



SUBMISSION

SERPENTINE JARRADALE SHIRE COUNCIL.

PETITION 96

My name is Steven Lenz I am the owner of Byford Village Shopping Centre, Byford IGA and IGA Plus Liquor. I have been a part of Byford rate paying community since 2002 and I wish to request a formal judicial enquiry into the serious misconduct of the Shire of Serpentine Jarrahdale for the following reasons:

- 1) Council has approved a number of commercial developments which has left the ratepayers of Byford seriously out of pocket, for example Lot 3 number 837 South West Highway Byford was approved in 2004 as a showroom development. The development was approved with a reduced amount of car parking bays from the required at 62 down to 48 under the "cash in lieu" scheme, where the developer pays the Council the value of the shortfall in cash. The value of the shortfall in this case is \$652,395.00, these funds were never received by council or followed up on.

This development also currently does not comply with its original approval as the tenancies are shops not showrooms, which require a different parking ratio. An "FOI" request was issued to the council and no satisfactory response was given. The misconduct also applies to the more recent developments of 821 South West Highway Byford and 4 Clifton Street Byford again for cash in lieu payments.

There are another two other developments Lot 5 Abernethy Road and Lot 5, 7 and 51 Southwest Highway Byford which is The Byford Bowling Club, which was approved but , not submitted for public comment by council, these do not comply with parking strategies or the Byford Town Centre Structure Plan and are currently with WAPC & JDAP. Please refer to Annexe "A".

Reproposed Byford Bowling Club Relocation:

The Byford Bowling Club is situated in the centre of Byford on prime retail land Lot number 5, 7 & 51 South West Highway Byford. It is a private club "members only". Residing on the same land is the Byford District Country Club, Byford Car Club as well as the Byford Pool Club. It is common knowledge that the land was gifted by the Abernethy family in 1951 to the Byford Bowling Club on the proviso that is never be sold; it is a successful club in a strong financial position. Please refer to Annexe "B".

- On the 28th May 2013 a special meeting was held by the Byford Districts Country Club for the purpose of relocating. The relocation presentation was made by Mr Tony Simpson MLP, in which he misled the bowlers on a number of issues. He led the bowling members to believe they were in a poor financial position which was not the case.
- Mr Simpson said that the rates on the property could go up to as high as \$130,000 a year (scare tactics). As the neighbouring property is zoned as a shopping centre the same size land rates are only \$30,000 a year.
- Mr Simpson presented an estimation of costs for the new bowling club which was \$2,450,000.00 including grants from Lottery West leaving the Bowling Club with

\$400,000 in the bank. Completely misleading, as the costs are closer to the \$5 million.

- At the meeting a number of bowlers expressed their concerns that the land was gifted on the proviso that it never be sold, this point was ignored by Mr Simpson and the relocation committee.
- Further investigation at Landgate revealed that the accompanying documents to the titles had been destroyed with no explanation given.
- A DSA grant application which includes a letter of support from Tony Simpson was made on the basis that both planning permission and a lease were in place when this was clearly not true.
- This site that has been chosen by the relocation committee has high levels of contamination is being reviewed for clarification by the Department of Environment.

Conflicts of interest relating to the relocation of Byford Bowling Club:

Stephen White: Member of the District Country Club, owner of the above mentioned neighbouring property 867 South West Highway Byford and holds a lease over a portion of the Bowling Club and is also a member of the relocation committee.

Tony Simpson: patron of the Bowling Club

John Kilpatrick: Councillor – Shire of Serpentine Jarrahdale, presenting at the Bowling Club.

John Errin: President of the Byford District Country Club and Shire Councillor

Ballots for sale of the Byford District Country Club, were incorrectly given to members to vote, but full information was not disclosed on other offers and members were only given a “Yes” or “No” option to vote.

Council have inappropriately put together a working group consisting of councillors and local self-interest business people for a parking strategy committee and have adopted strategies which have no professional input, re: traffic management consultants. In order to mask previously illegal shire approvals, which benefits developers and local businesses alike personally?

Concert tickets are being provided to Councillors from developers in the area namely LWP.

I am able to provide various documentation supporting my allegations. I believe there are grounds for an full judicial enquiry including tax audit.

Yours faithfully

Steven Lenz