

## ***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 and should not be unreasonably fettered by non-agricultural use and development.
2. Prime agricultural land is a resource to be managed to ensure use and development does not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium.
3. Use or development of prime agricultural land that is directly associated with and a subservient part of an agricultural use of that land is not inconsistent with this Policy.
4. Planning Schemes may allow utilities on prime agricultural land where the amount of land converted is kept to the minimum, it does not unreasonably fetter agricultural use, and where the location is reasonably required for the utility to operate efficiently.

5. Planning Schemes may allow controlled environment agriculture on prime agricultural land where the location is reasonably required for operational efficiency, and the scale of development and the negative impacts on the surrounding environment are minimised.
6. Residential use is not inconsistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not fetter agricultural use.
7. Proposals of significant benefit to the region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4, 5 or 6, will require an 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 agricultural use.
9. 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*.
10. Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principle 11.
11. New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in line with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and the existence of property management plans for the land.
12. Property management plans which integrate a range of different farm operations are encouraged and will be recognised in planning schemes as appropriate means of providing for the sustainable management of the agricultural resource.

#### **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. TRANSITIONAL ARRANGEMENTS

Principle 11 of this Policy does not apply to new Plantation Forestry on any land provided that within 6 months of this Policy coming into force:

- a) the land owner has applied for status as a Private Timber Reserve; or
- b) a Forest Practices Plan for the land has been certified or commenced but not yet certified, or
- c) there is demonstrable evidence that a legally binding contract to purchase or lease the land for the purpose of establishing new Plantation Forestry has been entered into or that extensive negotiations to conclude such a contract have been undertaken

## 6. AUTHORITY

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

## 7. APPLICATION

This Policy applies to all agricultural land in Tasmania.

A decision made in accordance with the provisions of a planning scheme approved under the *Land Use Planning and Approvals Act 1993* as being in accordance with this Policy, is taken as being in accordance with this Policy.

## 8. 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 agricultural use that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

### **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 land use, usually residential, 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 residential land use. It may also arise from the potential impact of domestic animals and plants associated with residential use on adjacent agricultural uses.

### **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.

### **Plantation forestry**

"plantation forestry" means the use of land for planting, management and harvesting of trees predominantly for commercial wood production, including the preparation of land for planting but does not include the milling or processing of timber, or the planting or management of areas of land for shelter belts, woodlots, erosion or salinity control or other environmental management purposes, or other activity directly associated with and subservient to another form of agricultural use.

### **Prime agricultural land**

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

### **Property management plan**

“property management plan” means an integrated plan for part or the whole of a farm or number of conjoined farms, prepared by a suitably qualified person which details property design and management by matching economic production to the property’s ecological characteristics and resources.”

### **Utilities**

“utilities” means use of land for telecommunications; transmitting or distributing gas, oil, or power; transport networks; collecting, treating, transmitting, storing or distributing water; or 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.