

State Policy on the Protection of Agricultural Land 2007

1. PURPOSE

The State Policy on the Protection of Agricultural Land is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource.

2. OBJECTIVES

- 2.1 To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is appropriately recognised and protected in all relevant planning instruments regulating the use and development of agricultural land.
- 2.2 To foster the sustainable development of agriculture in Tasmania by:
 - (a) Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non-agricultural land uses; and
 - (b) Providing greater direction and certainty for landowners, developers, land managers and the community in the planning instruments regulating the use and development of agricultural land

3. PRINCIPLES

The following principles will guide outcomes that give effect to this Policy. No one principle should be read in isolation from the others to imply a particular action or consequence. The principles are:

- 1. All agricultural land is a valuable resource for Tasmania.
- 2. Prime agricultural land is a resource to be protected from development for and conversion to non-agricultural use.
- 3. Prime agricultural land should be used for agricultural uses that depend on the soil as a growth medium. Development of houses, other non agricultural use and development and some controlled environment may only be allowed on prime agricultural land where a planning scheme has been reviewed in line with these principles to ensure it properly reflects the intent of this Policy.
- 4. Use or development of a building on prime agricultural land that is an integral part of an agricultural use of that land is not inconsistent with this Policy.

5. Planning Schemes may allow the development of utilities on prime agricultural land where the amount of land converted is kept to the minimum, the development does not unreasonably fetter agricultural uses, and where the location is reasonably required for the utility to operate efficiently. .
6. Planning Schemes may allow the development of controlled environment agriculture on prime agricultural land where the location is reasonably required for the use to operate efficiently, and the scale of development and the operational impacts on the surrounding environment are minimised.
7. Proposals of significant benefit to the region that may cause prime agricultural land to be converted to non-agricultural use and which are not covered by Principles 4, 5 or 6 will require a specific amendment to a planning scheme based on consideration of the social, environmental and economic costs and benefits to the community.
8. The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through planning schemes taking into account the local and regional significance of that land for agriculture.
9. Non-agricultural use and development should not unreasonably fetter agricultural uses on adjoining agricultural land.
10. Planning schemes must make provisions for the appropriate protection of non-prime agricultural land within Irrigation Districts proclaimed under Part 9 of the Water Management Act 1999.
11. A planning scheme must not prohibit an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium.

4. GUIDELINES

The Resource Planning and Development Commission may, with the approval of the Minister, issue guidelines consistent with the terms of this Policy and confined to assisting planning authorities in dealing with the implementation of the Policy. A planning authority must comply with any guideline that has been issued under this Policy.

5. AUTHORITY

This State Policy is prepared pursuant to the State Policies and Projects Act 1993.

6. APPLICATION

This Policy applies to all agricultural land in Tasmania.

7. DEFINITIONS

In this Policy, unless the contrary intention appears:

Agricultural land

"agricultural land" means all land that is in agricultural use or has the potential for economically viable agricultural use.

Agricultural use

"agricultural use" means animal or crop production and includes controlled environment agriculture and plantation forestry.

Controlled environment agriculture

"controlled environment agriculture" means an agricultural use carried out within some form of built structure whether temporary or permanent which mitigates the effect of the natural environment and climate. These include production techniques that may or may not use imported growth mediums. Examples of controlled environment agriculture include greenhouses, polythene covered structures, and hydroponic facilities.

Fettering

"fettering" means the prevention or restriction of agricultural uses or potential agricultural uses by the existence of a conflicting, usually residential, land use in the vicinity. "Fettering" may arise because agricultural practices causing noise, light, odour, dust, spray and other nuisances are incompatible with the amenity usually associated with a residential land use. It may also arise from the potential impact of domestic animals and plants on adjacent agricultural uses.

Integral

"integral" in relation to use or development means a use or development that is a necessary part of an agricultural use. It will vary on a case by case basis but generally may include farm sheds, storage areas, barns and the like, water storage areas, and dairies. Houses and workers accommodation are generally not considered to be integral except in situations of intensive agricultural operations requiring significant on-site supervision.

Land

"land" means land as defined in the Land Use Planning and Approvals Act 1993.

Planning scheme

"planning scheme" means any planning scheme in force under section 29 of the Land Use Planning and Approvals Act 1993.

Prime agricultural land

"prime agricultural land" means agricultural land classified as Class 1, 2 or 3 land using the Class Definitions and methodology from the Land Capability Handbook, Second Edition, C J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.

Utilities

"utilities" means use of land for:

- (a) telecommunications; or
- (b) transmitting or distributing gas, oil, or power; or
- (c) transport networks; or
- (d) collecting, treating, transmitting, storing or distributing water; or
- (e) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.

Examples are a gas, water or sewerage main; electrical substation; power line; pumping station; retarding basin; road; railway line; sewage treatment plant; water storage dam; storm or flood water drain and weir.