

Model PAL Provisions Planning Assessment Checklist

Provision	Check	Comment
Table of Use 18.2.1		
Categorising Use	<i>Which category of defined use or uses does the proposal fit within?</i>	Uses that are integral to (ie a necessary part of) agriculture are categorised as Resource Development.
Use status	<i>Is the use permitted, discretionary or prohibited?</i>	If prohibited the proposal cannot proceed without a planning scheme amendment.
Qualifications	<i>Is the proposed use or development to be sited on prime agricultural land or land identified in the planning scheme as significant agricultural land?</i>	The site is on prime land if it is on Class 1, 2 or 3 land as shown in LIST unless it can be shown by a detailed soil survey to be in another class. Significant land is mapped in detail as part of the planning scheme.
Use Standards 18.3.1		
Objective: <i>To ensure that non-agricultural uses do not fetter agricultural use.</i>	<i>Is the proposal for a sensitive use¹?</i>	If the use is a sensitive one, it could fetter the use of agricultural land, and Acceptable Solution A1 or Performance Criteria P2 must be met.
Acceptable Solution A1	<i>Will the sensitive use be separated from all existing or potential agricultural activities by at least 100m measured from the boundary of the lot containing the sensitive use, or 200m measured from the curtilage of the sensitive use?</i>	If not met, Performance Criteria P1 applies.
Performance Criteria P1	<i>Will the proposal unreasonably constrain existing or potential agricultural use of any agricultural land through land use conflicts taking into consideration such factors as:</i> <i>(a) the potential for noise, light, odour, dust, spray drift and the like from agriculture and the possible hours of operation;</i> <i>(b) the topography of the land;</i> <i>(c) prevailing wind directions and microclimate effects;</i> <i>(d) the potential for introduction of domestic animals and plants into farming areas; and</i> <i>(e) buffers or barriers created by vegetation, drainage lines or other natural or man-made features?</i>	If the proposal would be likely to constrain existing or potential agricultural use it must be considered whether this can be ameliorated and whether the degree of conflict would be reasonable taking account of any advice or representations received and the necessity and desirability of the proposal in relation to the purpose of the zone and the objectives of the planning scheme and of LUPAA.

¹ Sensitive Use is defined as *residential uses or uses involving the presence of people for extended periods such as in childcare centres, schools, hospitals and caravan parks, except in the course of their employment* (to be included in clause 3.1.3 in the Planning Scheme Template introduced by Planning Directive No1).

Provision	Check	Comment
Development Standards 18.4.1		
Objective: <i>To ensure that development including subdivision does not result in fragmentation or alienation of agricultural land.</i>	<i>Does the proposal involve subdivision or strata subdivision? Will development including subdivision be on prime agricultural land or land identified in the planning scheme as significant agricultural land?</i>	Subdivision could fragment agricultural land. Small lots could alienate prime or significant agricultural land from agricultural use.
Acceptable Solution A1	(a) <i>Will All new lots be at least 50ha in area with a minimum dimension of 200m, (excluding access strips), and have frontage of at least 12m; and (b) Will access strips on prime agricultural land to rear lots be no wider than 12m?</i>	50ha is considered to be a size at which agricultural value would normally exceed residential value. If not met, Performance Criteria P1 applies.
Performance Criteria P1	<i>Will subdivision or strata subdivision of agricultural land: (a) maintain or improve the productive agricultural capacity of the land in accordance with a farm plan prepared by a suitably qualified person; or (b) be for the excision of an existing or approved non-agricultural use provided that, except in the case of utilities, the balance lot is not less than 50ha or is adhered to adjoining agricultural land in the same ownership?</i>	Subclause (a) provides for a case where less than 50ha can support viable agricultural use. Subclause (b) recognises that large lots are not necessary for all uses that are allowable in the Rural Resource zone, and that smaller lots may assist in reducing impacts on agricultural land.
Acceptable Solution A2	<i>Will development on prime agricultural land, or land identified in the planning scheme as significant agricultural land be only for: (a) farm sheds, storage areas, barns and the like, water storage areas and dairies that are necessary part of the agricultural use of the land; (b) residential accommodation for a farm manager or a farm worker required as a necessary part of the agricultural use of the land as certified by a suitably qualified person; (c) buildings for controlled environment agriculture with a total area of no more than 200m²; or (d) an extension of an existing non-agricultural building of not more than 30% up to a maximum of 100m²?</i>	If not met, Performance Criteria P2 applies. Even where the acceptable solution is met, conditions can be applied to minimise alienation.

Performance Criteria 2	<p><i>Will:</i></p> <p><i>(a) development including subdivision on prime agricultural land, or significant agricultural land be designed and located to avoid or minimise the area of existing or potentially productive land adversely affected; and</i></p> <p><i>(b) Utilities or controlled environment agriculture on prime agricultural land or land identified in this planning scheme as significant agricultural land require the specific location for its operation and is no suitable alternative site available?</i></p>	<p>The Council must consider whether the alienation of prime or significant land from agricultural use is justified taking account of the alternatives available, any advice or representations received and the necessity and desirability of the proposal in relation to the purpose of the zone, and the objectives of the planning scheme and LUPAA.</p>
Outcome		
Permitted Application (s.58 LUPAA)	<p><i>Is the proposal a permitted use and does it satisfy all relevant acceptable solutions?</i></p>	<p>If yes, the proposal must be approved without giving public notice unless there are any contrary provisions in the scheme.</p>
Discretionary Application (s.57 LUPAA)	<p><i>If the proposal is a discretionary use or does not satisfy all relevant acceptable solutions. If so does it meet all performance criteria in those cases?</i></p>	<p>If yes, the proposal must be given publicly notice and can be approved or refused unless prohibited by any other provision in the planning scheme.</p>
Prohibited	<p><i>If the proposal cannot be approved is there justification for amending the planning scheme?</i></p>	<p>If yes, the proposal can only be progressed through a planning scheme amendment.</p>