

# 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 Tasmanian Planning Scheme.

### WHAT IS THE AGRICULTURE ZONE?

The Tasmanian Planning Scheme - Sorell incorporates the State Planning Provisions (SPPs) 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 purpose 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 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 final zone was approved by the Tasmanian Planning Commission based on local knowledge put forward by Council, the Tasmanian Agricultural Estate mapping, Tasmanian Government guidelines and in response to submissions from owners.

Any zone will apply across a broad area in order to manage land use. In doing so, small lots or other land with constraints to agricultural are included.

### 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 use and development standards, which are summarised below.

#### *Use Standards*

Clause 21.3.1 A4/P4 has the objective that new dwellings are 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. One pathway considers if a house is required for an agricultural use while the second pathway considers circumstances where a lot may not be capable of supporting an agricultural use.

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### 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 site-specific characteristics to be understood and applied. Applications must 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?

The required agricultural report will provide supporting evidence as to why (a) or (b) of the performance criteria is satisfied.

This can include include the:

- capability of the land and surrounding land
- commercial suitability of any agricultural enterprise,
- available water resources,
- the skills and background of the owner
- recent investment in the agriculture, and
- existing or required infrastructure investments.

### WILL AN APPLICATION BE APPROVED?

Given the site-specific nature of the planning standards, it is not possible to provide in-principal support or approval before an application is made.