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**Minister for Local Government; Heritage;
Citizenship and Multicultural Interests**

Our Ref: 38-14136

Hon Alison Xamon MLC
Member for the East Metropolitan Region
62 Eighth Avenue
MAYLANDS WA 6051

Dear Ms  Xamon

Thank you for your letter dated 22 November 2012 regarding the Shire of Kalamunda and the concerns of Ms Jane Genovese, which relate to a proposal to develop Lot 500 Gavour Road, Wattle Grove, for aged care housing.

I note the matters raised by Ms Genovese and by the Environment and Public Affairs Standing Committee. My Department of Local Government (DLG) has previously assessed similar allegations raised by Ms Genovese and other parties, and concluded that there was no basis for the DLG to take action. I have also corresponded with Ms Genovese regarding this matter, in the same terms.

Whilst I appreciate that the complainant has a fundamental objection to the proposed development and the associated scheme amendment on the grounds of its merit and appropriateness, the principal consideration for me and the DLG is whether the Shire has acted contrary to the *Local Government Act 1995* or subsidiary Regulations during the course of its dealings with this matter.

The DLG has reviewed information supplied by the Corruption and Crime Commission (CCC) in relation to this matter, together with information provided by Hon Brian Ellis MLC, Chair of the Environment and Public Affairs Standing Committee.

An assessment of this information, together with information previously provided by the Department of Planning and information obtained from the Shire, does not support a conclusion that the Shire has acted contrary to the above legislation. Matters relating to the planning merits of a particular development and adherence to planning legislation should be directed to the Department of Planning. This is a position I and the DLG have previously outlined to Ms Genovese and other persons raising the same matters. In this regard, I note that the Minister for Planning is yet to make his final decision on the scheme amendment proposal.

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Rather, the concerns of Ms Genovese and other parties appear to focus on allegations of misconduct or corruption by public officers of the Shire which, ordinarily, would be investigated by the CCC. The DLG is corresponding with the CCC in these terms and has provided information which may assist the CCC in its investigation of the matter.

However, as no new information has been provided that would encourage me or the DLG to review this position, I intend to take no further action on the matter.

Thank you for bringing the concerns of your constituent to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Castrilli', written in a cursive style.

G M (John) Castrilli MLA
**MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CITIZENSHIP AND MULTICULTURAL INTERESTS**

cc Hon Brian Ellis, Chair, Environment and Public Affairs Standing Committee

11 DEC 2012