

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Gordon Road - Ordinary Council Meeting - 21 August 2023  
**Date:** Thursday, 24 August 2023 12:49:25 PM  
**Attachments:** [image148265.png](#)  
[image976567.png](#)  
[image848357.png](#)  
[image012429.png](#)  
[image371754.png](#)

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Good Afternoon Reza

Thank you for your email.

I am absolutely disgusted and disappointed that this is the position taken by the majority of council. We strongly oppose the recommendation of council and DO NOT agree in any capacity to pay for construction of Gordon Road or to have a caveat placed over the property.

As the matter has now been heard at the SJ Shire OCM we will now proceed to making a complaint to the State Administrative Tribunal and Ministers Office about the recommendation from council to accept Option 1 and also the abusive, threatening and unprofessional conduct of President Ms Rich via telephone call on 14 July, 2023.

Please note whilst these matters remain unsolved there is a continued threat to life and safety to the owners of Lot 123 and Lot 124 with emergency services being unable to access their properties appropriately, a position that has been allowed to negligently continue by the Shire.

Regards

Prue Foulkes

On 24 Aug 2023, at 9:21 am, Reza Najafzadeh [REDACTED] wrote:

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

## Reza Najafzadeh

Director Infrastructure Services

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 [REDACTED]; Reza Najafzadeh

[REDACTED]; Nino Scidone [REDACTED]

Cc: Kathy Boyatzis [REDACTED]

[REDACTED]; Mat Johns

  
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.