance with the Deed of Agreement;
6. In the event that construction is not funded upfront by the owners, and option 4.ii (being the subject to caveat option) is agreed to by the owners of Lots 123 and 124 **APPROVES** the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-NEW-6600-0000	Increase	Gordon Road -Capital	150,000	

	Expense	Expenditure		
6400-NEW-4907-0000	Increase Revenue	Gordon Road – Capital Contributions – Other		150,000

## Reza Najafzadeh

Director Infrastructure Services

[REDACTED]

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong, WA, 6123

[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



-----Original Message-----

From: Prue Foulkes [REDACTED]

Sent: Tuesday, 22 August 2023 10:52 AM

To: Info Shire <[Info@sjshire.wa.gov.au](mailto:Info@sjshire.wa.gov.au)>; Reza Najafzadeh

[REDACTED]; Nino Scidone [REDACTED]

Cc: Kathy Boyatzis [REDACTED]; Mat Johns [REDACTED]

Subject: CM: Gordon Road Access decision

Good morning Reza and Nino,

Could you please advise what the decision was regarding Gordon road access made at the OCM last night.

I was unable to stay after providing my deputation due to the lateness and having my children.

Thank you,  
Prue Foulkes.