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20 August 2021

Mr Craig Slarke  
McLEODS Barristers & Solicitors  
Stirling Law Chambers  
220 Stirling Highway,  
CLAREMONT WA 6010

Via email: [cslarke@mcleods.com.au](mailto:cslarke@mcleods.com.au)

## Zharn Cartensen v Shire of Serpentine Jarrahdale, DR 99/2021 Amended Application (Proposed Transport Depot)

1. Pursuant to the order 1 made by the Tribunal on 13 August 2021, this correspondence sets out the amendments and/or points of clarifications to a proposed application for a transport depot at Lot 2, No. 508 King Road, Oldbury.
2. Unless otherwise noted in this submission, the proposal remains as per the application received by the Respondent on 9 February 2021.

### *Amended Plans*

3. Amended plans to be considered with application are attached.
4. The area and the layout of the transport depot has not been altered, there has only been a correction of detail whereby the site plan previously referred to (incorrectly) an 'open office'. This structure is, in fact, sea containers and a dome shelter approved by the Shire (Building permit issued on 22 March 2019) and is to be correctly referred to as the 'inspection canopy'.
5. The 'inspection canopy' is for minor servicing, adjustments and routine safety inspections before any vehicles or machines leave and return to the site.

**FILED**

**21 AUG 2021**

*Via eLodgment*

STATE ADMINISTRATIVE TRIBUNAL

TOWN PLANNING | MEDIATION | ADVOCACY

Ordinary Council Meeting - 20 September 2021

### *Inspection and Minor Servicing*

6. During the inspection and minor servicing of mechanical components containing liquids such as coolants, hydraulic oils, or brake fluid, drip trays with absorbent material are to be placed under the vehicles then any excess oil poured into storage drums for removal off site and properly disposed of off-site at specific truck washes.

### *Transport Depot Vehicles and Storage*

7. Vehicles and machinery currently associated with the transport depot are as follows:
  - 3 x Scania 6-wheel tippers, one occasionally carries the portable water tanks;
  - 2 x JCB Dinosaur watercarts;
  - 1 x telehandler; and,
  - Forklift & JCB (fast agricultural) tractor.
8. There are no regular daily movements of any vehicles or machinery from the site. Some of the commercial vehicles can be off-site for weeks or months at a time. The vehicle movements are generally by the Applicant and her partner who also reside on site.
9. Storage is limited to ancillary items such as wooden pallets, water containers, water towers and generators. Such items will be located in the 'Returned vehicles material lay down area' shown on the site plan.
10. The following items are not related to the Transport Depot:
  - Farming machinery for the property vintage tractors (personal), most of these items will be stored in the proposed shed (DR 137/2021);
  - Temporary storage of the applicant's father's equipment to be sold and removed (currently assembled in the 'Returned vehicles material lay down area' on the site plan).
  - Non-operational, 4 vehicles to be repaired and auctioned including:
    - i) a Franna (mobile crane); and
    - ii) A water tank

### *Administration*

11. The Transport Depot has no formal administration area, equipment is hired via telephone or online communications. Online bookings are generally via email which are managed by Applicant's mobile phone or laptop which is kept in the residence.

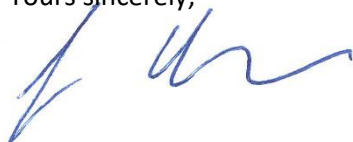
### *Removal of time-limit*

12. The applicant revokes the previous indication that the proposal would be time-limited for a period of four (4) years following any conditional approval. In light of the Tribunal's decision in the matters of the *Nield v Shire of Serpentine-Jarrahdale* [2021] WASAT 94, a transport depot is not fundamentally inconsistent with the objectives of the Rural zone. Accordingly, it is ultimately a matter for Applicant as to whether they wish to relocate to an alternative site should they choose to, or the nature or the scale of their proposal no longer accords with any approval for a transport depot on the site.

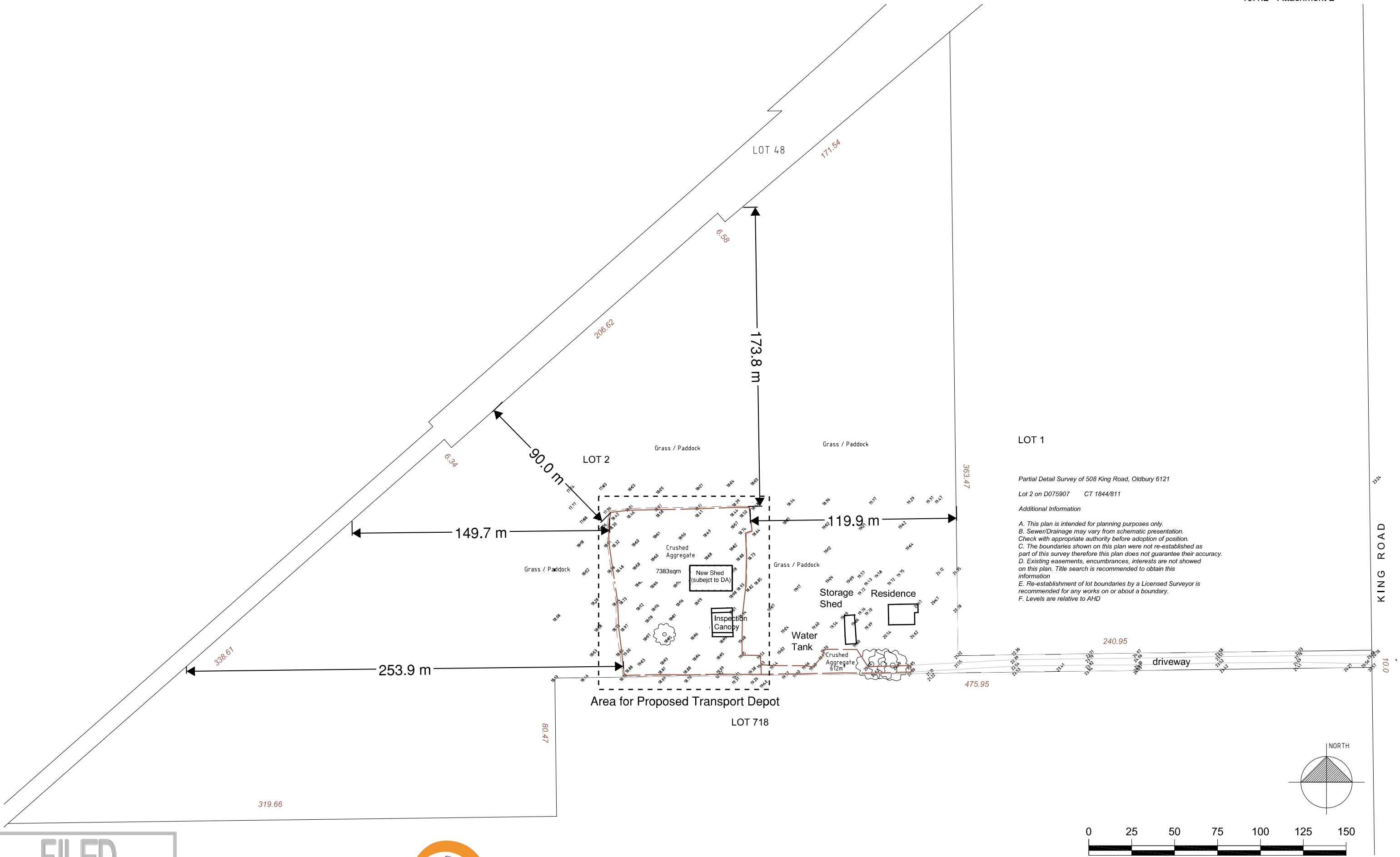
### *Conditions of Approval*

13. The Applicant would be willing to accept all conditions previously recommended in the officer report (resolution OCM079/04/21) at Ordinary Council Meeting of 19 April 2021 except condition 1a) relating to a time-limited approval.
14. Specifically, the Applicant reaffirms that under no circumstances would traffic volumes associated with the transport depot use exceed more than 10 vehicle movements per day and accordingly, would accept a condition with such a restriction.
15. Should the Respondent have any concerns about the scale of the transport depot changing over time, the applicant would accept an express condition of approval restricting the transport depot to the hardstand indicated on the site plan.

Yours sincerely,



**Joe Algeri**  
Director



LOT 1

Partial Detail Survey of 508 King Road, Oldbury 6121  
Lot 2 on D075907 CT 1844/811

Additional Information

- A. This plan is intended for planning purposes only.
- B. Sewer/Drainage may vary from schematic presentation. Check with appropriate authority before adoption of position.
- C. The boundaries shown on this plan were not re-established as part of this survey therefore this plan does not guarantee their accuracy.
- D. Existing easements, encumbrances, interests are not showed on this plan. Title search is recommended to obtain this information
- E. Re-establishment of lot boundaries by a Licensed Surveyor is recommended for any works on or about a boundary.
- F. Levels are relative to AHD

FILED

Issue	Date	Amendment
A	OCT20	ISSUED FOR DEVELOPMENT APPROVAL
B	AUG21	ISSUED FOR DEVELOPMENT APPROVAL

Via eLodgment

STATE ADMINISTRATIVE TRIBUNAL

Planning Horizons

Development Solutions

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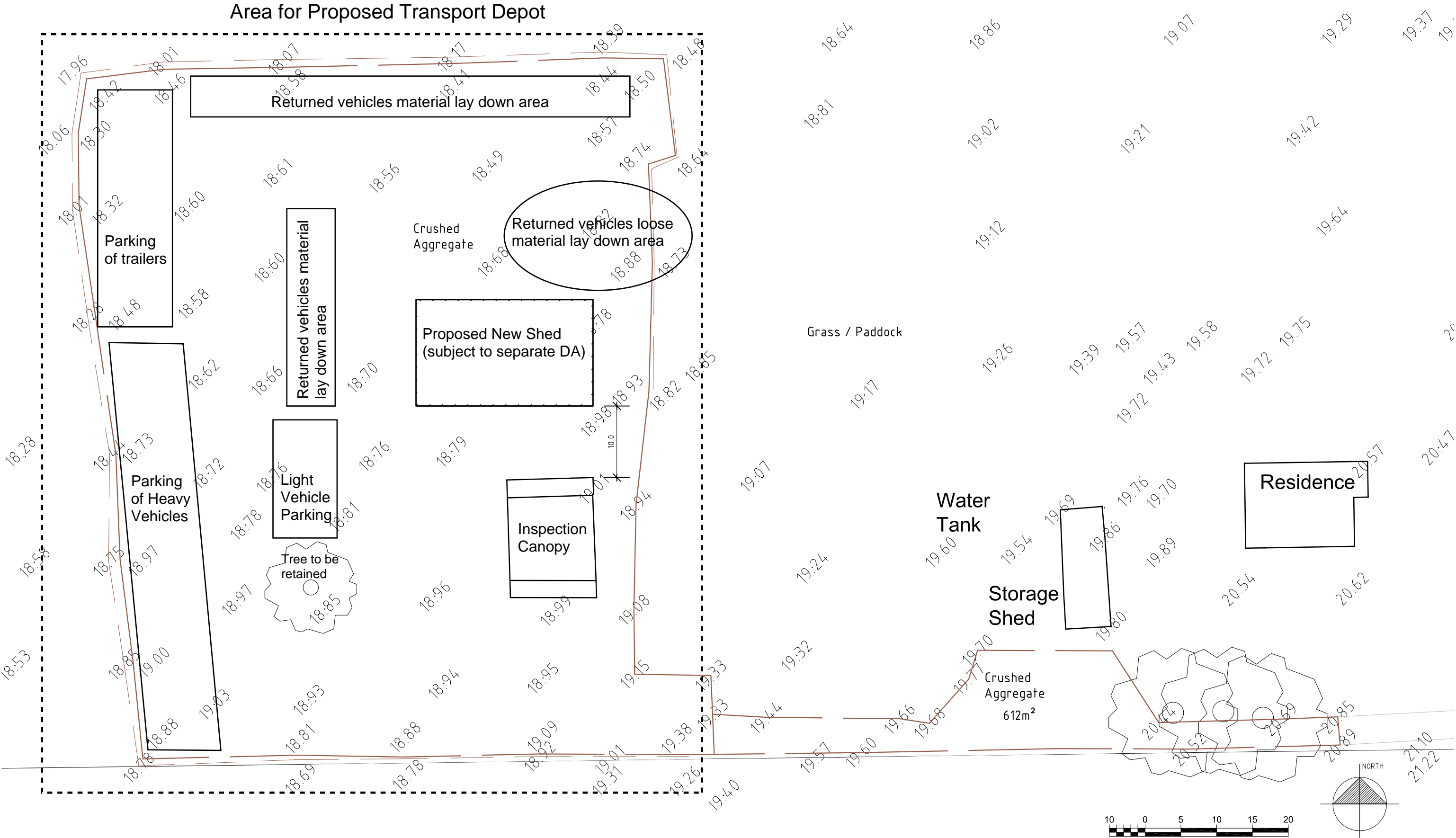
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CHANGE OF USE TO 'TRANSPORT DEPOT'  
WITH HARDSTAND PARKING AT LOT 2  
(508) KING ROAD, OLDBURY

Title  
LOCATION PLAN

Job No.	Date	Scale (@ A3)
	AUG21	1:2000
Drawn	Drawing No.	Issue
	DA01	B



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A	OCT20	ISSUED FOR DEVELOPMENT APPROVAL
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**CHANGE OF USE TO 'TRANSPORT DEPOT'  
WITH HARDSTAND PARKING AT LOT 2  
(508) KING ROAD, OLDBURY**

**SITE PLAN**

Job No.	Date	Scale (@ A3)
	AUG21	1:500
Drawn	Drawing No.	Issue
	DA02	B