

State Policy on the Protection of Agricultural Land 2000

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 considered in all planning decisions.
- 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 users; and
 - (b) Providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving 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. Prime agricultural land is a resource to be protected from conversion to non-agricultural use and development.
2. Houses and other non agricultural use and development and some intensive agricultural industries alienate prime agricultural land. A dwelling or other use or development may only be permitted on prime agricultural land where the provisions of a planning scheme have been reviewed to ensure it properly reflects the intent of the State Policy. The review is to be carried out by the planning authority, in conjunction with the Resource Planning and Development Commission.
3. Use or development of any building that is an integral part of an agricultural use on prime agricultural land will be determined to be consistent with this Policy.
4. Provision of public utilities or other infrastructure or a proposal of significant economic benefit to the region may cause prime agricultural land to be converted to non-agricultural use. Such conversion must:
 - (i) comply with the planning scheme or amendment; and
 - (ii) have the Resource Planning and Development Commission confirm there is an overriding need for a use or development for community benefit and a suitable alternative site is not available.

5. All agricultural land is a valuable resource for Tasmania. The protection of other than prime agricultural land from conversion to non-agricultural use will be determined through planning schemes.
6. Adjoining non-agricultural use and development should not unreasonably fetter agricultural uses.
7. Planning schemes will make provisions for the appropriate protection of the range of non prime agricultural lands within a specified irrigation scheme.

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

Notwithstanding the Principles set out in clause 3 of this Policy, a planning authority has the discretion to approve, subject to appropriate land use planning considerations, an application for the construction of a house on a separate title provided that:

- a) the title was in existence at the commencement of the *Draft State Policy on the Protection of Agricultural Land 1999*; and
- b) the applicant is the same owner of the title or had entered into a legally binding contract to purchase the title prior to the commencement of the Policy; and
- c) the application for a permit is made prior to 1 January 2001.

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.

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.

Agricultural uses

"agricultural uses" means animal and crop production and includes intensive tree farming and plantation forestry.

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 or capable of being classified as Class 1,2 or 3 land using the Class Definitions and methodology from the Land Capability Handbook, KE Noble 1992, Department of Primary Industry, Tasmania.

Specified irrigation schemes

South East Irrigation Scheme, Cressy-Longford Irrigation Scheme and Winnaleah Irrigation Scheme