

State Policy on the Protection of Agricultural Land 2009

I. PURPOSE

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.

2. OBJECTIVES

To enable the sustainable development of agriculture by minimising:

- (a) conflict with or interference from other land uses; and
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

3. PRINCIPLES

The following Principles will be implemented through planning schemes and other relevant planning instruments. No one Principle should be read in isolation from the others to imply a particular action or consequence.

1. Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.
2. Use or development of prime agricultural land should 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, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this Policy.
4. The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria, including the following:
 - (a) minimising the amount of land alienated;
 - (b) minimising negative impacts on the surrounding environment; and
 - (c) ensuring the particular location is reasonably required for operational efficiency.
5. Residential use of agricultural land is consistent 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 confine or restrain agricultural use on or in the vicinity of that land.

6. Proposals of significant benefit to a 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 or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits.
7. The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.
8. Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the *Water Management Act 1999* and may be made for the protection of other areas that may benefit from broad-scale irrigation development.
9. 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 Principles 10 and 11.
10. New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance 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 any comprehensive management plans for the land.
11. Planning schemes may require a discretionary permit for plantation forestry where it is necessary to protect, maintain and develop existing agricultural uses that are the recognised fundamental and critical components of the economy of the entire municipal area, and are essential to maintaining the sustainability of that economy.

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.

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.

A decision made in accordance with the provisions of a planning scheme;

(a) approved under the *Land Use Planning and Approvals Act 1993*, as being in accordance with this Policy, or

(b) amended in accordance with section 13 of the *State Policies and Projects Act 1993*,

is taken to have been made in accordance with the Policy.

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 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 use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of produce for dispatch to processors. It 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 structures include greenhouses, polythene covered structures, and hydroponic facilities.

Extractive industry

“Extractive industry” means use of land for extracting and removing material from the ground for commercial use, construction, roadwork or manufacturing works. Included is the treatment or processing of these resources by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples are, mining, quarrying, sand mining and turf extraction.

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.

Utilities

“Utilities” means use of land for:

- (a) telecommunications; or
- (b) transmitting or distributing gas, petroleum products, or electricity; 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.