

Shire of Mundaring



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Mr Mike Davies
Stoneville Progress Association
PO Box 33
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Dear Mike,

I am writing to follow up from our meeting held in October and refer to some of the issues I noted in my letter to you dated 4 November 2005, as well as cover some other relevant matters.

Firstly, a progress report. As you are aware we have produced two information sheets about the Parkerville and Stoneville developments. These have been distributed to Real Estate agents, media and yourselves. We are currently preparing a covering letter for the information sheets to be provided to all residents within those localities.

With regards to the erection of appropriate signage, Planning Service officers held a meeting with the Parkerville development consultants last week and raised the signage issue. Unfortunately this appeared to be received with a less than enthusiastic response, however they are going away to give the issue consideration. I can advise that the remaining 35 x 2Ha lots in this development will be going on the market early in 2006, with site works due to commence shortly.

Officers have a preliminary meeting with the Stoneville consultants next week, as the developers have just changed planning firms. We will raise the signage issue with them also.

With regards to the status of the Hills Spine Road and the potential impact on the road system as a result of the developments (and in particular whether the Council has provided in any future budgets for any additional road treatments in its forward program to accommodate potential impacts) I can advise the following.

The Hills Spine Road is identified in a traffic study which was undertaken to determine the amount of traffic the two townsites would generate and the impact that would have on the existing road network. A road network upgrade plan was then developed and costs apportioned between the two townsite developers and the Shire. The townsite costs are to be collected either by a per lot contribution or by the developers constructing directly at their cost as determined by the table of works. Once the roads (and parks) are developed the Shire will then maintain them as is the case for all subdivisions. The Shire has provided funds in the five year roads budget for its proportion of the cost of these roads.

The Hills Spine Road is required to be built as part of the road network upgrade. The Eastern Metropolitan Regional Council (EMRC) owns the land and is currently in discussions with the Department for Planning and Infrastructure on its acquisition (as it is also part of the Perth - Adelaide Hwy road reservation as shown on the Metropolitan Regional Scheme).

You also wrote to me expressing concern about the response received from the Shire President, Cr John Beaton, to questions asked of him by Mr Rusty Geller. I provided Cr Beaton a copy of your concerns and requested a response, which he has provided. Cr Beaton advised me that in response to the letter he had received from Mr Geller, asking his opinion on matters pertaining to the subject developments, he had decided to telephone Mr Geller and answer his questions that way as he believed it would be friendlier than a letter. He was not aware that Mr Geller was a member of the Stoneville Progress Association until towards the end of the conversation.

Cr Beaton's recollection of the telephone conversation appears to be different to that advised to you by Mr Geller and reported in your letter. Cr Beaton advises that in his opinion Mr Geller seemed satisfied with Cr Beaton's responses and, further, he did not subsequently contradict himself in conversation with another resident.

As these discussions were telephone conversations with no means of verifying what was actually said, I am unable to provide an explanation to you or your members. It seems the parties must agree to disagree on what was said.

Cr Beaton noted the concern about not writing in reply to letters to him (as opposed to telephoning a response) and has advised that since your letter he has provided a detailed response in writing to two further letters from ratepayers.

Finally, I wish to advise you of some pertinent legal advice recently received by the Shire (in relation to another matter unconnected to the subject developments in Parkerville and Stoneville) which advises that Council is unable to revoke an earlier decision it has made, where that decision has been acted upon.

In essence, if a resolution of Council is revoked, then the Council reverts to the situation that existed immediately prior to the passing of the revoked resolution. However, in order for there to be a revocation, it must be possible for the Council to revert to that situation. If a resolution has been acted upon, then it is not possible for the Council to revert to the situation that existed immediately prior to the passing of the revoked resolution, as the circumstances have changed in a way which cannot be reversed by the revocation of the resolution.

In terms of a development application, such as for the Parkerville and Stoneville developments, the resolution to grant planning approval has been acted on in the only way possible to Council; namely, the formal advice of planning approval. In addition, the developers have acted on that advice by means of advertising and pursuing other matters pertaining to the development.

I realise that this news will be of some disappointment to your members, as in my opinion it means regardless of their individual views on the developments, current Shire Councillors are bound by the earlier decision of the Council to grant planning approvals to the developments in Parkerville and Stoneville.

Notwithstanding this, I hope you have an enjoyable and safe Christmas break with family and friends.

Yours sincerely,



Jonathan Throssell
CHIEF EXECUTIVE OFFICER