

JMG Ref: 220173PL

18th March 2022

General Manager
Latrobe Council
Via email - submissions@latrobe.tas.gov.au

117 Harrington Street
Hobart 7000
Phone (03) 6231 2555
Fax (03) 6231 1535
infohbt@jmg.net.au

49-51 Elizabeth Street
Launceston 7250
Phone (03) 6334 5548
Fax (03) 6331 2954
infohbt@jmg.net.au

Johnstone McGee &
Gandy Pty Ltd
ABN 76 473 834 852
ACN 009 547 139
as trustee for Johnstone
McGee & Gandy
Unit Trust

www.jmg.net.au

Dear General Manager,

**REPRESENTATION TO LATROBE COUNCIL ON THE DRAFT LOCAL PROVISION
SCHEDULE - TASMANIAN PLANNING SCHEME CONSULTATION; PROPOSED
AMENDMENT FOR 8659 BASS HIGHWAY, LATROBE 7307**

JMG Engineers & Planners have been engaged by Bennett's Petroleum owner of the site which is also known as *Ampol Wattle Hill* to prepare a representation regarding 8659 Bass Highway, Latrobe on the Draft Latrobe Local Provisions Schedule.

1. Site, Location, & Context

The subject site (see Figure 1) is located at 8659 Bass Highway, Latrobe (PID 6536287; CT 199384/1). The site contains an established Service Station/Takeaway along with a dwelling and has an area of approx. 5557m². The property has an approx. 80m frontage onto the Bass Highway with an existing access.

Surrounding the site is a mixture of Rural Living (to the north, south, and east) and Rural Resource (to the west), with the Bass Highway road reserve to the north/northwest. Across the highway to the north-west the land is zoned Light Industrial. To the west along the Bass Highway is the township of Latrobe. The site forms part of a discrete Rural Living area with established dwellings to the south and east.



Figure 1 - Subject Site (Source: TheList 2018, accessed 25/02/2022, <<https://maps.thelist.tas.gov.au>>)

2. Latrobe Interim Planning Scheme 2013

The site is currently zoned Rural Living (see Figure 2) under the Latrobe Interim Planning Scheme (LIPS). The site is covered by the Bushfire Prone Areas code overlay. The site is currently predominately cleared, with mature cultivate landscaping on the site and native bush regrowth on the adjacent site to the west.

Under the LIPS Residential use is permitted in the Rural Living zone.

Under the LIPS the following is discretionary (with qualifications) in the Rural Living zone:

- Food Services - “If -
 - (a) not licensed premises;
 - (b) including a drive through in take away food premises;
 - (c) gross floor area of not more than 300m²; or
 - (d) seating capacity for not more than 20 people.”
- General Retail and Hire - “If a local shop”.

Under the LIPS Vehicle Fuel Sales and Services is prohibited in the Rural Living zone. The site does however have existing use rights for this element.

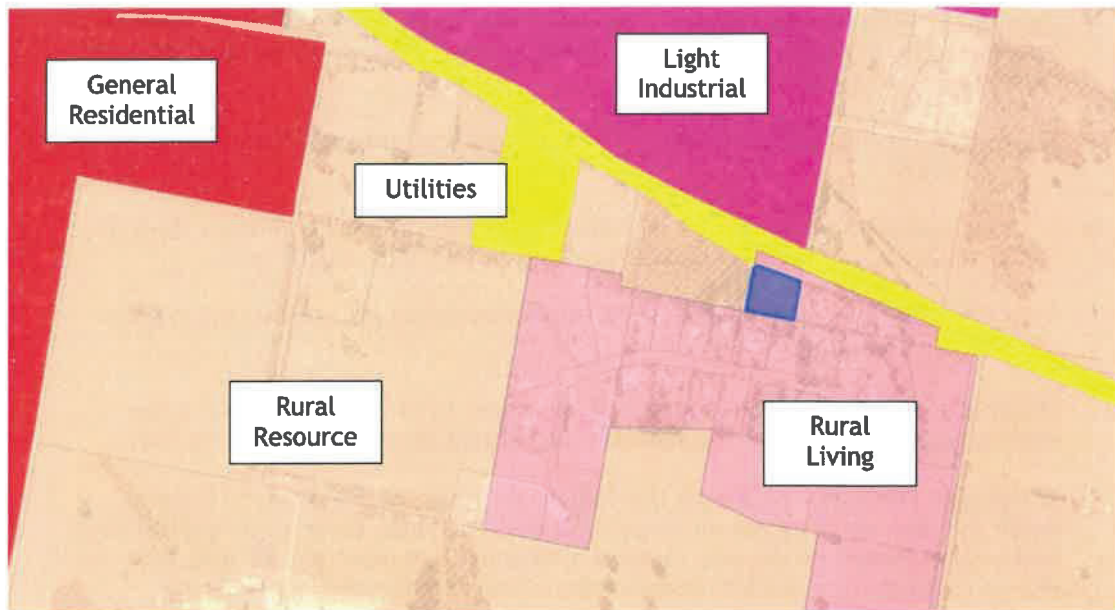


Figure 2 - Latrobe Interim Planning Scheme Zoning - subject site in blue (Source: TheList 2018, accessed 25/02/2022)

3. Latrobe Draft Local Provision Schedule

The site is proposed to retain the Rural Living zoning under the *Latrobe Draft Local Provision Schedule* (draft LPS). The draft LPS proposes minimal zoning changes within the immediate area. The Bushfire-prone Areas Overlay is to remain.

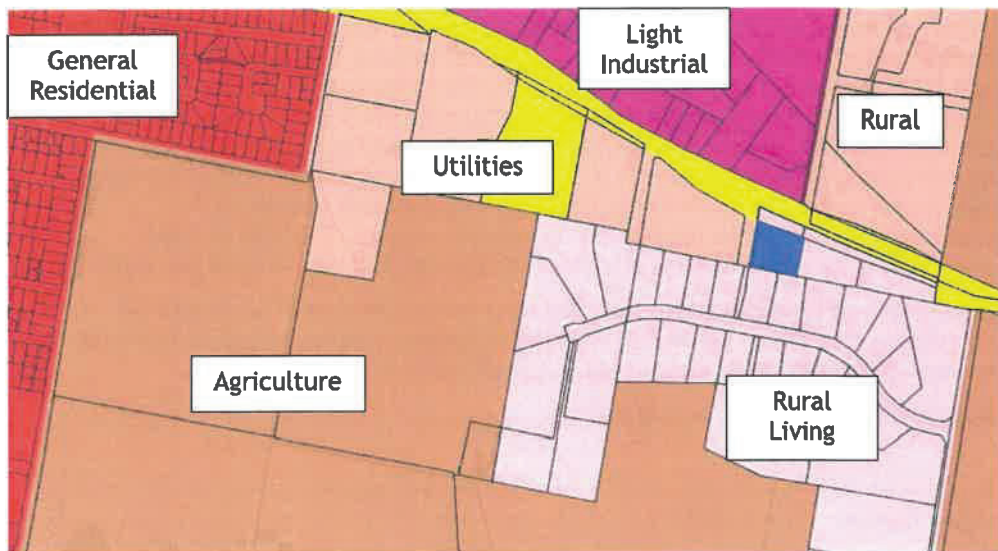


Figure 3 - Latrobe draft LPS Zoning - subject site in blue (Source: <https://planning.discovercommunities.com.au>, accessed 25/02/2022)

The draft LPS Use Classes Table contains material changes associated with Use with respect to the transition from the LIPS. These are consistent with the introduction of the State Planning Provisions:

1. Food services is discretionary “If for a gross floor area of not more than 200m²”;
2. General Retail and Hire is discretionary “If for: (a) primary produce sales; (b) sales related to Resource Development; or (c) a local shop”; and
3. Vehicle Fuel Sales and Service is now discretionary (no qualification) rather than prohibited.

The Priority Vegetation Area Overlay will now cover a third of the site (along the eastern edge of the lot) and incorporates the existing Residential use on the site.

As the draft LPS Rural Living zone Use Table states that Food Service and General Retail and Hire would be discretionary (with qualifications), these would greatly limit future development on the site. These qualifications also represent a significant change to the current use qualifications associated with the site, which would significantly limit the landowner’s potential to further develop the site as planned.

4. *Site Specific Qualifications (SSQ)*

The LPS process allows for the inclusion of a SSQ that is in addition to, modifies, or is in substitution for, a zone Use Table or a use or development standard in a zone or a code. It is proposed that a SSQ be added in relation the subject site to the Use Table of the Rural Living zone. This would support the existing site’s continued use, allow for complimentary modification/adaption of the site as planned by the landowner, and secure the long-term viability of the site as a valuable commercial and local amenity for the community.

The viability of the site is significantly affected by the change to the use qualifications because the modern requirements of a service station include additional facilities such as a local shop/food services of a reasonable size. The reduction in size from 300m² to 200m² for the food services elements would significantly affect the viability of the core business when the site is redeveloped/expanded in the future. Without this element the future viability of the site is likely to be substantially affected. Providing the ability to accommodate a 500m² food service would enable a range of operators/service providers to use the site in a viable manner. This size of food service is in line with modern space standards for comparable uses around the state.

The State Planning Provisions states that SSQ for a particular area of land must be shown on the overlay maps, annotated with the reference number and all information requirements completed in a relevant list in the LPS (LP1.6.1).

The following draft LPS SSQ is proposed:

Reference Number	LAT-11.1
Site Reference	8659 Bass Highway Latrobe
Folio of the Register	199384/1
Description (modification,	The <i>Food services</i> (Permitted) Use Class qualification [11.2 Use Table] for this site is to be modified to state: If -

substitution or addition)	(a) not licensed premises; (b) including a drive through in take away food premises; (c) gross floor area of not more than 500m ² ; or (d) seating capacity for not more than 20 people
Relevant Clause in State Planning Provision	Rural Living Zone - clause 11.2 Use Table (Qualification)

5. Summary

This proposal puts forward a solution which retains the Rural Living zoning and seeks to apply a LAT-Site-specific Qualification (LAT-11.1). This option would facilitate future expansion, extension and/or modification of the existing Use(s) on the site which is a mixture of Vehicle Fuel Sales and Services and Take-away/Local Shop.

If Council requires any further information or clarification with respect to this application, please contact me on 6231 2555 or at planning@jmg.net.au.

Yours faithfully

JOHNSTONE MCGEE & GANDY PTY LTD



**Katrina Hill
TOWN PLANNER**