

From: [REDACTED]
To: [Nino Scidone](#)
Cc: [Reza Najafzadeh](#); [Paul Martin](#); [REDACTED]; [REDACTED]; [Dave Atwell](#); [Ircia Duggin](#); [Ino Shire](#); [Michelle Rich](#)
Subject: RE: Gordon Road Council Meeting Agenda Report
Date: Tuesday, 8 August 2023 9:45:21 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[RE Gordon Road - Public Questions Statements.msg](#)
Importance: High

Good Evening Nino

Thank you for your email. I note you have requested a response by 12noon tomorrow Wednesday 9 August, 2023. You have provided less than 48 hours for us to consider the options presented by council which is insufficient time to complete due diligence, seek legal advice, conduct thorough research or provide a fully informed response.

I have forwarded your email to Ms Kathy Boyatzis-Pascoe (owner of Lot 123 Gordon Road, Serpentine) and Mr Mat Johns (owner of Lot 2 Gordon Road, Serpentine), as they are directly affected by any decision and should have the right to also provide comment and consider options.

Of the four (4) resolution options you have presented below we (Lorraine Foulkes and I, Lot 124 Gordon Road, Serpentine) **STRONGLY REJECT** Options 1, 2 and 3.

Lorraine Foulkes and I, Lot 124 Gordon Road, **STRONGLY ADVOCATE** for Option 4 which is the fairest and most logical pathway to resolution moving forward.

We also acknowledge this is a challenging situation to resolve and as stated previously this situation is no fault of any person currently involved as an employee of the Serpentine Jarrahdale Shire or as a land owner, however one which is impacting the safety, health and wellbeing of the affected land owners whom are community members within the SJ Shire.

Please also be advised we would like to make a deposition at the 21 August council meeting. On Friday 14 July, 2023 at approximately 12.32pm, I received a telephone call from the SJ Shire President Ms Michelle Rich advising if we were to “denigrate” any actions of the Shire in writing regarding this matter, particularly in a deposition or statement at the upcoming Shire meeting, Ms Rich would not accept the deposition or statement provided and had the ability to reject such. The issues I raised in my email dated 13 July, 2023 (attached), are not to denigrate any actions, rather to outline the constant hurdles and frustration we have had with the SJ Shire in trying to reach a resolution over the past 18 months. In our opinion, there is a duty of care that the SJ Shire has to their residents, including my mother Lorraine, in enabling access to emergency services (Ambulance, Fire, Police) in order to maintain health, safety and well-being. As you are aware my mother has two broken hands after a fall on 30 June 2023 and still has both hands in plasters unable to drive with no access to basic necessities without help.

The Western Australia Local Government Association (WALGA) advises that the roles and responsibilities of local government include “infrastructure and property services, including local roads, bridges, footpaths, drainage, waste collection and management” and that funds to do so are partly obtained through payment of rates, payment of which is received from the land owners

of Lot 2, Lot 123 and Lot 124 Gordon Road, Serpentine.

I respectfully ask if you could please advise the following PRIOR to the 21 August council meeting:

1. How many roads/road reserves within the Shire of Serpentine Jarrahdale are gravel/mineral earth like in construction without bitumen;
2. Are all of these roads maintained by the Shire of Serpentine Jarrahdale;
3. What is the annual cost of maintenance for the Shire of Serpentine Jarrahdale of these gravel/mineral earth like roads?

I also kindly request please the records and decisions made regarding a similar issue that presented regarding Gossage Road, Cardup where the State Administrative Tribunal overturned a decision made by the SJ Shire and ordered construction of the road at the expense of the SJ Shire.

I look forward to your response with the above information.

Thank you

Kind regards
Prue Foulkes

[REDACTED]

From: Nino Scidone [REDACTED] >
Sent: Monday, 7 August 2023 5:07 PM
To: [REDACTED]
Subject: Gordon Road Council Meeting Agenda Report

Hi Prue,

The Agenda is currently being finalised for the 21 August Ordinary Council Meeting, for which the Gordon Road item is going to.

4 Resolution options are proposed for Council to consider. We are seeking your feedback on these and advice from you on your preferred Option.

Your response will be included in the Report to Council.

The Options proposed are:

Option 1

That Council:

1. ACKNOWLEDGES this is a challenging situation to resolve
2. NOTES the legal advice, that the Shire is under no responsibility to build a road right up to the boundaries of Lot 123 and 124 as contained within confidential Attachment 1,
3. In the interest of trying to find a solution, PROPOSES to:
 - (a) AGREE to design and construct the unconstructed 80m section of Gordon Road to a 4m wide sealed road, at a cost to the owners of Lot 123 and 124 Gordon Road, by way of:

- 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.

(b) AUTHORISES the CEO to execute a formal deed of agreement, 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.

Option 2

That Council REQUESTS the Chief Executive Officer, advise the owners of Lot 123 and Lot 124 Gordon Road that Council declines the request to fund construction of the 80m unconstructed section of Gordon Road or purchase a portion of Lot 2 Gordon Road to amalgamate with the Gordon Road road reserve allowing for the current access to Lots 123 and 124, with the cost for the access option being met up front and in total by the owners of Lot 123 and 124.

Option 3

That Council:

1. AGREES TO PURCHASE 4,525m² portion of Lot 2 Gordon Road and amalgamate it with the existing Gordon Road road reserve at an estimated cost of \$40,000 (subject to final land valuation) to be funded in the 2023/24 Financial Year budget; and
2. NOTES that the road located within the amalgamated Gordon Road road reserve will become an asset for the Shire to manage and maintain.

-

Option 4

That Council:

1. SUPPORTS funding of the design and construction of 80m of Gordon Road, to a 4m wide sealed road to Lots 123 and 124 within the existing road reserve, at an estimated cost of \$150,000, to be funded in the 2023/24 Financial Year budget; and
2. NOTES that the newly built 80m long section of Gordon Road will become an asset for the Shire to manage and maintain.

Option 1 is currently recommended.

Can you please provide your feedback and advice of preferred option by midday, Wednesday 9 August 2023. Your response and feedback will be added to and included in the Council Report

Regards

Nino Scidone
Manager Engineering Services



Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong, WA

www.sjshire.wa.gov.au

