



**Planning Scheme Amendment  
to Rezone Part of CT159544/1  
(Ezzy Park) Emily Street,  
Bridport to Open Space**

Date 17 September 2021

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# Executive Summary

This report has been prepared by All Urban Planning Pty Ltd on behalf of the Department of Police, Fire and Emergency Management for Council, as Planning Authority. The purpose of the report is to assist Council in the initiation of an amendment to the *Dorset Interim Planning Scheme 2013* (planning scheme) to rezone part of Emily Street (CT 159544/1 – otherwise known as ‘Ezzy Park’) from General Residential, to Open Space.

## Background

It is proposed to relocate the Bridport Fire Station from the current site at 69 Main Street to a new site within this greater Ezzy Park title. The Tasmania Fire Service (TFS) – in conjunction with the Bridport Fire Brigade – have gone through an exhaustive review of possible relocation options around Bridport, with this site option preferred.

Ezzy Park is Council land that was transferred from the Crown in 2010. The land has historically been used for public recreation and tourist information purposes (a tourism information signboard is situated at the front of the property onto Emily Street).

A 20 metre wide wedge of General Residential Zone land applies to the northern portion of the site, with the remaining balance of the land zoned Open Space. Council advise that this residential zoning is an error that arose during preparation of zone mapping for the current interim planning scheme back in 2013. Under Council’s former (1996) planning scheme the site was entirely identified within a single ‘resource unit’ (these were the substitution for a *zone* under the former planning scheme). It was not split-zoned.

Within the General residential Zone, the Emergency Services use class is prohibited. The proposed rezoning of the General Residential zoned portion of the site to Open Space to match the remainder of the title will allow consideration of Emergency Services as a Discretionary Use.

Assuming the amendment is approved by Council and the Tasmanian Planning Commission, it is intended that the Department will make a subsequent application for a planning permit to Council for the new fire station. If that was approved there would also be a subsequent process under the *Local Government Act 1993* to dispose of the land. This process will involve further public advertising.

## Requirements for a planning scheme amendment

As set out throughout this report, the proposal is considered to satisfy the requirements for an amendment under the *Land Use Planning and Approvals Act 1993* (Act).

It is intended that Council will use this report to initiate the amendment to the planning scheme pursuant to Section 33 of the Act.

# 1. Introduction

All Urban Planning Pty Ltd has been engaged by the Department of Police, Fire and Emergency Management (the Department) to prepare a planning assessment of a proposal to rezone part of Emily Street (CT 159544/1 – otherwise known as ‘Ezzy Park’). It is intended that the General Residential Zoned Portion of the site will be zoned Open Space to match the remainder of the title.

The Council may initiate and certify an amendment to the planning scheme if it is satisfied that it is consistent with the requirements of Section 32 of the Act.

Accordingly, to support this Amendment, this assessment has been prepared to:

- Provide the strategic rationale for the proposed amendment
- Detail the site and the surrounding uses
- Provide a full description of the proposed amendment
- Determine that the proposal is in accordance with the State Policies
- Establish that the proposal is in accordance with the Regional Land Use Strategy
- Demonstrate that the application can further the objectives set out in Schedule 1 of the Act.

## 1.1 Title Information & Owners Consent

The proposed Planning Scheme Amendment relates to the following land:

Address	Title	Area	Owner
Land known as ‘Ezzy Park’, Emily Street, Bridport	CT 159544/1	Approx. 5770m <sup>2</sup>	Dorset Council

It is intended that Council would initiate this amendment as planning authority in accordance with Section 33 of the former provisions of the Act.

# 2. Existing Planning Controls

## 2.1 Zoning

The subject land is currently split zoned. The northern part of approximately 2000m<sup>2</sup> is zoned General Residential and the southern part zoned Open Space (see Figure 1).

The land is surrounded by General Residential zoned land to the north including 26 Emily Street and 17 Ada Street and Rural Living zoned land to the west, south and east.



**Figure 1 – Existing Zoning – Dorset Interim Planning Scheme 2013**

Use for Emergency Services<sup>1</sup> is a Prohibited use in the General Residential Zone under the Use Table 10.2.

#### **Open Space Zone**

The Purpose of the proposed Open Space Zone under Clause 19.1 of the planning scheme is *to provide land for open space purposes including for passive recreation and natural or landscape amenity.*

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<sup>1</sup> meaning use of land for police, fire, ambulance and other emergency services including storage and deployment of emergency vehicles and equipment. Examples include ambulance station, fire station and police station.

The Local Area Objectives under Clause 19.1.2 are to *provide for the continued provision of, and support investment in, public facilities in a manner that is appropriate to the proximity of surrounding residential uses.*

*Emergency Services* is a Discretionary Use under the Use Table 19.2 of the Open Space Zone. Subject to a future discretionary application for a planning permit, it is considered that a fire station could be considered an appropriate public facility that is appropriately sited on the southern fringe of Bridport and will avoid impacts on residential amenity.

There are a range Use Standards for Amenity (19.3.1) and Open Space Character (19.3.2) that will ensure that any future use and development on the land including an Emergency Services Use Class does not adversely impact upon the occupiers of adjoining nearby uses.

The Permitted Development Standards for the Open Space Zone include a permitted height of 5m (19.4.1 A1), a 10m permitted setback from all boundaries (19.4.1 A2) and maximum site cover of 20% (19.4.1 A3).

The Open Space Zone also includes Development Standards for Landscaping (19.4.2) to minimise impacts on natural values where feasible.

Subdivision is provided for under Clause 19.4.3 of the Open Space Zone and provides for subdivision appropriate for the intended use of the lots. The detail of any future subdivision is to be determined. However, the Open Space zoning would allow for consideration of two titles from CT 159544/1: one title for the fire station, the other that would remain in Council ownership as a park.

## 2.2 Planning Scheme Overlays

There are no planning scheme overlays that affect the site.

# 3. Site and Surrounding Uses

## 3.1 The Site and Surrounding Land Uses

The site is located on the southern fringe of Bridport as shown in Figure 2 below. The area is characterised as mixed use with a range of rural residential, residential, light industrial and a hardware store use in the immediate vicinity of the site. The characteristics of the area are shown in Figures 3-11 below.

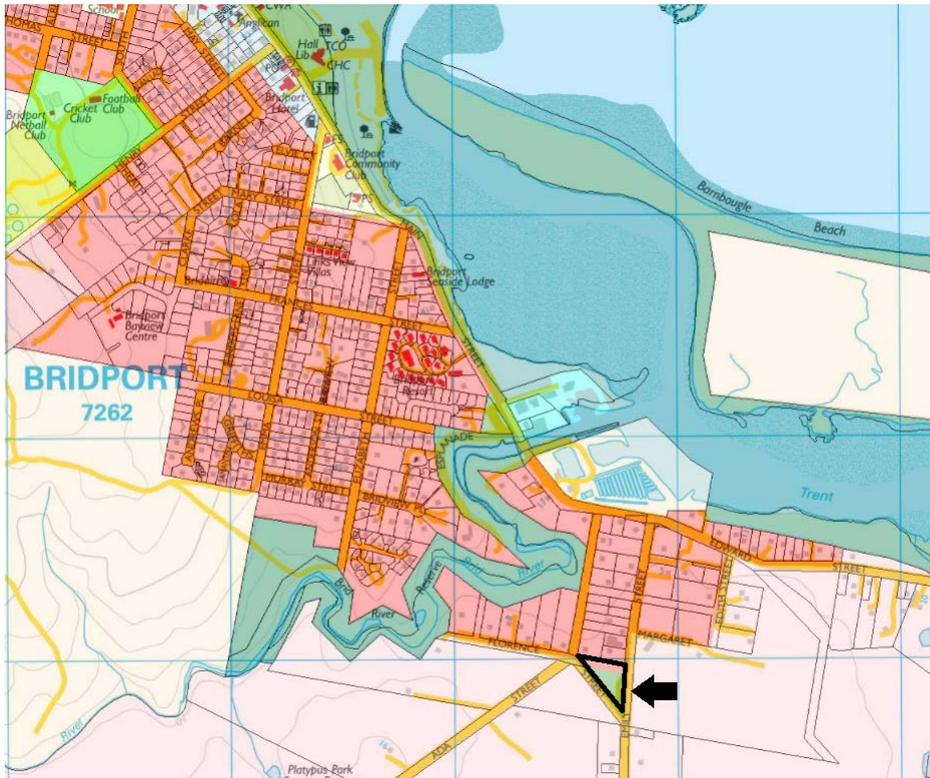


Figure 2 - Locality Plan (Source: theList)



Figure 3 - View of the tourist interpretation shelter on the Ezzy Park site



*Figure 4 – View looking north along the vehicle drive through area at the front of the site adjacent to the Emily Street frontage*



*Figure 5 – view from the centre of the site currently zoned Open Space towards the north. The land to be rezoned from General Residential to Open Space runs as a 20m deep strip along the viewers side of the fence*



*Figure 6 – View from the centre of the site looking east towards Emily Street. The tourist information shelter is visible on the distant right of picture*



*Figure 7 – View looking south east from near the intersection of Florence and Ada Street. The Rural Living zoned site at 21 Ada Street is visible in the centre of the photo. The site is out of picture to the left.*



***Figure 8 – View looking west over the area of the site to be zoned from General Residential to Open Space. The neighbouring properties are visible on the right of picture behind the fence. A stormwater drainage channel runs through the site approximately west to east***



***Figure 9 – View looking west along the are of the site to be zoned Open Space. There is an existing light industrial use adjacent at 26 Emily Street in the centre of the picture***



*Figure 10 – View looking north from the site towards 26 Emily Street showing the existing adjoining light industrial use at that property*



*Figure 11 – View looking west over the area of the site to be rezoned from General Residential*

### 3.2 Road Network

The site has road frontage and drive through access to Emily Street to the east as shown in Figure 4 above. The site has a second frontage to the formed gravel road of Florence Street to the south west as shown in Figure 7 above.

### 3.3 Flora and Fauna

The site exists as open parkland with stands of established eucalypts as shown in the site photos above. The land is designated as FUR (Urban Land) on TasVeg 3.0. The Landscaping provisions of Clause 19.4.2 of the planning scheme will ensure sensitive management of the existing trees as part of any future application for development on the site. This will encourage their retention where feasible.

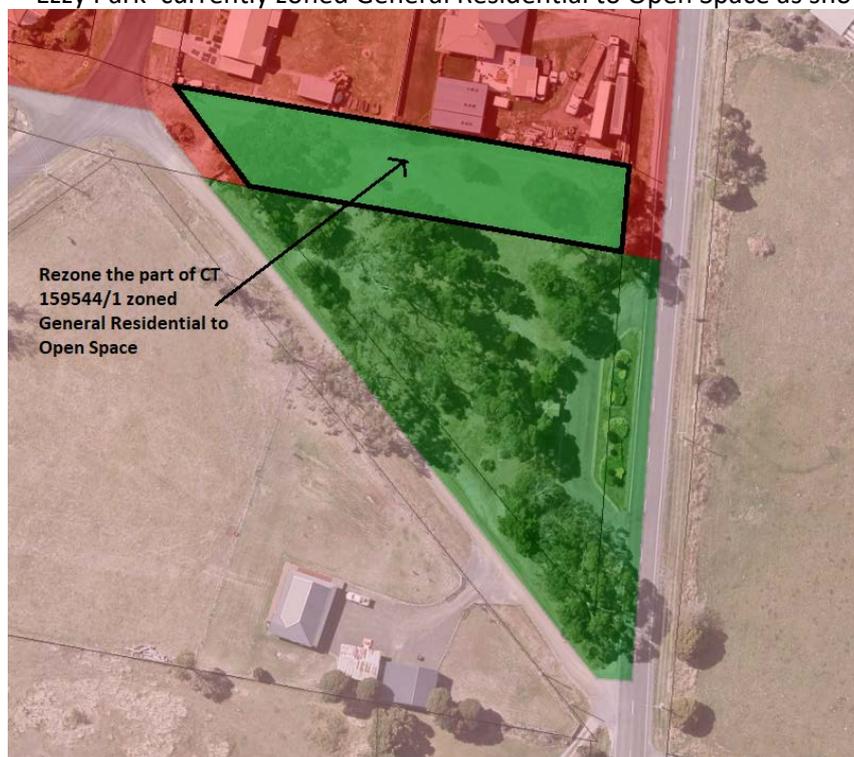
### 3.4 Sewer, Water and Stormwater Services

The site is connected to existing reticulated water but is located outside Bridport’s sewer district.

## 4. Amendment Dorset Interim Planning Scheme

### 4.1 Proposed amendment

The proposed draft amendment involves a change to the Planning Scheme map to rezone the part of CT159544/1 – ‘Ezzy Park’ currently zoned General Residential to Open Space as shown in Figure 12 below.



**Figure 12 - Proposed Rezoning**

## 4.2 Reasoning for the Proposal

During consideration of a proposal for use and development of the site for a new Bridport fire station it was evident that part of the subject land (an approximate 2000 sq/m portion of the northern area of the title) has erroneously been zoned General Residential Zone. The remainder of the title is zoned Open Space Zone. The error has arisen over seven years ago during the transition from the (former) Dorset Planning Scheme 1996 to the (current) Dorset Interim Planning Scheme 2013.

Under the 1996 planning scheme, the entire title was originally identified within a single zone, however a simple GIS mapping error has occurred during implementation of the DIPS that has acted to split-zone the land into its current configuration.

The proposed rezoning will correct this error, remove the split zoning of the title and allow consideration of a future proposal for an *Emergency service* use on the site as a Discretionary application.

## 5. Land Use Planning and Approvals Act 1993

Before making a decision whether to initiate and/or certify a draft amendment, the planning authority must consider whether the application is consistent with Section 32 of LUPAA which requires:

*(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–*

...

*(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*

*(ea) must not conflict with the requirements of section 300; and*

*(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

*(2) The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

The proposal is considered consistent with these requirements below.

### 5.1 Land Use Conflicts

Pursuant to section 32(1)(e), the Council must be satisfied that the proposed amendment, as far as practicable, avoids the potential for land use conflicts with use and development permissible under the Scheme applying to the adjacent area.

#### **Comment**

As discussed above the site is located in a mixed use area and is adjacent to a light industrial use to the north and residential uses further to the west. The proposed change to Open Space zoning will not lead to land use conflicts. As discussed in Section 2.1 above, the Open Space Zoning includes a number of Use Standards under Clause 19.3 that will ensure that any future use and development on the land

including an Emergency Services Use Class does not adversely impact upon the occupiers of adjoining nearby uses.

Having regard to these considerations, in my assessment the proposal will as far as practical avoid the potential for land use conflict.

## 5.2 Impact of the Amendment on the Region as an Entity

The proposed minor correction to the planning scheme mapping to remove split General Residential zoning over a portion of public land will have no impact on the Northern Tasmania Regional Land Use Strategy.

The proposal relates to coordinated emergency services planning between a State agency and Council and will further Strategic Direction G1.2- *to adopt an integrated and coordinated approach to government infrastructure, transport and land use planning.*

## 5.3 State Policies

The following State Policies are made under the State Policies and Projects Act 1993:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The National Environmental Protection Measures are automatically adopted as State Policies under the State Policies and Projects Act 1993.

The following section examines the State Policies as they apply to this amendment.

### 5.3.1 State Policy on the Protection of Agricultural Land 2009

The purpose of the State Policy on the Protection of Agricultural Land 2009 is:

*“to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land”.*

#### Comment

The proposal relates to land zoned for urban use and development and does not conflict with this Policy.

### 5.3.2 State Coastal Policy 1996

The State Coastal Policy 1996 is created under the State Policies and Projects Act 1993.

#### Comment

The proposed change to the zoning of this site on the southern fringe of Bridport is approximately 400m from the tidal waters of Trent Water and Cox’s Rivulet. The proposal to remove this split zoning within an established urban settlement will not impact coastal process, public access to the foreshore or vulnerability to coastal hazards and therefore will not conflict with the Outcomes of the State Coastal Policy.

### 5.3.3 State Policy on Water Quality Management 1997

The State Policy on Water Quality Management is concerned with achieving *'sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource management and Planning System'*.

**Comment:**

The proposed amendment will continue to allow for suitable stormwater treatment to be incorporated in future development as required by the planning scheme. Such measures will ensure the long-term quality of stormwater runoff is efficiently managed to protect water quality.

### 5.4 National Environment Protection Measures

The National Environmental Protection Measures relate to:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- The protection of amenity in relation to noise;
- General guidelines for assessment of site contamination;
- Environmental impacts associated with hazardous wastes; and
- The re-use and recycling of used materials.

**Comment:**

The planning scheme provisions will continue to include suitable provisions to deal with matters such as protection of water quality, avoidance of land contamination, protection of amenity in relation to noise. The proposed amendment is therefore not considered to conflict with these NEPMs

### 5.5 Gas Pipelines Act 2000

Pursuant to Section 20(1) (e) of the Act provides that the Council must be satisfied that the amendment has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

There is no gas infrastructure in the vicinity of this site and the proposal is therefore in accordance with this requirement.

### 5.6 Schedule 1 of the Land Use Planning & Approvals Act 1993

Schedule 1 of the Land Use Planning and Approvals Act 1993 Section 20(1)(a) of the Act provides that the Council is to be satisfied that the proposed amendment seeks to further the objectives set out in Schedule 1. The objectives in Schedule 1 and their relevance to this amendment are addressed below.

#### 5.6.1 Schedule 1 Part 1

*(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

**Comment**

The amendment promotes the objectives for sustainable development of land through allowing for the efficient use of existing urban zoned land without significant environmental constraints.

*(b) To provide for the fair, orderly and sustainable use and development of air, land and water;*

**Comment**

The amendment will support the efficient use of public land to provide critical emergency services infrastructure and will further this Objective.

*(c) To encourage public involvement in resource management and planning;*

**Comment**

The proposal will involve opportunity for public input through the notification of the amendment. There will be further opportunities for public involvement through advertisement of a future application for use and development on the site and as part of any land disposal process under the *Local Government Act*.

*(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) above.*

**Comment**

The proposed minor zoning correction does not affect the attainment of this Objective.

*(e) To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

**Comment**

The proposal reflects coordinated action between the Department and Council to plan for critical emergency services infrastructure and furthers this objective.

**Schedule1 Part 2**

*(a) To require sound strategic planning and co-ordination by state and local Government;*

**Comment**

The proposal reflects coordinated action between the Department and Council to plan for critical emergency services infrastructure and furthers this objective.

*(b) To establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;*

**Comment**

The proposed minor zoning correction does not affect the attainment of this Objective.

*(c) To ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;*

**Comment**

The proposed Open Space zoning and other planning scheme provisions will retain appropriate controls to ensure that the effects of any future proposal for use and development on the land considers effects on the environment.

*(d) To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional, and municipal levels;*

**Comment**

As discussed above the proposal furthers strategic planning policies and is consistent with this Objective.

*(e) To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;*

**Comment**

The proposal does not conflict with the attainment of this objective.

*(f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;*

**Comment**

The proposal to remove General Residential zoning over part of the existing Ezzy Park site will assist to facilitate emergency services facilities for the safety of the community and will further this Objective.

*(g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

**Comment**

There are no listed historic or cultural values on the site or affected by the proposal.

*(h) To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

**Comment**

The proposal will support the efficient use of public land for the benefit of the community and will further this Objective.

*(i) To provide a planning framework which fully considers land capability;*

**Comment**

The proposed minor zoning correction does not affect the attainment of this Objective.

## 6. Conclusion

This assessment demonstrates that the proposed amendment meets all statutory requirements.

It is recommended that the Council, acting as Planning Authority, initiate an amendment to the Dorset Interim Planning Scheme 2013 to rezone all land identified as General Residential Zone within Certificate of Title 159544/1 to Open Space Zone.