



INFO SHEET

NEW DWELLINGS IN THE AGRICULTURE ZONE

New dwellings in the Agriculture Zone are discretionary and need to satisfy a number of restrictions set by the State Planning Provisions



PURPOSE

This information sheet provides a general summary of the key scheme considerations for a new dwelling in the Agriculture Zone.

WHAT IS THE AGRICULTURE ZONE?

The Tasmanian Planning Scheme - Sorell incorporates the State Planning Provisions (SPPs) as approved by the Tasmanian Government. The SPPs provides an Agriculture Zone for all agricultural areas as well as areas with the potential for agricultural use.

The overriding purposes of the Agriculture Zone is to protect the potential for agricultural use from fragmentation by subdivision and from land use conflict due to residential and other sensitive land uses.

WHY DOES THE AGRICULTURE ZONE APPLY TO CERTAIN PROPERTIES?

The mapping of the zone is based on the Tasmanian Agricultural Estate map which models potential agricultural land based on crop suitability, land size and constraints due to existing residential use and other factors. The Government also provided guidelines for how the zone is to be applied by Councils.

This map was provided by the Tasmanian Government and then refined by Council in conjunction with the Tasmanian Planning Commission.

A zone will apply across a broad area in order to manage land use. In doing so, very small lots or land with significant constraints or high conservation values are included. The planning scheme recognises this with provisions relating to land that does not have the qualities of agricultural land.

POTENTIAL CONFLICTS FOR AGRICULTURAL USE WITH DWELLINGS

Agriculture and rural uses generate noise, odour and other emission and often operate

on a 24 hour basis. Dwellings on adjoining land can be impacted by:

- noise from vehicles, irrigation equipment, frost fans or shooting for pest control
- irrigation spray drift
- dust, and
- Odour.

WHAT RULES APPLY TO A DWELLING?

In the Agriculture Zone, a new dwelling must comply with a the use and development standards, which are summarised below.

Use Standards

Use standard 21.3.1 A4/P4 applies to a new dwelling. The objective of this dwelling is to:

- a. support agricultural use; and
- b. protect land for agricultural use by minimising the conversion of land to non-agricultural use.

This standard has no acceptable solution and therefore the performance criteria, below, must be satisfied. This performance criteria provides two alternative pathways. Pathway a) considers if a house is required for an agricultural use while pathway b) considers circumstances where a lot may not be capable of supporting an agricultural use.

Performance criteria

A Residential use listed as Discretionary must:

- a) *be required as part of an agricultural use, having regard to:*
 - i. *the scale of the agricultural use;*
 - ii. *the complexity of the agricultural use;*
 - iii. *the operational requirements of the agricultural use;*

- iv. *the requirement for the occupier of the dwelling to attend to the agricultural use; and*
- v. *proximity of the dwelling to the agricultural use; or*
- b) *be located on a site that:*
 - i. *is not capable of supporting an agricultural use;*
 - ii. *is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and*
 - iii. *does not confine or restrain agricultural use on adjoining properties.*

Each pathway requires consideration of the specific characteristics of the site and any actual or potential agricultural use.

In order to address these points, it is necessary for applicants to engage a agricultural consultant to provide an independent, third-party report that considers these matters.

Development Standards

The zone includes requirements for height, setbacks and access. The acceptable solution for a new dwelling is a height of 12m and a setback of 200m (or no closer than an existing building on the lot).

A performance criteria applies to setbacks less than that considers if the setback will fetter agricultural use on adjoining properties. This may depend on the existing or potential uses nearby, buffers such as vegetation or topography among other factors.

At a minimum, the application requires a statement detailing how you say the performance criteria is satisfied. Depending on the complexity involved, that statement may need to be prepared by a planning or agriculture consultant.

HOW IS THE PERFORMANCE CRITERIA FOR USE ASSESSED?

As noted earlier, a report from an agricultural consultant will be necessary to consider any dwelling application under either pathway (a) or (b) of the performance criteria for use. An expert This report is needed due to the specific nature of the performance criteria and the need for a detailed and qualified description of the qualities of the site and its agricultural potential .

Council will review the agricultural report and may require additional details or clarification based on our understanding of the area.

The agricultural report will typically provide background and supporting evidence as to why (a) or (b) is satisfied. These points will be challenged and critiqued by staff as we seek to ensure that the submissions made are realistic and deliverable. If, for instance, the application for the dwelling also proposes a new, varied or intensified agricultural use on the property as the reason for why the dwelling is necessary, we will consider matters such as the suitability of the enterprise, the skills and background of the owner and any evidence of recent investment in the agriculture on the site prior to a dwelling being constructed.

WILL AN APPLICATION BE APPROVED?

It is not possible to provide in-principal support or approval before an application is made.

Given the site-specific nature of provisions in the planning scheme, it is necessary to engage an agricultural consultant to understand whether a dwelling may be reasonable or not for the site. We encourage you to seek this advice prior to building design.

Please also refer to our info sheet on farm management plans.

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