

Tasmanian Agritourism

Regulatory Review Project

November 2022



ERA Planning Pty Ltd trading as ERA Planning and Environment

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Job Number: 2122-054



Glossary

AHT	Aboriginal Heritage Tasmania
ATO	Australian Taxation Office
CBOS	Consumer, Building and Occupational Services
DCCEEW	Department of Climate Change, Energy, Environment and Water (Commonwealth)
EMPCA	<i>Environmental Management and Pollution Control Act 1994</i>
EPA	Environment Protection Authority Tasmania
EPBCA	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
HCHA	<i>Historic Cultural Heritage Act 1995</i>
LGAT	Local Government Association of Tasmania
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>
NRE	Department of Natural Resources and Environment Tasmania
PWS	Tasmania Parks and Wildlife Service
RMPS	Resource Management and Planning System of Tasmania, more commonly known as the planning system.
RTO	Regional Tourism Organisations
State Growth	Department of State Growth Tasmania
T21 Strategy	T21 Visitor Economy Strategy
TDIA	Tasmanian Dairy Industry Authority
THC	Tasmanian Heritage Council
TFGA	Tasmanian Farmers and Grazier Association
TFS	Tasmania Fire Service
TSIC	Tasmanian Seafood Industry Council
TVIS	Tasmanian Visitor Information Signage system
TWSA	Tasmanian Whisky and Spirits Association
The project	The Tasmanian Agritourism Regulatory Mapping Project



Ana Pimenta, Cattle Farmer
King Island, North West Tasmania
Photo courtesy of Alastair Bett and Brand Tasmania

Executive summary

To support producers and entrepreneurs entering and operating in the Tasmanian agritourism sector, the Department of State Growth (State Growth) engaged ERA Planning and Environment (ERA) to lead the Tasmanian Agritourism Regulatory Mapping Project (the project).

The project is part of the response to the T21 Strategy which identified agritourism as a competitive advantage for Tasmania that is yet to be fully realised. The T21 Strategy includes an action to promote more opportunities for existing and emerging agritourism businesses across Tasmania, so that producers can keep creating premium produce and attracting higher tourist visitation.

The industry has seen significant growth over the past decade. However, anecdotal evidence suggests that the regulatory environment as it applies to agritourism businesses is not well understood by producers and entrepreneurs trying to obtain permits and approvals to operate.

The project has mapped the end-to-end regulatory approvals process involved in establishing an agritourism business in Tasmania and involved five broad stages.

Stage one was a comprehensive mapping of the end-to-end regulatory process involved in establishing a typical agritourism business. Ten pre-defined business types were used, and relevant legislation at a local, state and federal level was reviewed.

The purpose of identifying 10 business types was to capture the diversity of Tasmania's agritourism industry and ensure that the regulatory requirements of a variety of operators were considered in the mapping exercise, and the subsequent consultation. The 10 agritourism business types included farms producing, serving and selling food and alcohol products on site (including dairies, paddock-to-plate and seafood businesses); alcohol producers with cellar door and sales (including wineries, distilleries, breweries and cideries); food and produce operators with a creative approach to tourism such as foraging, tours and 'do-it-yourself' experiences (including truffle, flower, olive and honey farms); and working farms with onsite experiences such as events, accommodation, workshops, tastings and dining (including alcohol).

Stage two focused on engaging with agritourism businesses, local councils and regulatory bodies regarding their experiences either navigating or administering permits and approvals.

Stage three built on stages one and two by undertaking case study analysis of eight existing agritourism business to capture the real end-to-end permits and approvals process.

Stage four involved reviewing all data and research to reveal common themes and put forward recommendations for improvement.

Stage five focused on the development of reference materials to help inform and guide businesses and regulators on the agritourism permits and approvals process.

The feedback obtained during consultation has informed the content of this report, and was considered in developing a suite of reference materials for businesses and regulatory bodies to be made available on Tasmanian Government websites.

The project considered a broad range of regulatory areas including:

- Planning
- Building
- Environmental health and safety, food business registration and private water supply registration
- Liquor licensing
- Traffic and road assets
- Power and water
- Environment and heritage
- Excise licensing.

Some of the common themes identified by businesses, regulators and industry were:

- **Lack of accessible information** – for most businesses a significant issue was finding information about how to start the process, who to speak with, the steps involved and how long the process would take.
- **Regulatory complexity** – businesses were confused about which approvals applied to their business offering, which permits could be assessed by regulatory officers and which needed solutions by technical experts, and how certain assessments were triggered.
- **Experience and expertise of practitioners** – businesses did not know what qualifications to look for in technical consultants. Regulators observed that this can cost businesses additional time and money where advice is inaccurate, especially where the correct assessment pathway is not followed.
- **Inconsistency in interpretation** – businesses reported that regulations are often interpreted inconsistently across regulators, causing confusion and uncertainty.
- **Costs** – businesses and regulatory officers commented that some regulatory costs are prohibitive, and that the move to private certification has increased the number of reports and consultants required to satisfy regulations.
- **Regulation not always fit for purpose** – businesses raised some common obstacles that were encountered because regulations were not suitable. For example, function centres are prohibited on agricultural land, preventing farmers from value-adding to their primary industry use of the land.

- **Scale** – businesses found that regulations were ‘one size fits all’ in nature, and reported that as small owner-operator producers, adhering to the same regulations as large producers was burdensome.
- **The ‘coal-face’ experience** – businesses expressed feeling unsupported and dismissed in their interactions with regulatory officers during the assessment process. Businesses felt that regulatory officers had an ‘enforcement’ mindset rather than an ‘enabling’ mindset. For example, without forewarning, businesses received letters from regulatory bodies instructing that the business be closed until certain regulatory and compliance requirements were met.

The feedback received from businesses during this project represents the experiences of agritourism operators navigating the permits and approvals process from their perspective. While most regulation in the agritourism space is administered by local councils they are predominantly state and federal level requirements. Feedback received from regulatory officers explains the regulatory environment and some of the challenges facing regulatory staff in implementing the regulation.

The recommendations put forward in this project recognise some of the operating constraints for regulators and that the current regulatory framework applies across a broader landscape of development and industry than agritourism.



Red Cow Organics
Oldina, North West Tasmania
Photo courtesy of Brand Tasmania

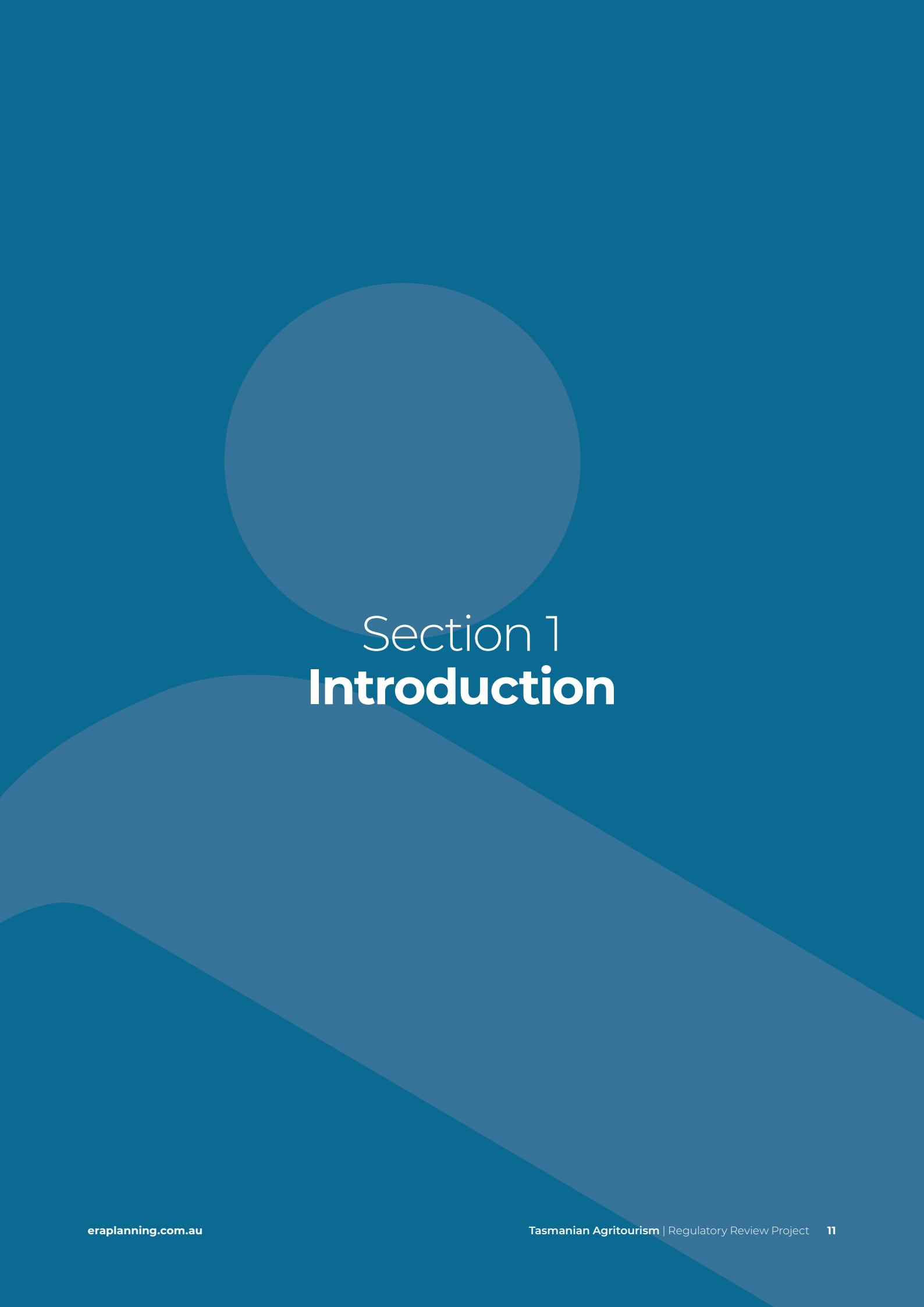
Summary of recommendations

Recommendations	Actions
Make sure the regulatory environment is fit for purpose	<ul style="list-style-type: none">Promote the inclusion of agritourism-specific policies in the upcoming Tasmanian Planning Policies.Request that the State Planning Provisions are amended to emphasise the role of agritourism in the Agriculture and Rural zones, including creating new exemptions and permitted pathways for small scale agritourism activities.Request that Consumer, Building and Occupational Services (CBOS) in the Department of Justice, review technical requirements to provide for scaling across fire regulations, accessibility, food preparation and wastewater systems, to minimise the regulatory burden for small scale and start up agritourism operators.Work with State Roads to review its signage policies and requirements, under the Tasmanian Visitor Information Signage (TVIS) system to make them more accessible to and suitable for agritourism businesses.Work with State Roads to develop more reasonable requirements for road access upgrades for agritourism businesses.Support the Tasmanian Whisky and Spirits Association (TWSA) in its current efforts to trial an updated Australian Standard for fire protection in distilleries and to create a guidance document for regulators, consultants and the distilling industry.Request the Tasmania Fire Service (TFS) to review, in consultation with industry, requirements for Dangerous Goods Handling Reports and Hazard Area Reports for alcohol production facilities.Introduce legislation to allow licensing of mobile abattoirs.Support the Tasmanian Seafood Industry Council (TSIC) in calling for charter and agritourism on-water licences.Request that the Department of Health introduce statutory guidelines to clarify that production areas for distilleries, wineries and breweries are not 'food preparation areas'.Introduce internal services standards for permits or licences without statutory timeframes to provide additional certainty to agritourism proponents.Provide financial support solutions for existing businesses approved without minimum regulatory measures in place, to become compliant and continue operating.Update liquor licensing regulation to simplify and streamline requirements as well as provide same fee for distilleries as for wineries and cellar doors.

Recommendations	Actions
Provide easily accessible information to support agritourism businesses in the regulatory process	<ul style="list-style-type: none"> Finalise and release the Tasmanian Agritourism Toolkit: navigating the regulatory process. Develop and facilitate an 'approvals' master class for agritourism businesses. Create specialist support services in Business Tasmania that are dedicated to agritourism to support business owners. Create a technical support panel for agritourism operators, or implement an alternative financial support measure, to assist them in obtaining approvals or bringing existing facilities up to standard. Business Tasmania should purchase the relevant Australian building standards for agritourism businesses and make available to agritourism businesses. Encourage councils that are not already doing so to establish a one-stop shop, pre-application advice service.
Create greater awareness of the agritourism industry and the policy context with regulators	<ul style="list-style-type: none"> Prepare and circulate an 'About agritourism for regulators' fact sheet. Facilitate regional sessions for regulators on this project and key issues. Facilitate 'understanding agritourism' training for regulatory staff, private certifiers and other regulatory decision-makers such as local councillors. Provide regulator access to the new specialist support services.
Increase the capacity of regulators and experts to assess agritourism proposals	<ul style="list-style-type: none"> Prepare guidelines in consultation with the Department of Health on allowable solutions under the relevant Australian standards for commercial kitchens and food preparation areas. Facilitate training, with the Department of Health, for council environmental health officers on how to interpret and apply food preparation requirements for agritourism businesses. Request that CBOS strengthen its professional certification review and auditing program to ensure they are providing accurate advice and discharging statutory obligations.

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Section 1 Introduction

Introduction

About the project

The Agritourism Regulatory Mapping project (the project) is part of the Accelerating Agritourism initiative that is funded through the Australian Government's Recovery for Regional Tourism program, to support existing and emerging businesses enter the Tasmanian agritourism sector.

Agritourism refers to an agricultural operation that brings visitors on farm to experience, tour and learn about how the business operates and the produce is made or processed. Agritourism can include farmstay, pick-your-own experiences, cellar doors, tours and tastings, classes and workshops, and events. Tasmania's agritourism sector is largely made up of smaller scale business operators with a focus on niche markets. The operators derive their principal income from the primary food or agricultural activities of their farm and value-add by offering a cellar door or farm gate experience for visitors. The industry is recognised for producing premium food and beverage experiences, and attracts visitors looking to authentically engage with regional food producers and connect with the local area.

The project has involved (a) mapping the regulatory permits and approvals required to establish an agritourism business in Tasmania, and (b) engaging with industry stakeholders and regulators to identify ways to streamline and simplify the process and to inform reference materials about regulatory requirements for potential agritourism operators, as well as regulators.

Specifically, the project aims to:

- Support existing and emerging businesses and entrepreneurs to enter the Tasmanian agritourism sector.
- Improve understanding of the agritourism regulatory approvals across business and government.
- Identify key barriers to entry for existing and emerging agritourism business types across different regions of Tasmania.
- Identify ways to streamline and simplify the current agritourism regulatory approvals process.
- Promote an understanding of key agritourism business types to facilitate consistent interpretation of regulatory instruments and requirements across Tasmania.

Governance

The project has been coordinated by a cross-agency working group comprised of representatives from State Growth, Tourism Tasmania, Office of the Coordinator-General, Local Government Association of Tasmania (LGAT) and Department of Natural Resources and Environment.

Together with the broader Accelerating Agritourism initiative, the project was informed by an agritourism reference group comprising Brand Tasmania, Tourism Tasmania, Regional tourism organisations and industry representatives from Guide Falls Farm, Freycinet Marine Farm, Tasmanian AgriFood Network, Bruny Island Cheese Co., Curringa Farm and Wine Tasmania.

Policy context: The T21 Strategy

The T21 Strategy identifies agritourism as a competitive advantage for Tasmania that is yet to be fully realised. It recognises that there is a need to better understand the experience of agritourism operators and producers, and how operational compliance, costs and timeframes could be reduced. The T21 Strategy outlines a plan to promote and grow opportunities for existing and emerging agritourism businesses, based on the understanding that visitors are increasingly drawn to Tasmania to experience the wild and rugged natural landscape, and the premium produce and beverages that Tasmania has become known for across Australia and overseas.

In response to the T21 Strategy, the Accelerating Agritourism project was launched in 2021 to help farmers, food producers and existing agritourism businesses to explore and embrace new agritourism opportunities to diversify, amplify, value-add and connect with visitors.

The project was later established, under the banner of the Accelerating Agritourism project, with the aim of better understanding agritourism regulatory requirements by mapping the end-to-end approvals process and engaging with operators and producers about ways to simplify the process to reduce costs and barriers to entry.

Project scope

The project has focused on the end-to-end regulatory processes involved in establishing an agritourism business in Tasmania, based on the 10 agritourism business types that were initially identified based on a series of engagement sessions with the project working group and Agritourism reference group. This engagement was dedicated to ensuring the business types mapped would provide strong coverage of the sector. Each business type selected was then crosschecked against a range of key criteria including whether the business type was a likely growth area or emerging market for the agritourism sector, and whether research undertaken in the early establishment of the project indicated that businesses in these categories had previously experienced regulatory challenges navigating the approvals process. The 10 business types are:

1. Farms producing, serving and selling food and alcohol on site (such as cheese and beer).
2. Farms producing, serving and selling food and alcohol on site (such as dairy, egg and meat products).

3. Distilleries or breweries with a cellar door and sales.
4. Seafood businesses offering tours and dining (including alcohol).
5. Farms producing, serving and selling fruit and fruit products on site (including cider).
6. Medium to large working farms offering onsite accommodation, tours, events and a dining experience (including alcohol).
7. Wineries producing, serving and selling wine with a cellar door, offering onsite tours, events and a dining experience.
8. Food producers with a garden, foraging or paddock-to-plate, offering a 'do it yourself' or 'make your own' component.
9. Farms producing, serving and selling produce on site and offering tastings, tours and/or dining experiences (including flowers and flower products, olives and olive products, and herbs and spices).
10. Businesses producing, serving and selling honey on site, and offering tastings, tours and/or a meet-and-greet experience.

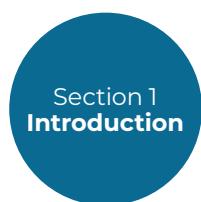
The project was carried out in five key stages, outlined as follows:



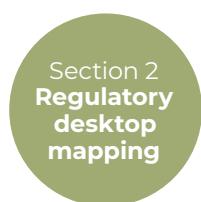
1. Comprehensive desktop mapping of the complete end-to-end regulatory process involved in establishing a typical agritourism business (based on types) through a review of relevant legislation that establishes policy levers at a local, state and federal level, including costs and timeframes.
2. Engaging with agritourism businesses, local councils, regulatory bodies and industry associations to identify issues and opportunities.
3. Unpacking the complete end-to-end regulatory process in greater detail through detailed mapping of 10 agritourism business types and their establishment in a real business context.
4. Reporting on industry feedback, identified regulatory issues and opportunities for process improvements, and making project recommendations.
5. Developing reference materials for businesses and regulators.

Structure of the report

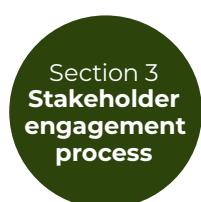
This report is structured into six sections:



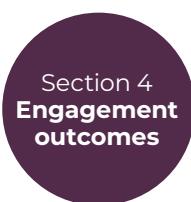
Section 1 introduces the project, its policy context and governance.



Section 2 provides an overview of the first stage of the project, being a desktop mapping exercise of all potential regulatory requirements relating to agritourism businesses.



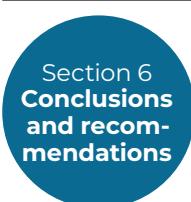
Section 3 provides an overview of the stakeholder engagement process.



Section 4 summarises the engagement outcomes.



Section 5 identifies the six key issues identified from the analysis of the engagement process.



Section 6 concludes the report and outlines the recommendations in response to the six key issues.

Palawa Kipli Foraging
piyura kitina / Risdon Cove,
Southern Tasmania
Photo courtesy of Moon Cheese
Studio and Brand Tasmania





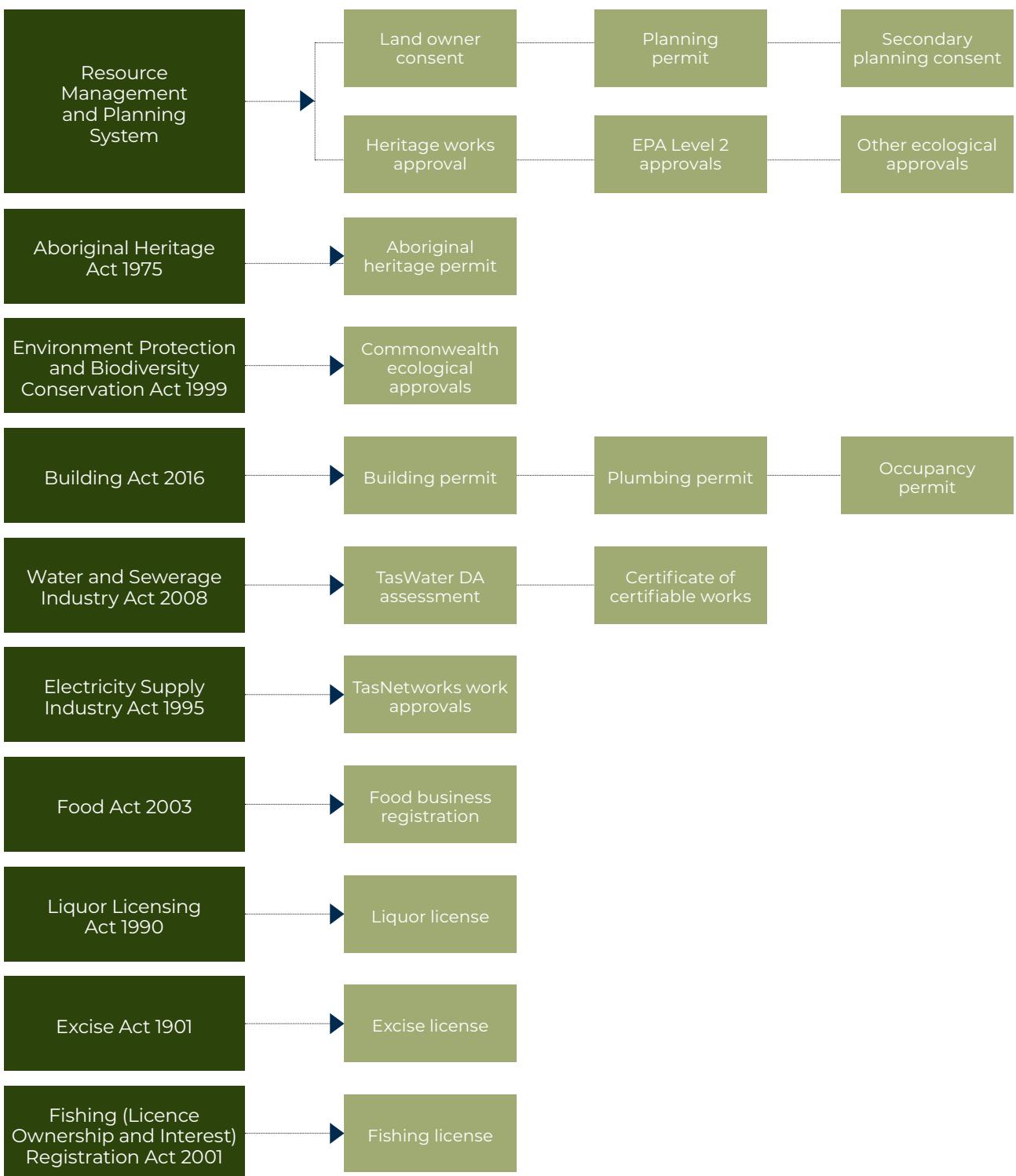
Section 2

Regulatory desktop mapping

Regulatory desktop mapping

Relevant legislative systems

Broadly there are nine legislative systems in Tasmania that are relevant to the establishment of agritourism businesses. These are shown in the graphic below.



Eat Well Tasmania
Hobart, Southern Tasmania
Photo courtesy of Samuel Shelley
and Brand Tasmania





Chef Cooking
Tamar Valley, Northern Tasmania
Photo courtesy of Moon Cheese
Studio and Brand Tasmania

Potential approvals required

Under the ten legislative systems summarised above (including the planning system, building approvals, food and liquor approvals), 18 specific potential approvals have been identified. A detailed analysis of each approval type is provided for at [④ Appendix A](#).

The sequencing in which these approvals are to occur have been mapped according to three stages: consents to proceed, construction and works permits, and operational permits. This staging is generally indicative of the order in which approvals are obtained and the increasing level of operational detail required.

Integrated approvals and legislative dependencies are also shown.

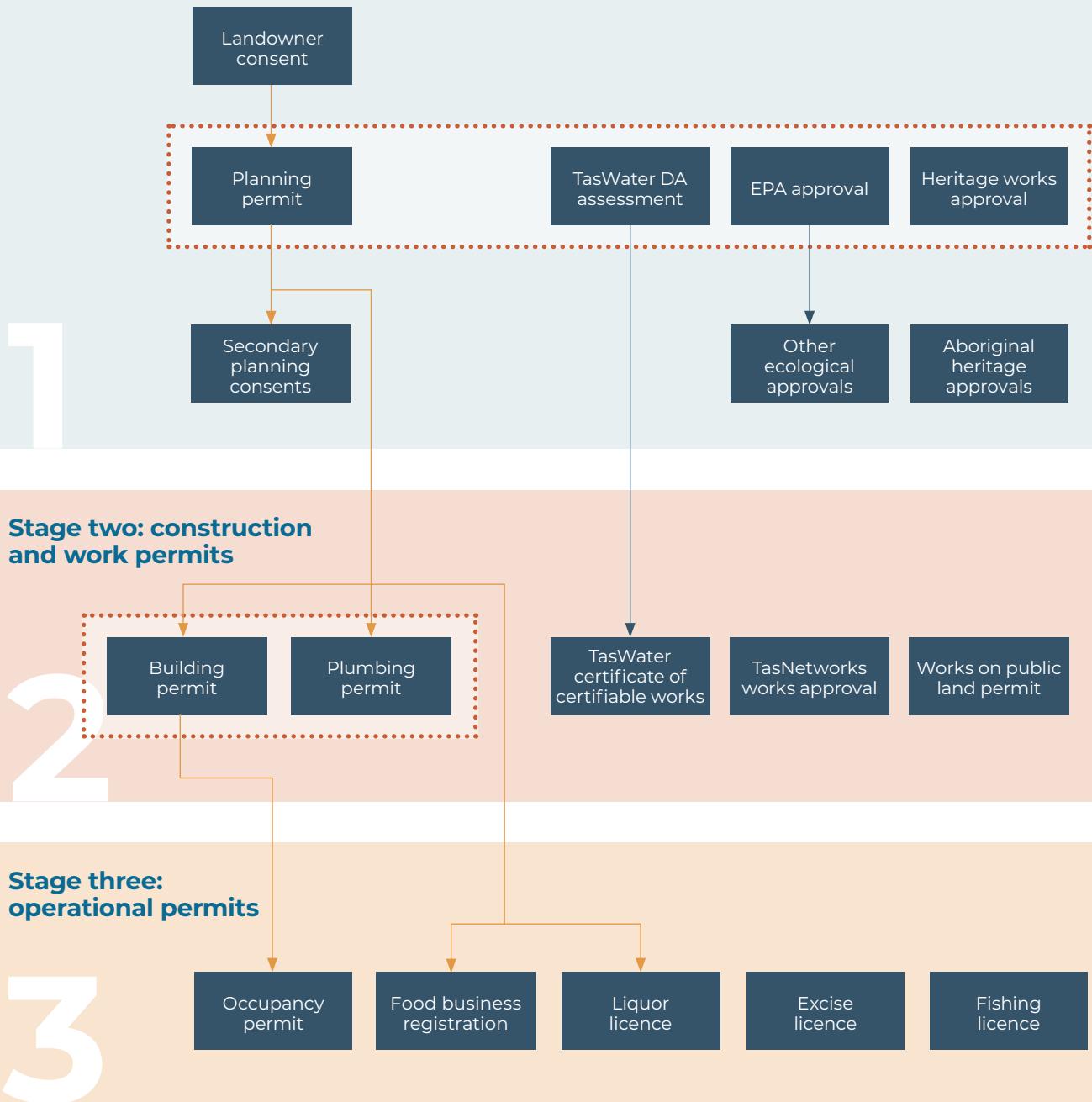
Integrated approvals are where the legislation requires permit processes to be run concurrently and a single determination issued. Usually this involves submission to one regulator, such as the local council, with a referral process to the other regulators.

Legislative dependencies are where a proponent must demonstrate that a particular permit has been issued before another one will be granted. This most commonly occurs where a local council will not issue a building permit until it is demonstrated that either (a) a planning permit has been granted and all relevant conditions have been satisfied or (b) a planning permit exemption (or no permit required) has been issued.

As shown in [④ Appendix B](#), some of these approvals are more likely to be required than others, depending on the type of agritourism business.

Potential approvals required

Stage one: consents to proceed



KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes

Likely approvals by business type is provided for at [Appendix B](#)



Squizzy Taylor, Lobster Man
Kettering, Southern Tasmania
Photo courtesy of Moon Cheese
Studio and Brand Tasmania

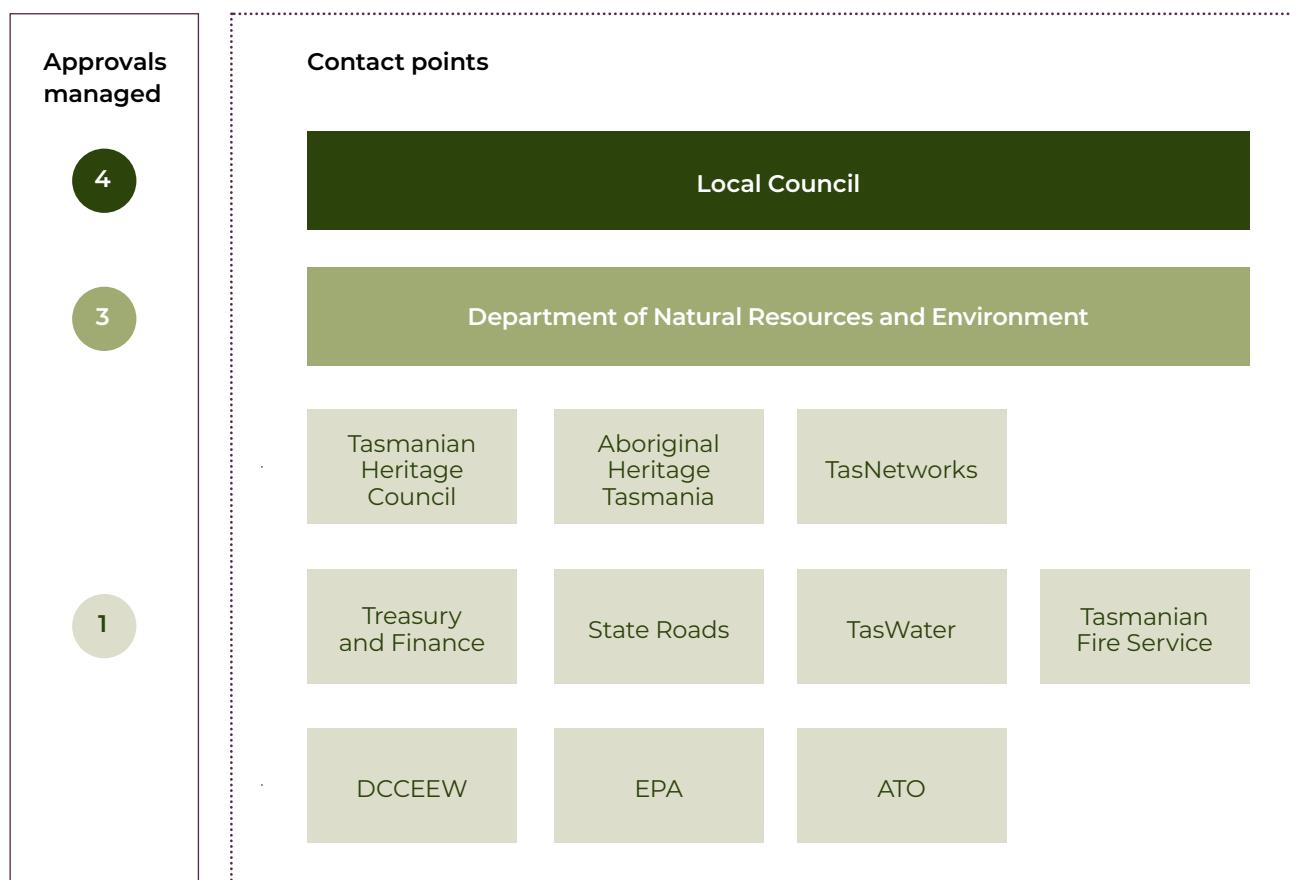
Relevant regulators

The potential approvals required for agritourism businesses are managed by up to 12 different regulators, meaning lots of different contact points for proponents. Local councils are responsible for the most approvals, including those most likely to be required. These include planning permits, building permits, plumbing permits and food business registration*. Sometimes landowner consent is also required by a local council. However, these are often managed by different units (or departments) within councils, and most councils do not have a centralised contact point.

Other potential regulators are:

- State Roads (in the Department of State Growth) or Property Services Division (under the Tasmania Parks and Wildlife Service) for landowner consents and works on public land permits

- Tasmanian Fire Service
- Tasmanian Heritage Council (THC) for heritage works approvals
- Aboriginal Heritage Tasmania (AHT) for Aboriginal heritage permits
- EPA Tasmania for some environmental approvals
- TasWater where connections to reticulated water and sewerage systems are required
- TasNetworks where new or upgraded electrical connections are required
- Department of Natural Resources and Environment for state-level ecological approvals or fishing licences
- Department of Climate Change, Energy, Environment and Water (Commonwealth) for federal-level ecological approvals
- Department of Treasury and Finance for liquor licensing
- Australian Taxation Office for excise licensing.



* While Councils as the permit authority for building approvals, the process relies on private certification of documentation prior to submission to Council.

Applicability of approvals (according to agritourism business type)

Each approval type has been ranked according to likely application for each of the 10 agritourism business types (see [Appendix B](#)). The likelihood of that permit/licence being required is based on the detail for each approval and the agritourism business being small-to-medium scale, typical of existing agritourism businesses in Tasmania, located in a rural area with no reticulated water and sewerage and some potential for native vegetation on the site. The likelihood analysis does not indicate whether or not it is likely that an applicable licence/permit will be granted.

As is shown in the graphic below, food business registration are the only potential approval applicable to all agritourism business types. Other potential approvals that are most likely to

be required are building and plumbing permits, planning permits (including secondary consents), and liquor licences. Excise licences are only required by agritourism businesses with alcohol production. If agritourism businesses only sell but do not produce the alcohol, they do not require an excise license.

Those less likely (depending on the specific context such as geographic location) relate to TasNetworks, TasWater, landowner, heritage and other ecological approvals.

It is important to recognise that there are some options available to agritourism businesses to reduce the need for regulatory approvals, particularly in the start-up phase. These include limiting public access to buildings used for production, so these are not required to adhere to high standards associated with fire protection and accessibility, and using food trucks or pre-packaged food for food service instead of constructing a commercial kitchen.

Agritourism Business Types

Potential Approval	1	2	3	4	5	6	7	8	9	10
Land owner consent	⬆	⬆	⬆	✓	⬆	⬆	⬆	⬆	⬆	⬆
Planning permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Secondary planning consents	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Heritage works approval	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆
EPA Level 2 approval	⬆	⬆	➡	➡	➡	➡	➡	➡	➡	➡
Aboriginal heritage	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆
Other ecological or heritage approvals	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆
Building permit	✓	✓	✓	✓	✓	✓	✓	➡	✓	✓
Plumbing permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TasWater works approval	➡	➡	➡	➡	➡	➡	➡	➡	➡	➡
TasNetworks works approval	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆	⬆
Occupancy permit	✓	✓	✓	✓	✓	✓	✓	➡	✓	✓
Food business registration	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Liquor license	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Excise licence	✓	✓	✓	➡	✓	✓	✓	➡	➡	➡
Fishing licence	➡	➡	➡	✓	➡	➡	➡	➡	➡	➡

Key

✓ Will or likely to be required ⬆ May be required ⬡ Will not or unlikely to be required

Costs and timeframes

Costs associated with gaining permits and licences can vary depending on the scale and nature of the business, its location and siting, and the extent of building work involved. Costs can be put into two categories: permit/licence application fees and the costs for preparing documentation likely to be required to satisfy authority requirements.

It has been recognised that for local council assessments, these fees can vary across the state and often depend on the scale and construction cost of the proposal.

Project element	Indicative cost
Council fees (Councils charge fees for many approvals required by agritourism businesses including planning permits, some secondary consents such as minor amendments, building permits, plumbing permits, inspection fees, place of assembly licenses for events and food business registration)	Determined by individual councils. Each council's fees and charges schedule is available on their website. These schedules are updated yearly in accordance as part of each Council's budget process. Planning, building and plumbing permit fees are usually based on cost of works.
TasWater	Determined by TasWater through their fee and charges schedule. The fees associated with assessment of development applications and certificate of certifiable works are, as of August 2022 between \$550 to \$1,750. For up-to-date information visit: https://www.taswater.com.au/building-and-development/fees-charges
TasNetworks	Each project individually costed.
Liquor license	Between \$170 and \$1,360 for the application fee with an ongoing annual fee of between \$442 to \$952.
Design documentation (including building design, engineering drawings, building services and plumbing design)	\$20,000 to \$300,000, depending on scale and complexity of development
Private certification (building surveyor)	\$4,000 to \$50,000 depending on scale, complexity and number of referrals
Planning report or technical reports (bushfire hazard management plans, heritage impact assessment, geotechnical assessment, inundation assessments, soil assessments, traffic assessments or other technical reports)	\$3,000 - \$15,000 per report depending on complexity of issues

It is noted that the costs above exclude the costs involved in installing built elements or infrastructure required to satisfy the conditions of permits or licences. As agritourism businesses are often considered 'commercial', the infrastructure and building requirements can be more expensive than that typically required for domestic or agricultural purposes. This includes the standard of access and driveways, wastewater systems, kitchens and food preparation areas.

Overall timeframes can be difficult to determine, as although some approval tasks have statutory timeframes (such as planning permit approvals) others do not (for example landowner consent or liquor licences). Alternatively, even where a permit process might have statutory timeframes, there can be steps between stages where there are none (for example where further information is requested).

Additionally, as shown in the approvals flowchart on [page 19](#), there are dependencies between some approvals, which means that not all approvals can occur at the same time.

A practical overall timeframe to obtain all relevant approvals is on average 12 to 18 months. This can be longer if constructing new buildings or refitting existing buildings and undertaking other work, as the process requires inspections and sign-offs before the issue of some licences.

Additionally, the time required to prepare relevant documents is often the most significant factor, particularly given how busy the construction and development industry in Tasmania has been over the past decade and the limited pool of consultants and technical professionals that may be required to prepare documentation.

Further information on the costs and timeframes is provided for at [Appendix A](#).



Table Cape Tulip Farm
Table Cape, North West Tasmania
Photo courtesy of Mason Doherty
and Brand Tasmania



Section 3

Stakeholder engagement process

Stakeholder engagement process

Engagement overview

The project included engagement with industry stakeholders, focusing on small-scale owner-operator run businesses, to obtain feedback on their personal experiences of navigating and administering agritourism permits and approvals processes across Tasmania.

Allowance was made to speak with up to 40 agritourism businesses and to perform an in-depth case study with an agritourism business from each of the 10 business category types. In addition, there was engagement with local councils, regulatory bodies, and industry stakeholders such as regional tourism organisations (RTOs) and primary industry associations.

The purpose of the engagement was to understand how existing approvals processes work in practice, to inform both the development of relevant reference materials and recommendations for change. It provided an understanding of the core frustrations and obstacles to agritourism investment.

Engagement activities include one on one discussions, a survey and phone interviews which are described in [Section 4](#).

Engagement objectives

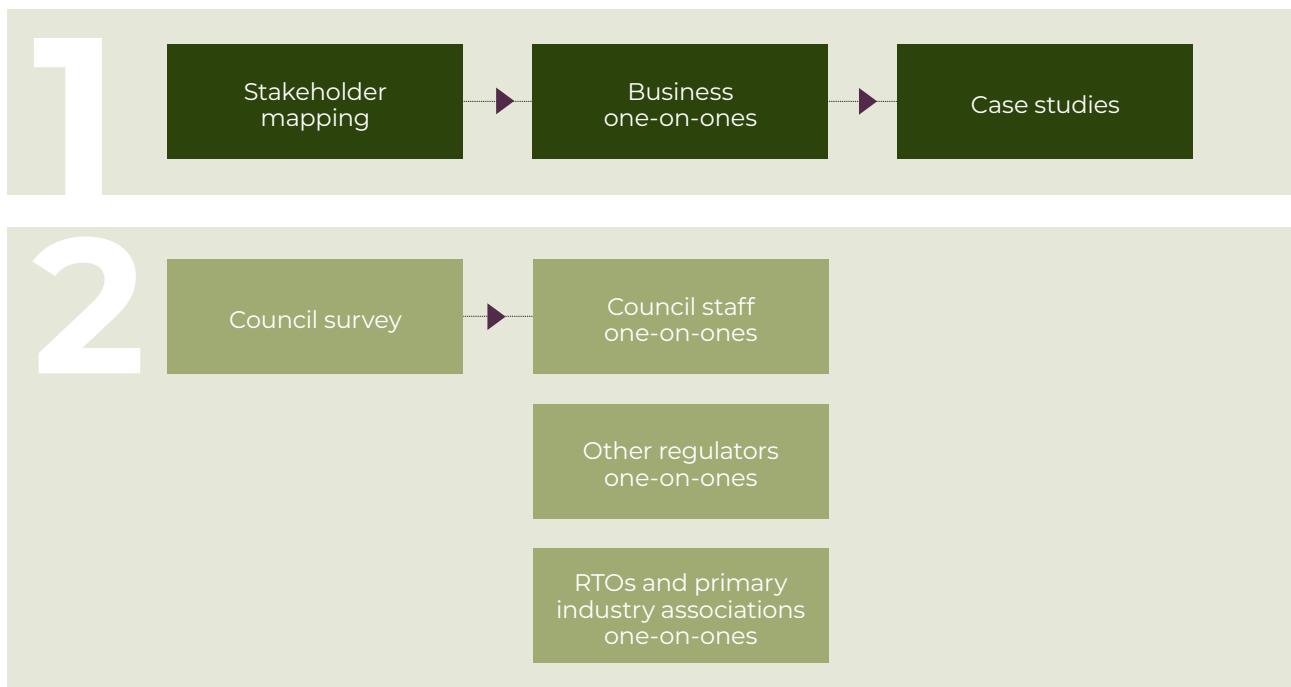
In conjunction with the project objectives, the specific engagement objectives were:

- To give agritourism businesses, local councils and regulatory bodies the opportunity to provide feedback on their experiences navigating and administering the current agritourism regulatory environment.
- To facilitate a positive engagement experience by communicating through relevant channels, responding promptly to all queries, and keeping stakeholders up to date through the lifetime of the project.
- That agritourism businesses, local councils and regulatory bodies would be enthusiastic about the project aims and want to share their stories and help develop commonsense process improvements.



Vineyard
Granton, Southern Tasmania
Photo courtesy of Moon Cheese
Studio and Brand Tasmania

Engagement process



Engagement approach

Preparation

To inform the engagement approach, ERA drafted a Stakeholder and Community Engagement Plan (SCEP), to outline the overarching communications strategy, key objectives, risks and opportunities, a communications action plan, and a history of prior engagement with relevant stakeholders.

Once the SCEP was approved by the working group in early 2022, ERA put together a list of agritourism businesses to invite to participate in the project, with input from the agritourism reference group and project working group. The method for creating the business list considered a number of factors, including:

- Whether the business offering fitted into one of the 10 business types
- The range and uniqueness of the business offering, to try and represent the diversity of Tasmania's agritourism industry
- The scale of the operation, to ensure that the project kept focus on how small producers balance their business and the task of navigating the permits and approvals process
- The location of the business, to ensure that the four tourism regions and a diversity of local council areas were represented.

Engagement with businesses

ERA reached out to the list of 40 agritourism businesses via phone and email with an invitation to participate in the project.

The businesses were asked to confirm their interest in participating, and to complete a short, 11-question online survey before scheduling a 1-hour one-on-one phone interview. This approach was adopted to provide businesses with a flexible way of engaging in the project without asking for a significant time commitment.

Following initial phone interviews, businesses were approached to participate as the case study for each of the 10 business types. The case studies involved visiting each business, and a further 2-hour face-to-face interview to discuss the regulatory journey in greater detail.

Engagement with local councils

ERA collaborated with RTOs and LGAT in engaging with local councils. ERA reached out to the general managers at all 29 local councils in Tasmania via email with an invite to participate in the project. Specifically, ERA expressed an interest in speaking with staff members from the following council departments:

- Planning
- Environmental health
- Building and plumbing
- Roads and infrastructure
- Economic development.

Relevant staff members were asked to confirm their interest in participating, and to complete a short, 15question online survey before scheduling a 20-30 minute one-on-one phone interview.

This approach was adopted to provide council staff with a flexible way of engaging in the project without asking for a significant time commitment.

Engagement with regulatory bodies

ERA contacted a number of regulatory bodies via phone and email for informal discussions about their experiences administering agritourism permits and approvals, and what in their view worked well or could be changed.

The bodies ERA contacted included the:

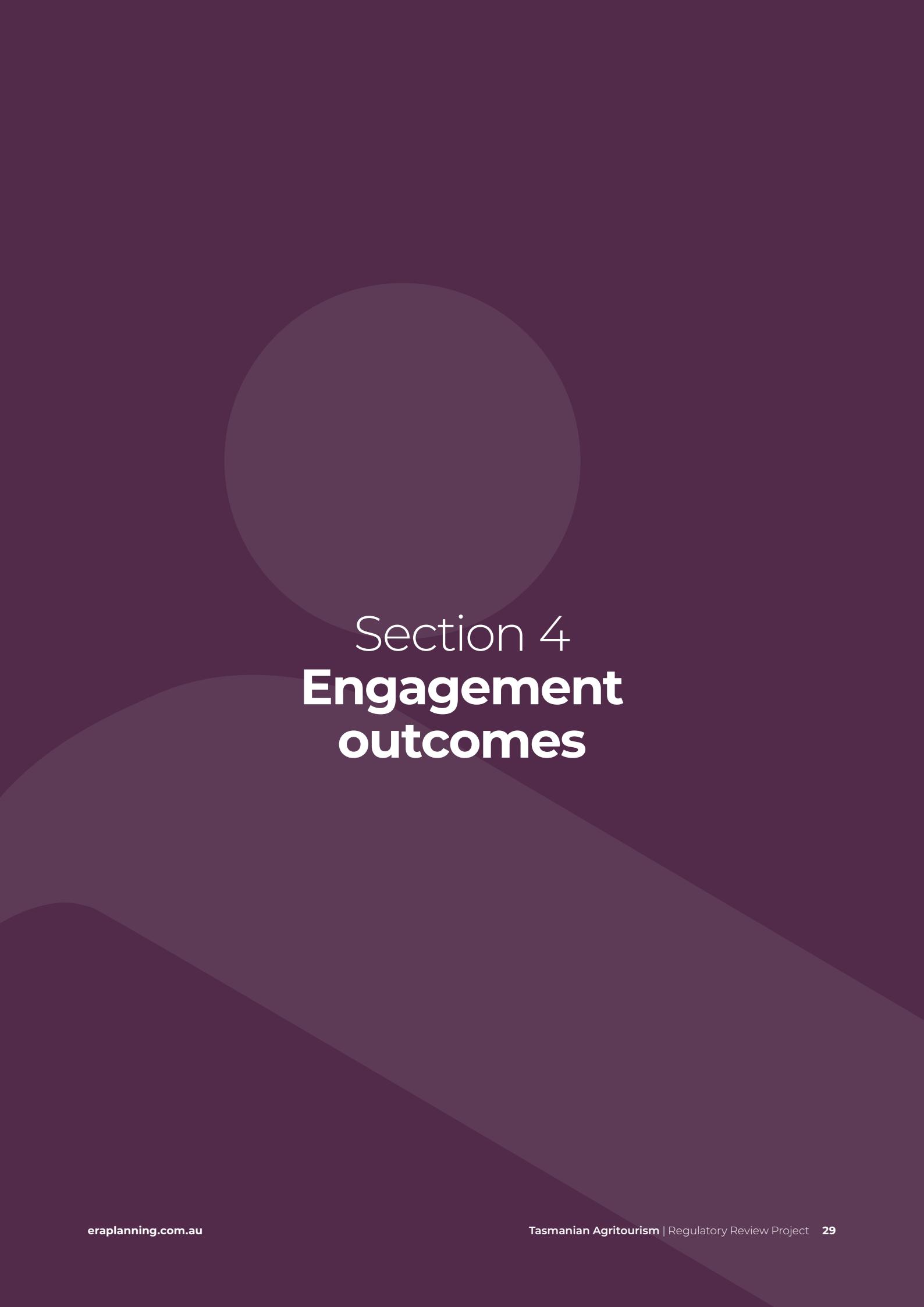
- Liquor and Gaming Branch
- Department of State Growth
- Tasmania Fire Service (TFS)
- Department of Natural Resources and Environment
- Consumer Building and Occupational Services
- WorkSafe Tasmania
- Department of Health
- Tasmanian Dairy Industry Authority.

Engagement with RTOs and primary industry associations

ERA contacted the RTOs and a number of primary industry associations via phone and email for informal discussions about the existing regulatory processes and what in their view worked well or could be changed.

ERA contacted:

- East Coast Tourism
- Visit Northern Tasmania
- West by North West
- Destination Southern Tasmania
- Primary industry bodies including:
 - Tasmanian Farmers and Graziers Association
 - Tasmanian Seafood Industry Council
 - Wine Tasmania
 - Tasmanian Whisky and Spirits Association (TWSA).



Section 4

Engagement outcomes

Engagement outcomes

Engagement with agritourism businesses

ERA heard from 34 businesses across 19 local government areas. Feedback provided by businesses was given on the assurance of anonymity, and all feedback provided has been de-identified in this report. The distribution of the businesses across the state is represented in the map graphic below.



The businesses represented a broad offering of produce and experiences as shown in the graphic below, although most agritourism businesses were linked to agricultural products and onsite experiences.

Agritourism produce and experience offering

Produce

- sheep and lamb products
- cattle and beef products
- pork
- honey and honey products
- truffles
- fish, shellfish and seafood products
- olives and olive oil
- vegetables and vegetable products
- dairy products
- fruit and fruit products
- herbs, spices and seasonings
- flowers and flower products including essences
- poultry, eggs and poultry products
- pastries and baked goods



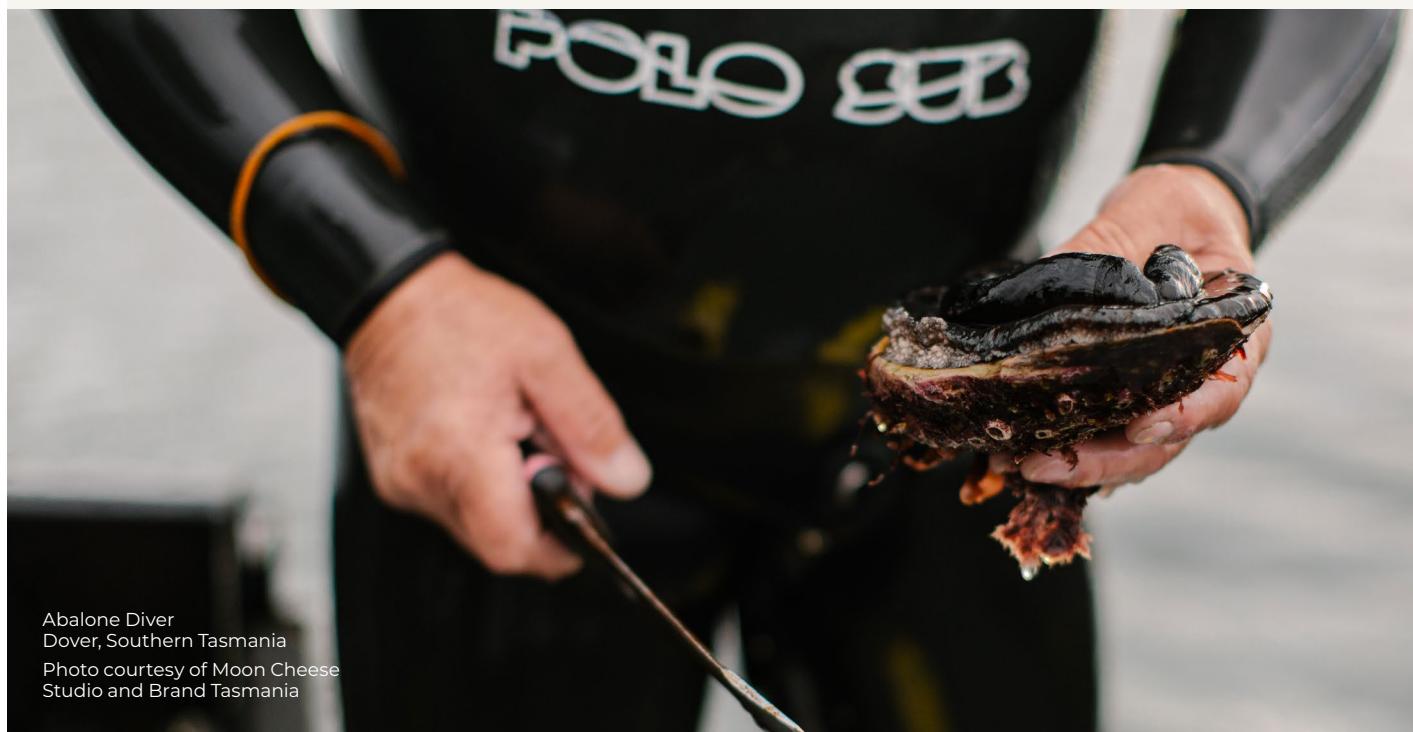
Experiences

- dining
- accommodation
- workshops and/or classes
- tastings
- events
- cooking experience
- foraging experiences
- export offering
- shop and sales



Beverages

- wine
- spirits
- beer
- cider



Abalone Diver
Dover, Southern Tasmania
Photo courtesy of Moon Cheese
Studio and Brand Tasmania



11

Question
survey



1

Hour phone
interview



2

Hours in-person
interview

Agritourism regulatory experiences survey

A survey link was sent out to all businesses approached to participate in the project. Seventeen agritourism businesses participated in the survey. Key themes that emerged from the survey were:

- Interacting with regulatory bodies was viewed as the hardest part of establishing an agritourism business.
- Most businesses were interested in offering more products and experiences but were reticent to try because it seemed too difficult from a regulatory perspective.
- The most popular three suggestions for improving the regulatory process were:
 - More collaboration, help and support from council to achieve the producers' authentic business goals.
 - Simplify the process by providing a checklist and creating consistent statewide interpretation of regulations, and flexibility to apply regulations according to scale and offering.
 - Allow farms in agricultural and rural zones to have functions, accommodation, sales and experiences as a permitted use.

A copy of the survey and feedback is available in the separate engagement summary report.

One-on-one agritourism business interviews

Thirty-four one-on-one interviews were conducted with agritourism businesses. Of the original list of 40 businesses invited to participate in the project, 28 participated in one-on-one interviews. Six businesses were substituted for others because:

- a business on the original list did not respond, or was unable to participate at the time of engagement
- a business on the original list felt they had little to contribute because they bought an existing business recently and were not involved in the permits and approvals process, or
- a business on the original list had recently sold to a large commercial operation.

Key themes that emerged from the one-on-one interviews were:

- That businesses identified starting their agritourism business because either: (a) it was financially necessary to support the underlying primary production operation; (b) it was always part of their business plan; or (c) it developed organically over time as tourism demand increased.
- Businesses expressed feeling that regulatory officers did not engage with what they were trying to create or did not understand the underlying primary production industry, which frustrated the communication exchange.
- That navigating the regulatory process without a checklist or single point of contact was very difficult for businesses, particularly where they were project managing the agritourism operation and managing their primary production business at the same time.
- That businesses needed to engage between 5 and 30 technical consultants, which cost between \$20,000 and \$500,000.
- Most of the businesses described engaging with council regulatory officers as the hardest part of interacting with regulatory bodies.
- Businesses named wastewater systems, kitchen and processing areas, building and fire requirements, signage, vehicle access and parking, power upgrades and liquor licensing as the hardest approvals to organise.
- Businesses emphasised that increasing their access to information, creating agritourism training for regulatory officers, and improving regulatory customer service models would be significant improvements to the current regulatory approvals process.

An analysis of the interviews and feedback received is available in the separate engagement summary report.

Case studies

There were 8 in-depth case studies undertaken with specific agritourism businesses to understand the actual processes and experience of each business. The case studies were located across Tasmania with:

- 3 businesses in the North West
- 1 business in Northern Tasmania
- 2 businesses on the East Coast
- 2 businesses in Southern Tasmania.

These businesses were selected based on the feedback they provided in the initial 1-hour phone interview that detailed the diversity of their offering and their experience obtaining permits and approvals to operate.

The case studies involved a visit to the business and a further 2-hour face-to-face interview to discuss the regulatory journey in detail.

To maintain the confidentiality of each case study, these are not written up in detail in this report. They have, however, informed the findings in **⊕ Section 5** and have formed the basis of specific stories identified in the key issues.

Key themes that emerged from the case studies were:

- The importance of the tone of early interactions with regulators. Several business owners had very difficult early engagement with specific regulatory staff, which created more adversarial conditions once into the regulatory process.
- The difficulty navigating the process without a checklist or baseline understanding of regulatory expectations. This caused confusion, frustration and delays as businesses were notified about additional requirements with no forewarning.
- The importance of promoting consistency in interpretation and training. A number of businesses reported that, as a result of staff changes, they interacted with numerous regulatory officers during the approvals process and found that advice varied on what would be deemed to satisfy regulatory expectations.
- That regulatory officers often have an 'enforcement' or 'risk avoidance' mindset. This made businesses feel that regulators were obstructive rather than collaborative and enabling.



- The increasing complexity and cost of regulatory compliance. This means that it is very difficult for a business to 'trial' a new idea and grow incrementally without having significant capital to fund the outset costs of applications, reports, technical advice, and infrastructure requirements. This may mean that small producers cannot afford to operate or value-add as they have in the past.
- That the complexity of the regulatory system was encouraging some businesses to operate without permits or licences. There was a general lack of awareness of the insurance risk that this raised.

An analysis of the case studies is available in the separate engagement summary report.

21

Council officers
participated

15

Local Government Areas represented

Participants reported working in the following departments:



Planning



Environmental Health



Plumbing/Building



Economic Development



Roads and Infrastructure

Engagement with local councils

Twenty-one council officers participated in the project, representing 15 local government areas. Participants identified themselves as follows:

- 10 planning officers
- 3 environmental health officers
- 3 building and plumbing officers
- 1 roads and infrastructure officer
- 4 economic development officers.

Feedback provided by councils was given on the assurance of anonymity, and subsequently all feedback provided has been de-identified in this report.

Agritourism regulatory administration survey

Eight local council officers participated in the survey. Key themes that emerged from the survey were:

- That applications for agritourism businesses make up a very small number of the total applications assessed by council regulatory officers annually.
- Council regulatory officers described themselves as understanding agritourism operations 'somewhat well' or 'not too well'.

- The complexity of the planning scheme makes it difficult for applicants to understand the controls, particularly where there are multiple uses on a single site. This can create tension. It is also frustrating for council regulatory officers who are limited in how they can assess applications, particularly in agricultural and rural zones.
- The importance of businesses obtaining good technical advice for their proposal, so that all relevant reports and information are included when the application is submitted, to minimise delays.
- Council regulatory officers reported that the expectations of council do not always match council's resources. For instance, not all councils have economic development staff or full-time regulatory officers available to answer enquiries or provide guidance to businesses about their ideas.
- That agritourism training would be beneficial for council staff.

A copy of the survey and feedback is available in the separate engagement summary report.

One-on-one council interviews

Thirteen one-on-one interviews were conducted with local council officers. Key themes that emerged from the one-on-one interviews were:

- The regulatory environment has become more complicated and applicants need a number of reports and assessments today that were not required 20 years ago. This has also changed the complexity of assessments, moving the focus away from customer service towards meeting statutory timeframes.
- That while PlanBuild will help applicants understand where they are in the process, the Tasmanian Planning Scheme still makes agritourism assessments difficult for businesses wanting to operate in agricultural and rural zones.
- Council regulatory officers are responsible for administering a lot of state and federal regulation that does not always work as intended when applied. There is not always a lot of guidance, and council regulatory officers are limited in what they can consider when assessing applications.
- Some councils have preliminary planning assessment options, either for no cost or a small fee, which allow businesses to submit informal

plans to council and receive a written response considered by all relevant regulatory officers. This practice has received positive feedback from businesses.

- Larger councils with more resources can offer more services; however, internal communication was thought to be better at smaller councils that operate more as one big team, as opposed to separate departments.
- The move towards private certification prevents council regulatory officers from using their judgement and experience to assess expert reports and recommendations. This can lead to subpar or over-engineered solutions for businesses paying for advice, as the skills and experience of private consultants vary significantly.
- Most council regulatory officers thought that regulation could be relaxed to allow small, low-impact, low-risk agritourism businesses to operate more easily, particularly in rural and agricultural zones.

An analysis of the interviews and feedback received is available in the separate engagement summary report.





Engagement with regulators

Six state regulatory bodies participated in one-on-one interviews to discuss the feedback received from agritourism businesses about regulatory requirements and what areas present difficulty that could be improved on. Key themes that emerged from the one-on-one interviews were:

- Regulation is siloed across the building and development landscape, impeding inter-industry information sharing.
- There is a lack of oversight of professional compliance standards and consistent enforcement of regulatory requirements across different regulatory bodies.
- Regulation is slow to keep pace with changing community and industry needs.
- State regulatory bodies are under-resourced.
- Regulators were supportive of suggestions to create industry-specific agritourism guidelines to help council regulatory officers and private consultants apply state and federal regulations in a way that would support and facilitate the growth of the agritourism industry.

An analysis of the interviews and feedback received is available in the separate engagement summary report.

Engagement with industry bodies

One-on-one interviews were organised with RTOs and three industry bodies to discuss the feedback received from agritourism businesses about regulatory requirements and what areas present difficulty that could be improved on. From the interviews it emerged that a number of specific industry reforms would facilitate agritourism growth and development, such as:

- On-water charter and agritourism licences.
- Creating regulatory guidelines specific to wineries, breweries and distilleries, to help regulatory officers consistently apply and interpret requirements for cellar doors and processing areas.
- Supporting the TWSA's recommendations to amend the Australian Standard and for the TFS to review the requirement for hazardous area and storage of hazardous goods reporting.
- Whether a regulatory scale could be implemented to reduce the requirements for small operators proposing low-risk, low-impact offerings.
- Creating an agritourism resource within State Government to advocate for businesses, provide advice and access to information, and facilitate workshops and agritourism training for businesses and regulatory officers.

An analysis of the interviews and feedback received is available in the separate engagement summary report.

Section 5

Key issues

Key issues



Issue 1: Lack of accessible information

Businesses were uniform in describing their experience navigating the regulatory process. Operators did not know who to speak with or how to prepare an application. Most businesses were proactive in approaching their local council to enquire about the process; however, the responses received depended on the questions they asked, and the department with which they were subsequently connected.

Businesses perceived council as one operating body and, before starting the process, were not aware that numerous departments managed separate regulatory approvals with varying degrees of interaction with one another. At the outset, this meant businesses had trouble knowing what to ask, which in some cases meant that they received incorrect or inadequate information.

Businesses were also often unaware of other approvals that councils were not responsible for administering, and assumed that the local council would make them aware of all relevant

Knowing which regulatory officer to talk to

One business relayed that when they called council to ask if any permits were required to open a tasting room in an existing structure they had renovated, they were asked a number of questions about whether they intended to serve food. When the business owner indicated that they were not cooking or preparing food, they were told that all they needed was a liquor licence. The business owner explained that, in hindsight, they now understand they were probably speaking with the environmental health department and needed to talk with the planning department, but at the time this distinction was not clear.



Businesses were also often unaware of other approvals that councils were not responsible for administering

requirements, such as ongoing maintenance of fire safety equipment. The exceptions were heritage approvals and liquor licensing, which businesses understood they had to apply for elsewhere.

On initial contact with regulators across the board, businesses also report that it was difficult to get onto the correct person. If they managed to find a phone number to call, they were passed from person to person or connected to an automatic voice messaging service, and it could take a week to get a response on just one question. They were then often referred to websites to do their own research, encouraged to hire a consultant, or told that they would need to apply before advice could be provided.

Businesses reported high regulatory staff turnover, or only being able to talk with staff members once or twice a week, making the process of gathering information difficult, particularly given that most agritourism businesses are running a farming enterprise during the day.

Businesses stated that the resources available on public websites are often very technical or legalistic, and highly specific to just one part of the process, making it difficult to understand the entire process from end-to-end. One business highlighted that, even if you are diligent about doing your own research, some of the information is not publicly available. The Australian standards, which are linked to many planning, building and plumbing requirements, for instance, must be purchased online and each one can cost hundreds of dollars.

Businesses indicated that when a small agritourism business considers a new venture, or value-adding to their existing operation, it is to them a 100%

risk proposition. Businesses have limited budgets and time, and they need to determine whether an idea is feasible given their individual constraints. Businesses all understood the need for regulation and specifically stated that they were not looking for anyone to do the work for them. However, they did want help understanding what the process would involve so they could plan ahead.

They described trying to understand the process as exceedingly difficult. Most operators were simultaneously running the underlying primary production business 5-7 days a week, balancing time with their families and managing the agritourism project after hours. A significant proportion of the business operators reported that the agritourism venture or upgrade was a financial necessity and not just a creative or passion project, which added an additional layer of stress and risk to the experience.

The majority of businesses stated that having a checklist or fact sheet to explain the steps and the relevant regulatory body responsible for each part of the process would have helped enormously, as opposed to being 'drip-fed' information a little piece at a time, particularly once they had entered into the process. Businesses also stated that having someone to meet with or speak to about their idea would have been useful.

Those businesses that sought their approvals up to a decade ago or longer generally expressed having a slightly easier time understanding the process and this was largely attributed to having better access to regulatory staff. This aligns with the feedback received from regulatory staff, who indicated that their workload had increased significantly over the past decade, reducing the time available to help applicants. A handful of longer operating businesses stated that when they wanted to discuss value-adding to their business, they used to know who to call, and would be encouraged to come in and meet face to face.



Businesses stated that the resources available on public websites are often very technical or legalistic... making it difficult to understand

Talking to the right person

One business approached a regulator with an idea to build an event centre. The person they spoke to advised that they should get a consultant and submit an application with the relevant documentation for it to be assessed. The business followed these steps, and the application was rejected because function centres are a prohibited use in agricultural zones. The business was frustrated that they did not find out about this until after they wasted time and money on a development application. They did not know if the person they initially spoke to was the correct regulatory officer.





Issue 2: Regulatory complexity

The complexity of the regulatory framework is another significant barrier to understanding the process. Planning, building, health, safety, and professional compliance are managed by different regulatory staff, sometimes with no or limited centralised oversight. Regulatory requirements are often prepared at the State level by a wide range of policy agencies but then administered by regulators. For example, the department that creates policy regarding food and health regulations is not the regulator of that industry and is separate from the State agencies who develops requirements relating to building and professional compliance. Additionally the greater emphasis on different levels and/or type of assessment based sometimes on specific factors, means than there is a lot more material that people working in the regulatory space needs to be across.

The complexity between who makes policy, who prepares rules and who is responsible for implementing them also makes it difficult, even for professionals working in the regulatory space, to understand how statutory instruments interact and when regulatory requirements are triggered

and satisfied. This means that a clear line of sight between policy and regulation is often not possible. A flow on effect is that individual regulatory officers and professional experts now tend to focus more on their specific area, having less capacity and knowledge in areas outside of their expertise.

For agritourism businesses, this seems to play out in two ways. Firstly, they found it difficult to get enough information to determine whether a business goal was feasible and supported by the policy framework. Secondly, businesses expressed difficulty being able to learn enough about the regulatory requirements to do due diligence and hold their own in interactions with regulatory bodies and consultants. Among the businesses interviewed, there were tangible differences in some of the cost outcomes for businesses who had relevant professional backgrounds or regulatory knowledge, versus businesses that did not. One business where both partners had regulatory backgrounds spent less money on consultants and pushed back on a number of requirements imposed by regulators. The business partners knew where to find information and that there were several alternative options under the applicable Australian Standards.

Shared experience

A number of businesses shared stories that highlighted the importance of having enough information about the regulatory process to perform their own due diligence.

One business engaged a building designer who recommended that specific cladding be used for their cellar door and that the bottom of the building be wrapped in steel flashing at additional cost to satisfy the BAL-rating. The bushfire assessor came out and informed the business that the measures were unnecessary and only relevant for residential buildings.

Another business described circumstances where they obtained a quote to upgrade power at their property, after entering the works approval process. They happened to share the quoted price with an electrician who told them it sounded too expensive. They questioned the quote and ended up paying half the price.

A third business was told to engage an engineering consultant to upgrade an existing wastewater system for their processing facility that they thought was sufficient. They paid a consultant to design and install a new system that was never checked by the regulator.

These businesses would have been assisted by having access to reference materials that explained the process, the rules, consultants they might need to engage, the relevant experience they should look for in those consultants, and potential costs.



Regulators stated that they encourage businesses to engage professional consultants early to help avoid some of the pitfalls associated with obtaining approvals. They also expressed it was difficult given workload and expert shortage, to provide complete or comprehensive advice to operators who might be pitching an informal idea without supporting documentation.

From regulators' perspective, the increasing complexity of regulation means increased risk, and like comparable industries, professional services are required to ensure that all the applicable requirements are satisfied, and that this should happen before an application is submitted for assessment.

Regulatory staff also noted that, over the past decade or so, reforms to requirements by the State Government had in general increased complexity. Reforms, often with the aim of reducing the regulatory burden on specific types of applications or activities, had increased that administrative burden significantly. Regulatory officers noted that they are now responsible to be across many more categories of applications/activities that operate according to different processes and have different assessment timeframes.



Staff also expressed that it is very difficult in the current climate, given workload and expert shortage, to provide complete or comprehensive advice to operators

They highlighted that sometimes it requires a lot of work to determine what type of category a project falls into. While the reforms are intended to create streamlined pathways, they have sometimes increased overall difficulty to understand what they can and cannot do. They felt this has contributed to less time to help the 'mum and dad' applicants.

Additionally, the move towards more private certification is viewed as not freeing up time, as there is still a responsibility to check information, but now do this with fewer resources and blurred lines of accountability. One regulatory officer with 20 years' experience, stated they did not feel empowered to push back on expert solutions, if they were under or over engineered, as the responsibility sits with the private building surveyor.



Issue 3: Experience and expertise of practitioners

Experience and expertise are discussed in relation to regulatory officers administering permits and approvals and practising industry consultants.

Experience and expertise came up frequently as issues that businesses encountered when interacting with regulatory bodies about the underlying primary production of their farm or business. It is closely tied to inconsistent regulatory interpretation, which is discussed in the next section, and the 'coal-face' experience, which is discussed as issue 5.

It was a common theme for winery and distillery businesses, specifically during interactions with environmental health officers. A number of businesses stated that they tried to explain what they wanted to do, and that the relevant regulatory

officer was either unable or unwilling to apply the regulations in a way that created a seemingly reasonable or common-sense result.

For instance, multiple businesses producing alcohol were asked to build an enclosed processing space to satisfy food safety regulations, even though this would create a work health safety issue for employees because of the chemicals used and the requirements for ventilation.

Another business was asked to collect the old fruit that dropped in an orchard and have it removed from the property as a pest control measure, at significant expense. The business had a difficult time explaining that allowing fruit to drop to the ground is a natural process of wine and cider making practised around the world.

Other businesses had difficulty getting their business ideas accepted because of lack of knowledge. One working farm, offering farm tours, wanted to build farmstay accommodation but was rejected because the regulatory officer interpreted 'farm stay' as requiring the visitor participate to in a 'hands-on' way with farm activities such as milking.

Council regulatory officers reported that the number of agritourism permits and approvals they assess each year is somewhere from 1-10% of the total applications that are submitted to council annually. Due to the current expert shortage, regulatory officers often come to regional areas from urban councils or the mainland and may not have much experience applying the planning scheme in an agricultural or rural context. It is therefore understandable that, given infrequency and lack of exposure, council regulatory officers are unlikely to have much experience with how agricultural uses interact with tourism for the purposes of the planning scheme. This could be improved with training and the preparation of industry guidelines to help interpret allowable solutions for agritourism businesses. It could also be improved through cross fertilisation of regulatory officer experience either through regional resource models or resource sharing between regulators.

Regulatory bodies also identified experience and expertise as an issue in terms of the quality of advice and services provided by private consultants. For instance, building surveyors have statutory obligations to refer certain proposals to the TFS to be

Complexity and costs

One business engaged a planning consultant to manage their application process. The development application was approved with plans for MDF boards to be used for the internal walls. This material was not suitable for the business purpose as MDF swells in humidity. For this reason, the business owner approached the planning regulator to discuss using sealed ply instead. They were advised that as long as they used a permeable and wipeable surface it would be fine. When council came to assess the build, they were deemed non-compliant because they had not used the materials specified in the plans. This led to months of disagreement and delay and an additional \$10,000 in costs for the business, which was forced to retrofit the walls with cement sheets and plaster to a height of 2.8 metres. The business owner followed the correct process and paid a consultant for advice but got stuck paying \$10,000 in extra costs, feeling that they had no recourse and no one to hold accountable.

assessed to ensure that the minimum fire protection measures are in place before issuing a certificate of compliance. However, recent auditing has identified a number of premises that have received final certification without being assessed for fire safety, and do not have emergency management plans or relevant fire and work health safety infrastructure installed. In these cases businesses are suddenly forced to pay for very costly infrastructure upgrades out of the blue in order to keep operating.

Regulators highlighted accountability as an issue and identified that the siloed structure of the planning, development and construction industries, in conjunction with under-resourced regulatory services, means there are few effective recourse methods available.

Recommending that CBOS review its professional certification and auditing program may improve industry performance issues.



Multiple businesses producing alcohol were asked to build an enclosed processing space to satisfy food safety regulations, even though this would create a work health safety issue...



Photo courtesy of
Moon Cheese Studio
and Brand Tasmania



Issue 4: Inconsistency in interpretation

Interpretation was one of the most prevalent themes linking the experiences of agritourism businesses. Every business interviewed had an experience relating to regulatory interpretation to share: some linked to expertise, and some that are better attributed to the approach in applying regulations.

These experiences occurred across the regulatory landscape including planning, building, plumbing, food, liquor, power upgrades and fire. Most regulatory officers viewed themselves as having little flexibility to interpret and apply regulation, with a strong focus on risk mitigation. As per the example in Issue 3 where wineries and distilleries were asked to enclose their processing space, this can have the opposite effect when interpreted strictly. A small number of regulatory officers held the view that there is flexibility in the regulation, and it is their role to apply judgement and assess each application on its merits in support of the applicant's goals wherever possible.

Presumably, each regulator views its interpretation as being consistent with the purpose of its legislative framework, without having the opportunity to

observe the significant variation in how regulation is applied across Tasmania.

Businesses expressed feeling that regulators were unwilling to engage with what they were actually trying to do. This was particularly relevant to the interpretation of kitchen and food licensing regulations regarding flooring and sinks.

One regulatory officer commented on how varied different regulators approaches are, sharing the example that some have blanket bans on any business making food in their home, while others allow shelf-stable products such as jam and cookies.

In some instances, interpretation was not inconsistent so much as selective.

Interpretation is also relevant to accessibility requirements. A business owner in one location installed additional toilets without any problem, while in another area, a business with more facilities than the minimum standards required was instructed as a condition of their permit that they be removed.

Most businesses that applied for liquor licences were approved for a special licence that allows the onsite sale of Tasmanian beer, spirits, and wine between certain hours. A condition was placed on

Open to interpretation

A number of businesses expressed frustration at the number of double bowl sinks they were asked to install. It is not uncommon for small agritourism operators to be run exclusively by the business owners and perhaps one staff member, and yet, numerous businesses reported that regulatory officers read the Australian Standards literally, which required prescribed distances between handwashing sinks without considering the actual business operation. One business stated that this meant they needed six handwashing sinks in one area that would cause soap and dirty water to be sprayed on the food preparation station.

One business stated that he and two friends submitted development applications for commercial kitchens at the same time to three different councils. Each of them was asked to adhere to different coving specifications, despite the Australian Standards being the same in each instance.

One regulatory officer informed a business that they had to put in a commercial dishwasher. The business owner had access to the Australian food and building standards and was able to determine that there were three acceptable solutions for a business in their circumstances – a commercial dishwasher being the most expensive – which had not been mentioned.

one business, that they can only sell beer from one specific local brewery and one specific local winery. The business shared that a new winery has opened locally that they would like to support, but they would first have to vary their liquor licence. Similar restrictions had not been applied to other similar businesses in the analysis undertaken.

Certain inconsistencies in interpretation can be seen as time-poor regulatory officers streamlining their task by applying regulations at their highest across the board to minimise risk and save time. Other examples point towards a lack of experience and a need for training.

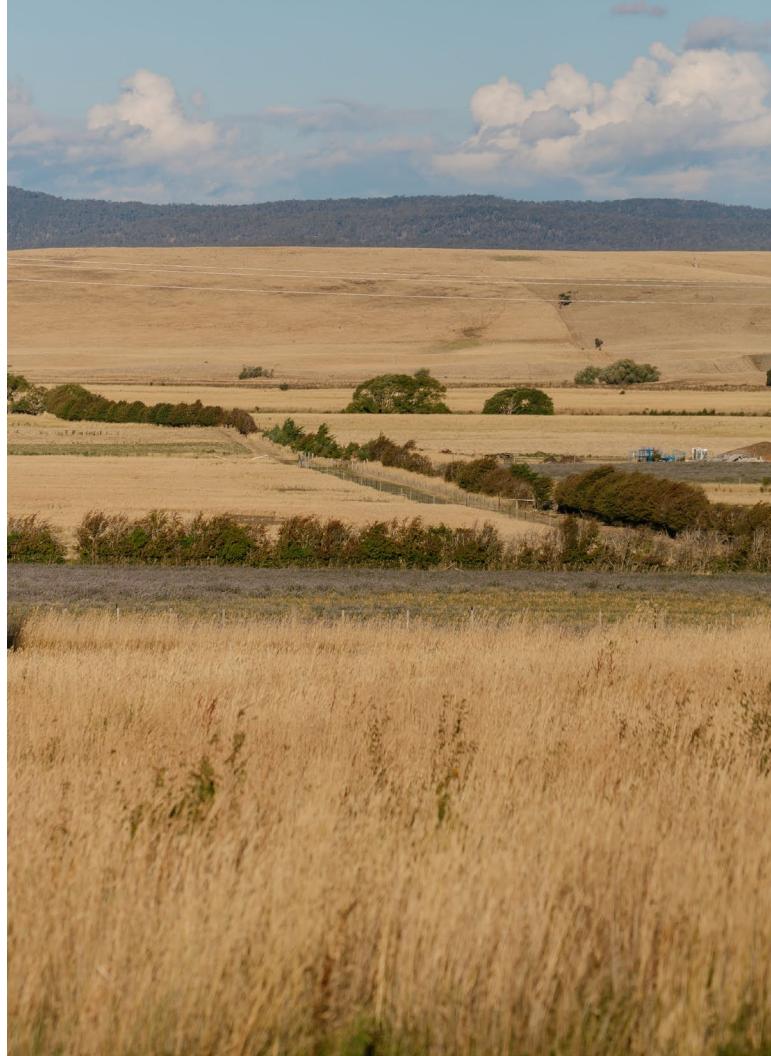
The distilling industry faces unique regulatory challenges regarding the handling of flammable liquids, in large part because legislation has not recognised distilleries as a defined class. Rapid industry growth, coupled with a lack of general awareness across regulatory officers about how requirements apply, has led to widespread non-compliance and differences in interpretation. Regulatory officers have come across many businesses approved by building surveyors and operating that were constructed without the required fire protection measures in place. Where non-compliance is identified, businesses face expensive infrastructure upgrades to meet the standards. Where it goes unnoticed, an incident could result in serious harm to the community and firefighters, not to mention that the business would likely not be covered by their insurance. Supporting the Tasmanian Whisky and Spirits Association's (TWSA) recommendation to create a guidance document that is a single source of information for regulatory officers, consultants and the distilling industry would facilitate regulatory consistency and better compliance outcomes.

Businesses spoke a lot about feeling powerless through the permits and approvals process. They expressed frustration that, when these sorts of issues arose, no one would listen and there was no one to ask for help.

Creating a small agritourism team to sit within State Government as a 'trust centre' that can help answer questions, share information, advocate on behalf of businesses and provide industry training might help to support businesses through the process, and bridge the resourcing gap experienced by councils and regulatory bodies.



Businesses spoke a lot about feeling powerless through the permits and approvals process.



Midlands farmland
Ross, Tasmanian Midlands
Photo courtesy of Moon Cheese Studio and Brand Tasmania



Issue 5: The 'coal-face' experience

The agritourism permits and approvals process was described by businesses as traumatic. Businesses described feeling disempowered in the majority of their interactions with regulatory officers. The 'coal-face' experience of interacting with regulators to obtain approvals, is the theme underpinning every other issue that exacerbated the negative experiences of agritourism businesses navigating the process.

There was a general theme that many regulators or individual regulatory officers approach their task with an 'enforcement' mindset, rather than an 'enabling' mindset.

There was significant commentary from businesses that customer service was lacking. One business lamented that no one during the entire process said, "Can I help you?" Another business jokingly commented that the regulator they dealt with the most, will give you a problem for every solution. This aligns with the issues that businesses had in understanding the process.

It also links to the broader context of this project and the push for agritourism at a state level. Businesses often have a number of state-level industry and government touchpoints encouraging them to expand and grow their business. Some businesses actively sought advice from council general managers and economic development officers before purchasing land, and they received enthusiastic support for their project from a regional development and tourism perspective.

Once the permits and approvals process started, one business described it as having your entire support network evaporate before your eyes. Businesses reported experiencing a disconnect: hearing that their development proposal is good for the region, and then not being able to get any information or assistance to understand what they need to do and how to get started. One regulatory officer commented that it is not surprising that businesses feel unsupported and used the request for information process as an example: "applicants

receive a letter that references the relevant legislative provision, without any further explanation in plain language."

This also relates to experiences of inconsistent or strict regulatory interpretation that has costly or unreasonable impacts on small owner-operators. Businesses spend their time and money trying to understand the process and do the right thing to make sure they are compliant, and express feeling that there is little to no effort by regulatory officers to enable their project within the regulatory constraints.

Going further, some businesses relayed a number of encounters where customer service was not just lacking, but where businesses felt targeted, and in some instances attacked, by certain regulatory officers seemingly acting outside the function of their role.

Even though businesses interact with many regulatory officers through the process, negative experiences accumulate through the stages of the approval process, from concept design to construction completion and operation. Alongside other challenges faced by agricultural and agritourism businesses, including Covid, climate change and drought and the rising costs of transport, freight and disease control, starting new or expanding agritourism operations can feel impossible.



Many regulators or individual regulatory officers approach their task with an 'enforcement' mindset, rather than an 'enabling' mindset.

Agritourism operators identified as resilient self-starters that problem-solve on their own and are not afraid of hard work. They are also aware of the role they play economically and socially in Tasmania, as food and commodity producers and tourism operators.

They described working long hours on the property, balancing their family needs, contributing to industry and their local communities, and often sitting down to project manage their agritourism development late at night. Others quit their jobs and invested everything they had with no income during the development process. Given the personal investment, frustration starts to grow when they need to call four different numbers without successfully speaking to anyone, or leave messages for people not knowing that the regulatory officer only works one day a week, or they follow up on a simple email query numerous times only to be told 'refer to the website'. Businesses understand the need for regulation, but they described feeling marginalised by the power imbalance that exists between them and the regulators and regulatory officers. They felt that their livelihoods were in the hands of organisations or people who were not interested in trying to engage with them or their business.

Businesses also described an unspoken understanding that they were being 'taxed' or 'punished' for pushing back on certain things. One business stated that, after they refused a request to close their business while internal renovations were taking place in another part of the building, they were told that the work would only be signed off after they moved the accessibility toilet 100 mm closer to the wall, which had not previously been identified. It was interpreted by the business as a consequence of ignoring the request to close.

Businesses told stories of regulatory officers giving offhand directions to rip up brand new benchtops to install new sinks, or to install new dishwashers or change the flooring. Without having any forewarning, several businesses received letters from regulatory bodies instructing that the business be closed until certain regulatory and compliance requirements were met. One business stated that, since being closed to the public and losing part of their regular income, they have not been able to get anyone on the phone to help figure out how to pay for the compliance upgrades.

An enforcement focus

Multiple businesses described situations where they were yelled at during site visits. One business was diligent in its research and preparation, having a keen awareness that the approvals process would likely be challenging. Despite these efforts, they experienced delays and significant difficulty getting approvals, were forced to push back against unexpected requests for expensive reports. Several businesses reporting having to put in multiple applications. This included one business who received a permit that excluded a major part of their proposal by way of condition and another who had to submit three separate applications to get their liquor licence because of the different categories.

Another business familiar with the materials required for use in buildings relating to the primary industry was aghast when the attending regulatory officer started raising their voice and talking over them, making the owners visibly upset and uncomfortable. The officer shouted that everything was inadequate and had to be pulled down. This happened several days before Christmas after they had already installed cable trays and wiring. They sought help from the relevant state department on the decision, and asked another professional expert to weigh in. Informally, no one had an answer for why the officer was insisting on this interpretation. The business organised a meeting with the officer and provided examples of developments elsewhere that mirrored what they had done. They were told, "This is my jurisdiction.". Ultimately, the business had to install new boards several metres up the internal walls to get sign-off. This happened at the same time they were trying to organise a power upgrade to the property and applying for their liquor licence which had to be submitted twice because the first one was lost in the system.



Businesses understand the need for regulation, but they described feeling marginalised by the power imbalance that exists.

The issues giving rise to these experiences are complex, but businesses expressed feeling alone and taken for granted as being the core problem. One business described feeling valued as an image and a commodity, but not as a member of the community. This is broader than any one regulatory body but speaks to how agritourism businesses feel when they ask for help.

Another business stated that by the time the doors opened, they felt really negative about the business they were excited to build. It felt like they were being leveraged for their story, for their hard work, their product quality, but there was no support while they were trying to create it.

A number of regulatory staff viewed the industry as having changed significantly over the past 20 years. They reported that the number of applications has increased along with the complexity of the regulation. This was seen as a catalyst shifting focus away from customer service and towards ensuring that statutory obligations and timeframes are met. Further, all regulatory officers described their teams as under-resourced.

This is juxtaposed with the growth of the agritourism industry in the past decade and the additional layers of development complexity relevant to small producers operating their primary industry with niche visitor offerings. Agritourism proposals are outliers in the assessments that regulatory officers are used to performing. Therefore, the primary production nuances and broader tourism context are likely lost on staff who may not have the experience or time to fully engage with applicants on a case-by-case basis.

It is also the case that businesses do not always approach regulatory officers with well-thought-out plans. This increases pressure for regulators who only have so many hours in a day and constantly interact with applicants who want urgent attention on their application.

These trends have likely impacted how regulatory officers view their roles, with more focus on enforcing the blackletter regulation to get through the growing number of assessments, and less time spent actively engaging with applicants.

Regulatory staff also described their department or authority as operating separately from other

areas. The practice of working in silos was partly attributed to the trend of outsourcing parts of regulatory compliance to private consultants, and partly due to Tasmania's tendency towards cross-jurisdictional competition. Some regulators noted that this has long caused performance and accountability problems across industries where sub-par actors have been allowed to continue practising without effective oversight, because everyone operates so separately.

Overwhelmingly there was interest from regulatory officers in accessing agritourism training and understanding why businesses felt unsupported. Some regulatory staff actively expressed an interest in creating an environment where you could pick up the phone and call a colleague across industry with more experience if you had a question. Others stated that there is widespread acknowledgement that the process is not easy for applicants, and that things are slowly improving. They gave examples describing more inclusive internal communication processes and better community engagement services, such as offering preliminary planning assessments at little or no cost.

This is encouraging but remains in contrast to the experiences shared by businesses. Encouraging councils that are not already doing it to provide a pre-application service where businesses can submit an initial concept and be provided with written advice that covers all regulatory requirements would facilitate better interactions between regulatory staff and applicants. There remain underlying matters such as staffing shortages and training that also need to be addressed across all regulatory bodies.



Issue 6: Regulation not always fit for purpose

Businesses reported that they are trying to adapt to changing times and conditions, particularly those who defined themselves as generational working-farm families. Freight, transport and compliance costs, and an inability to meet supply demands mean that Tasmanian producers cannot satisfy local, national or international markets. Businesses have branded themselves as boutique and luxury producers, focusing on high quality over quantity, but they are still looking for ways to diversify so that subsequent generations can continue working the land.

A number of families started their agritourism businesses for this reason. Some have had significant difficulty trying to capitalise on the location and scenic outlook of their properties because the planning scheme prohibits certain uses on agricultural and rural land. For instance, function centres are not permitted in agricultural zones. For working farms looking to attract small groups of visitors for accommodation and events (such as weddings), this significantly limits the ways they can diversify their business model.

Most regulatory officers supported greater flexibility of allowable uses, such as functions and accommodation, that would have a low impact

and remain subservient to the primary use of the land, being agriculture. One regulatory officer noted that it would be important to consider conflicting uses in any proposed amendment, and how to better protect farmers against noise complaints for instance.

Another significant regulatory hurdle reported by agritourism businesses is access from main roads and highways. Businesses are encouraged to find locations along major tourist routes to capitalise on passing traffic; however, the increase in traffic turning off a major road may trigger the State Roads requirement to upgrade access. Upgrading access usually means constructing a new turning lane for visitors to mitigate the safety hazard of having increased volumes of traffic suddenly slow down to turn off a highway. The cost of putting in a turning lane off a main road can be anywhere from \$100,000 - \$200,000. The regulation is aimed at developers constructing new subdivisions who then add the infrastructure cost to the lots. It did not consider agritourism businesses and should be reviewed, as small operators simply cannot afford to contend with these costs.

Other regulatory impediments are preventing operators from fully integrating their operating model with their business ethos. Several small producers stated that they are forced to transport their livestock huge distances to be killed and dressed because the current legislative framework does not allow licensing for mobile abattoirs. Businesses that are otherwise operating as sustainable, high-quality, paddock-to-plate food producers and investing significant money into feed and animal welfare have no choice under the current system but to undo all that work by stressing the animals as they are loaded into vehicles and abattoir yards with unfamiliar animals, smells and sounds. This reduces the quality of the meat and is distressing for the animals. Abattoirs are suitable for large producers who can fill entire trucks, whereas small producers may only need to kill one animal at a time. Enabling mobile abattoirs to operate in Tasmania would give control of the process back to the producers and facilitate more humane outcomes for animals.



Regulatory officers supported greater flexibility of allowable uses that would have a low impact to the primary use of the land, being agriculture.

The Tasmanian Seafood Industry Council (TSIC) commented that current on-water permits are unsuitable for agritourism operations. They are advocating for a charter licence and an agritourism licence to be created. A charter licence would allow someone on a fishing experience to catch a fish and take it home, and an agritourism licence would allow someone to catch a fish and consume it on the water as part of an experience.

Businesses were unanimous in requesting that all signage regulation relating to agritourism be reviewed. A number of regulatory officers also made this request. If a business wants to erect a directional sign on a main road, they must apply to State Roads under the TVIS. If a business wants to erect a directional sign on a local road, they need to submit a development application which is assessed under the planning scheme signs code. Businesses reported that it was near impossible to get signage approved, or that they had not even tried because they had heard how difficult it would be from other operators.

It is clear from the feedback that the current system is not working for businesses as it should and is

Keeping regulation up to date with industry

Distilleries face expensive reporting requirements relating to the storage of dangerous goods and hazardous areas, which very few consultants are certified to perform in Tasmania. Working with the TWSA and TFS to review current storage of dangerous goods and hazardous area reporting with the aim of reducing costs to business may alleviate some cost burdens. Further, making support options available to existing small businesses that have been approved to operate without necessary fire protection measures in place, may promote greater transparency and better safety outcomes across this industry. An existing business facing a \$100,000 compliance upgrade might not have to close or contemplate operating non-compliant if there was help to cover the upfront costs.

Distilleries also face an inequitable environment in obtaining liquor licenses and are required to pay sometimes twice the fee as wineries and cellar doors. For example the application fee for a special license for sale of Tasmanian wine from their vineyard is \$170 compared to \$680 for a distillery.

subsequently facilitating a culture of illegal signs and should be reviewed. This opportunity could also be used to explore the popular suggestion that specific 'agritourism' signage be considered to facilitate visitor wayfinding, recognisable across the state as representative of the Tasmanian brand.

A prevalent theme raised by businesses was the interpretation of food safety regulations as they relate to kitchens, and conflicting regulatory requirements for wineries, distilleries and breweries as a result of being classified as food processing businesses. Specific agritourism guidelines created by the Department of Health would help provide clear expectations for businesses on what they are required to do. They would also help regulatory officers interpret and apply food business classifications and safety regulations appropriately for small operators and specific agritourism businesses such as wineries, distilleries and breweries.

A final frustration raised by small operators was that they are required to adhere to the same regulation as large operators. This was relevant to businesses with a dairy offering that required the same set-up for one or two cows as an operation with 250 head of cattle. It was also mentioned in the context of kitchen requirements for food businesses.

One regulatory officer made the comment that requiring someone to obtain permits to do a tour with a glass of champagne seems to deviate from the intent of the planning scheme. Another regulatory officer queried whether there might be a way to provide temporary approval to businesses in certain low risk circumstances so that they can trial an idea. Looking at ways to promote regulatory scaling to lower the current burden was popular among businesses.



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Section 6

Conclusion and recommendations

Conclusions and recommendations

Conclusions

The desktop mapping exercise determined that there are nine legislative systems and 16 specific approvals that potentially apply to agritourism businesses. The approvals are administered by 12 different regulators and businesses will likely need to engage numerous expert consultants to help them prepare reports to satisfy different parts of the application process.

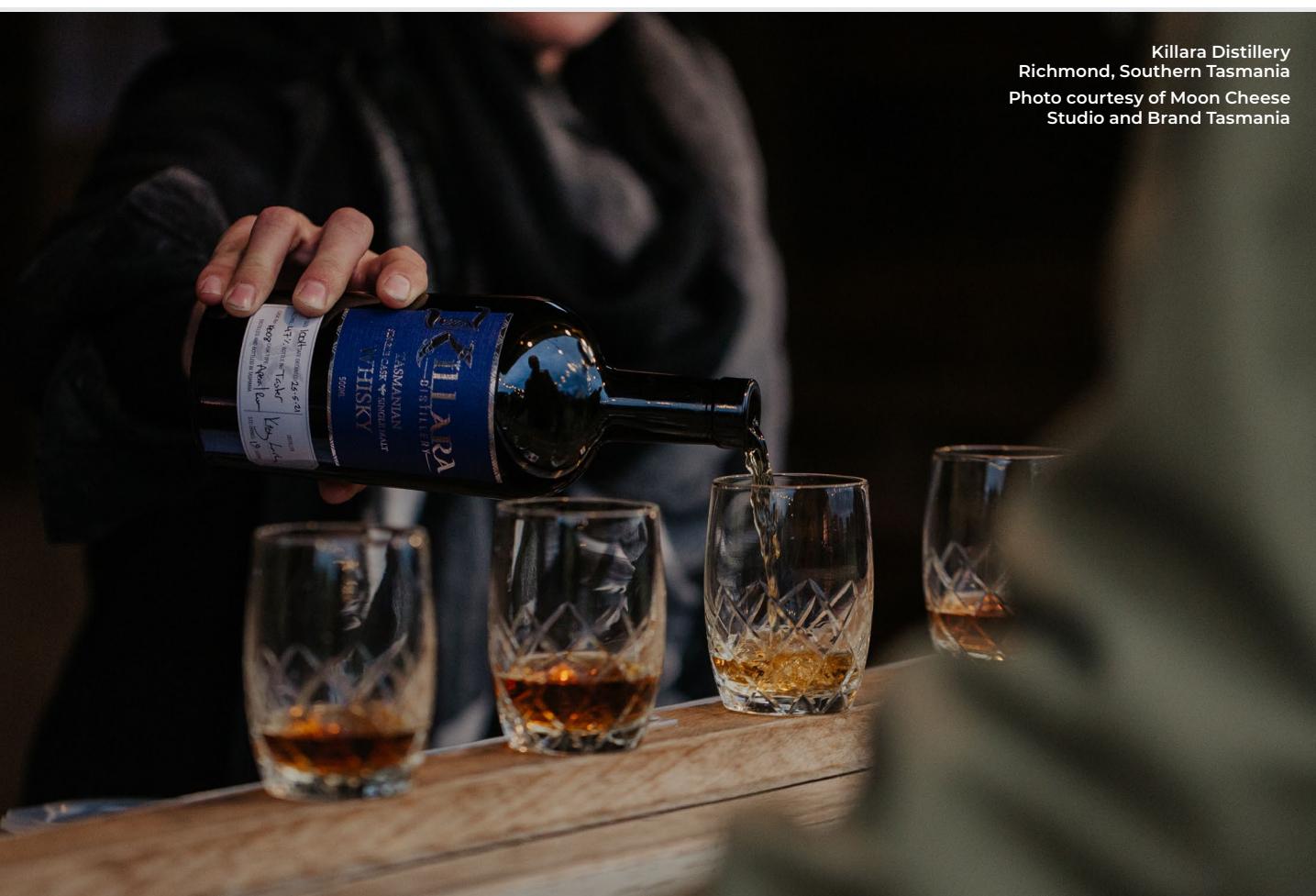
Permits are obtained in three stages: consents to proceed, construction and works permits, and operational permits. These cover things like planning permits, building and plumbing permits and food business registration. Depending on the complexity of the development, costs and timeframes can vary significantly.

Engagement with agritourism businesses confirmed that the regulatory environment is complex and difficult for producers to navigate. Businesses did not know where to start or who to speak with and experienced significant frustration trying to get through to regulatory officers to obtain timely answers to enquiries, if they could get a response at all.

Businesses felt that they were immediately encouraged by regulators to engage consultants, at significant cost, to assist them with each stage of the approvals process, or referred to websites to look for answers on their own.

Businesses found that publicly available information was difficult to interpret and varied depending on the primary production industry or site-specific circumstances, and other information was only

Killara Distillery
Richmond, Southern Tasmania
Photo courtesy of Moon Cheese
Studio and Brand Tasmania



available for purchase at significant expense. Businesses used their own professional skills and experience to help them wherever possible, and relied on friends and family with industry knowledge and expertise for advice where they could. Nevertheless, all businesses required a number of consultants to get through the approvals process, and all experienced at least one significant, unexpected obstacle that caused delays, additional costs and extra requirements to satisfy.

The hardest part of the process was said to be interacting with regulatory bodies. The complex and nuanced nature of the agritourism industry contributed to the difficulty experienced by businesses in this regard. Regulatory officers had limited understanding and experience assessing agritourism applications and applying regulation in an agricultural or rural context. Primary industry operations further complicated matters, particularly regarding fire safety requirements and resource processing businesses. Regulatory officers also showed a general unwillingness to engage with businesses to provide preliminary advice, which exacerbated the frustration felt by operators when they hired private consultants who failed to give proper instructions or lacked the relevant qualifications.

Significant feedback focused on there being no clear understanding of what was required from start to finish, leaving businesses unsure that they were following the right process, that the consultants they were told to engage were necessary, and that the requirements imposed by regulatory officers was accurate.

This was not helped by how differently regulation is interpreted from one regulatory body to the next. Engagement with regulatory bodies confirmed that one might prohibit an activity that the neighbouring one allows. Businesses gave numerous examples of conditions imposed by regulatory staff that departed from approvals given to other businesses. These inconsistencies had real time and cost impacts on businesses trying to get approval to operate. This was also highlighted as a frustration by regulatory officers who stated that private consultants have different levels of competency, which can impact the quality of the applications they receive and potentially cause delays if the relevant information is not included. Regulatory bodies reported that sometimes relevant referrals are not made by private consultants at all.

Both businesses and regulatory bodies agreed that guidance and oversight are lacking at a state level, and no affordable avenues are available to businesses for decisions to be reviewed.

For businesses, these issues were all linked by the underlying feeling of being unsupported and obstructed in interactions with regulatory officers. Businesses expressed wishing that someone would ask, "How can I help you?" They were looking for someone to talk to about what they wanted to achieve and how they could do it. Some businesses were prevented from pursuing an idea because the current regulatory environment prohibits the activity in agricultural and rural zones. Others faced exorbitant cost barriers to satisfy infrastructure and compliance requirements. They expressed generally feeling dismissed, if not admonished in some instances, for not understanding the requirements. Regulatory officers seem to have broadly adopted an enforcement attitude rather than an enabling one, which significantly affected the way that businesses experienced the regulatory approvals process.

Regulatory officers described changing industry trends that have resulted in greater regulatory complexity, much higher workloads and increasing pressure to meet statutory timeframes without adequate resourcing.

Some regulatory staff noted positive initiatives in their organisation to improve and support businesses through the regulatory process, such as offering preliminary planning assessments at little or no cost. This is encouraging although it appears to be the exception and not the rule.

All stakeholders agreed that to support businesses and improve the efficacy of the agritourism regulatory process, businesses need better access to information and support.

A key takeaway is that regulatory officers were keen to engage in this conversation and eager to learn more about agritourism and how the process could be improved to support this industry. One regulatory officer aptly summed up the challenge by saying, "We're all here to help make their dreams come true, under certain conditions."

Recommendations

The recommendations arise from the key issues identified in **Section 5**. There are four headline recommendations, below which there are specific recommendations that are described in detail with relevant context. Many of the recommendations are aimed at being practical solutions targeted to the agritourism industry. This recognises that agritourism activities only form a very small component of the typical activities for which the

legislative systems regulate. There are, however, some 'macro reforms' under recommendation four where there is potential to ease the regulatory environment for the agritourism industry without broad flow-on impacts.

It is important to recognise that recommendations do not directly align with only one specific issue under the findings. The recommendations are a holistic approach to resolving the issues identified. The alignment with the key issues is, however, identified in each table.

Recommendation: Make sure the regulatory environment is fit for purpose

Action	Summary	Issues alignment
1.1 Promote the inclusion of agritourism-specific policies in the upcoming Tasmanian Planning Policies	<p>The Tasmanian Government has recently reformed the planning system in Tasmania. As part of that reform, the State Planning Office is currently preparing Tasmanian Planning Policies that are a legislative policy document under the <i>Land Use Planning and Approvals Act 1993</i>. These will then be used to inform planning decisions relating to the Tasmanian Planning Scheme and major projects.</p> <p>The State Planning Office has indicated that agribusiness and farmgate activities will potentially be covered under the Sustainable Economic Development policy. This policy will sit under the higher order <i>State Policy on the Protection of Agricultural Land</i>, which also guides the same planning decisions. State Growth and Tourism Tasmania should continue to promote this and encourage policies that recognise agritourism businesses, the role that they play in supporting farming activities and the visitor economy, and the type and scale of agritourism businesses that are consistent with the Tasmanian brand values.</p>	 Issue 6: Regulation not always fit for purpose
1.2 Request that the State Planning Provisions are amended to emphasise the role of agritourism in supporting agricultural activities in the Agriculture and Rural zones	<p>As part of the recent reform of the planning system in Tasmania, all local councils, with the Tasmanian Planning Commission, are currently implementing the Tasmanian Planning Scheme, which is structured around State Planning Provisions for local councils to spatially apply through Local Planning Provisions.</p> <p>The State Planning Provisions give effect to the <i>State Policy on the Protection of Agricultural Land</i> as well as the Tasmanian Planning Policies once they are prepared. The State Planning Office has begun a review process for the State Planning Provisions in line with the legislative requirement for 5-year reviews.</p>	 Issue 2: Regulatory complexity  Issue 6: Regulation not always fit for purpose

Action	Summary	Issues alignment
<p>1.2</p> <p>Request that the State Planning Provisions are amended to emphasise the role of agritourism in supporting agricultural activities in the Agriculture and Rural zones (continued)</p>	<p>Changes to be considered should include:</p> <ul style="list-style-type: none"> • A new definition of agritourism in the State Planning Provisions so it is recognised as a legitimate activity. • Clarification of the existing occasional event exemption by defining 'occasional' and providing examples of the types of events. The exemption can be currently interpreted as excludes events that occur with regular timing - such things as an annual seasonal event or an event every quarter. It can also be interpreted as excluding events that are held on private land with an entrance fee as not being for a cultural or social purpose. • New exemptions for some small scale agritourism activities in the Agriculture or Rural zones where there are no relevant overlays, heritage listing or presence of other land hazards such as inundation. Options include: <ul style="list-style-type: none"> - Conversion of outbuildings for visitor accommodation up to a certain number of people; - Visitor tours of existing farming operations; and - Farm gate/cellar door sales up to a certain size <p>These exemptions will allow agritourism businesses to open up to the public and broaden income streams without high up front establishment costs.</p> • Recognition in the Agriculture and Rural zones of agritourism and associated value in the zone purpose statements and use standards so that it is a relevant consideration in the planning assessment. • Inclusion of function centre use as a discretionary use in the Agriculture and Rural zones, subject to assessment under appropriate use standards, so that agritourism operators can host weddings, food and cultural gatherings or other events. • Inclusion of a permitted pathway through the use standards for some agritourism uses subject to scale and locational considerations to provide a more certain and efficient approval pathway. Options include: <ul style="list-style-type: none"> - Visitor accommodation including in new buildings up to a certain scale and subject to siting considerations - Agritourism events like weddings, food, cultural or music events up to a certain scale and intensity - Food and alcohol processing up to a certain scale - Retail sales and food service up to a certain scale and where in existing buildings • Clarifying requirements in the Parking and Sustainable Transport Code for driveway and parking areas in rural areas so that expectations are not for fully sealed surfaces, alleviating this potentially significant upfront capital cost for establishing an agritourism business. 	 Issue 2: Regulatory complexity  Issue 6: Regulation not always fit for purpose

Action	Summary	Issues alignment
1.3 Request that CBOS review technical requirements to provide for scaling: fire regulations, accessibility, food preparation and wastewater systems	<p>Many of the building and plumbing requirements relating to agritourism businesses are a one size fits all approach as they fall in the 'commercial' categories.</p> <p>There may be opportunities to provide additional scaling into the system, in a similar way to the exemptions and permitted pathways for planning to reduce the regulatory burden and costs for the very small-scale operators. It is however recognised that this will require wider input from the building industry.</p>	 Issue 2: Regulatory complexity
1.4 Work with State Roads to review the TVIS to make them more accessible to and suitable for agritourism businesses	<p>The current system is facilitating a culture of illegal signage. The TVIS should be reviewed so that its policies and requirements are suitable for and accessible to agritourism operators, particularly for small scale businesses, those who are not directly accessible from highways or with variable operating hours. The review should include liaising with agritourism operators to clearly define the current signage impediments and opportunities to facilitate visitor wayfinding and be recognisable across the state as representative of the brand.</p>	 Issue 6: Regulation not always fit for purpose
1.5 Work with State Roads to develop more reasonable requirements for road access upgrades for agritourism businesses	<p>The regulatory standards for road access generally refer to the requirements of road authorities. A large portion of agritourism businesses are located on key touring routes, which are predominantly state roads managed by State Growth.</p> <p>State Growth's access-upgrade requirements are often cost prohibitive. More reasonable requirements should be developed to alleviate the cost burden on small agritourism businesses, such as creating a capital works upgrade list that can be actioned as part of a broader works program.</p>	 Issue 6: Regulation not always fit for purpose
1.6 Support the TWSA in its current efforts to trial an updated Australian Standard for fire protection in distilleries and to create a guidance document for regulators, consultants and the distilling industry	<p>Depending on the volume of alcohol stored on site, distilleries are regulated under the Bushfire-Prone Areas Code contained in the planning scheme that includes requirements for the storage of hazardous goods. Distilleries are also regulated under the NCC and Australian Standard 1940 (AS1940) regarding building fire safety and hazard management requirements.</p> <p>These requirements are not always triggered, as the regulations are not well understood. In other cases, solutions have been over-engineered. AS 1940 was written for the petrochemical industry and the standards do not always apply to distilleries because petroleum liquids have different properties to ethanol.</p> <p>Updating the Australian Standard for fire safety in distilleries will ensure regulations appropriately manage the risks.</p> <p>Creating a guidance document will raise awareness of how fire safety regulations apply to distilleries and facilitate consistency and better compliance outcomes.</p>	 Issue 3: Experience and expertise of practitioners
		 Issue 4: Inconsistency in interpretation
		 Issue 6: Regulation not always fit for purpose

Action	Summary	Issues alignment
1.7 Request the TFS to review, in consultation with industry, requirements for Dangerous Goods Handling Reports and Hazard Area Reports for alcohol production facilities	<p>The current reporting requirements are very expensive, and it is possible that the specific regulatory purpose could be satisfied another way. In addition, there are very few consultants who have the relevant certification to prepare the reports, adding to the list of expert shortages across Tasmania and the subsequent delays.</p> <p>Reviewing this requirement could simplify this process and reduce costs, as an interim measure, while broader TWSA efforts are being progressed.</p>	 <p>Issue 6: Regulation not always fit for purpose</p>
1.8 Provide support solutions for existing businesses approved without minimum regulatory measures in place, to become compliant and continue operating	<p>Making support options available for existing businesses, under a certain annual turnover, to become compliant with regulation in the circumstances discussed above would enable greater transparency and facilitate compliance. It would also support businesses to keep operating.</p>	 <p>Issue 5: The 'coal-face' experience</p>
1.9 Introduce legislation to allow licensing of mobile abattoirs	<p>An emerging issue in the agritourism industry is supporting small scale producers with additional options for the slaughtering of animals. There are currently very limited options in Tasmania. Allowing mobile abattoirs will enable small paddock-to-plate businesses to operate more sustainably by allowing livestock to stay on-farm without traveling long distances for slaughter.</p>	 <p>Issue 6: Regulation not always fit for purpose</p>
1.10 Support the TSIC in calling for charter and agritourism on-water licences	<p>An emerging issue in the agritourism industry for foraging-based experiences are limitations around being able to catch and serve seafood as part of the visitor experience. Current licensing does not recognise tourism operators, being focussed on either recreational user or commercial fisheries and therefore restricts what businesses can offer on-water.</p> <p>While a permit instead of a license can be applied for and issued under the <i>Living Marine Resources Management Act 1995</i>, these have a 12-month expiry, creating a regulatory burden through annual reapplications.</p>	 <p>Issue 6: Regulation not always fit for purpose</p>

Action	Summary	Issues alignment
1.11 Request that the Department of Health introduce statutory guidelines to clarify that distilleries, wineries and breweries are not 'food preparation areas'	<p>Statutory guidelines will ensure that businesses are not incorrectly classified as food preparation areas and asked to adhere to fit-out requirements that are not suitable for the primary operation. They would also help resolve conflicts between food safety regulations and work health and safety standards, such as ventilation.</p> <p>Regulatory officers will be better equipped to assess applications for distilleries, wineries and breweries, promoting consistency across local council areas and facilitating better interactions between businesses and regulatory bodies.</p>	 Issue 1: Lack of accessible information
1.12 Examine the introduction of internal service standards for permits or licences without statutory timeframes	Introduce service standard timeframes for all permits, licences and approvals for agritourism businesses that do not have statutory timeframes to provide transparency and certainty in the regulatory approval process governing agritourism. Timeframes should be published on the Business Tasmania Website and website of relevant regulatory agency.	 Issue 2: Regulatory complexity
1.13 Update liquor licensing regulation to simplify and streamline requirements as well as provide same fees for distilleries as for wineries and cellar doors	<p>The liquor licensing process was identified through the stakeholder engagement process as exceptionally difficult to navigate with operators often applying for one permit type and then realising they needed another.</p> <p>In addition, the Department of Treasury and Finance have established fee concessions for liquor licenses for wineries and cellar doors. These fee concessions were put in place to assist the wine industry grow and prosper in Tasmania when the industry was in its infancy.</p> <p>The TWSA has submitted that similar concessions should be made to the distilling industry for the same reasons. Given the emerging importance of distilleries in the agritourism industry this is considered a reasonable position.</p>	 Issue 3: Experience and expertise of practitioners

Recommendation: Provide easily accessible information to support agritourism businesses in the regulatory process

Action	Summary	Issues alignment
2.1 Finalise and release the Tasmanian Agritourism Toolkit: navigating the regulatory process	<p>The toolkit is a plain English guide for the non-expert that provides an overview of the regulatory process and will help businesses understand:</p> <ul style="list-style-type: none"> what permits and licences are required up front who the first contact points should be what consultants and reports may be required. <p>The toolkit can provide tips on what to think about in the business feasibility stage, how to streamline the regulatory process, and what timeframes and costs to expect.</p>	 <p>Issue 1: Lack of accessible information</p>  <p>Issue 2: Regulatory complexity</p>
2.2 Develop and facilitate an 'approvals' master class for agritourism businesses	<p>While the toolkit will provide a good first point of reference for agritourism proponents, an 'approvals' master class will allow for a more in-depth understanding for those who require it. The master class should be presented by experts in the regulatory process and should provide for questions.</p> <p>A master class will empower businesses with information to help them make informed decisions about the process of starting or expanding their agritourism business.</p> <p>A master class could be held on a regular basis (once or twice yearly) and could be recorded so it can be accessed online.</p>	 <p>Issue 1: Lack of accessible information</p>  <p>Issue 2: Regulatory complexity</p>
2.3 Grow specialist support services in Business Tasmania that are dedicated to agritourism to support business owners	<p>A small agritourism team established within State Government would provide support and advocacy to businesses. This would improve access to information and the 'coal-face' experience, whilst also alleviating pressure on time-poor regulatory officers.</p>	 <p>Issue 1: Lack of accessible information</p>  <p>Issue 5: The 'coal-face' experience</p>

Action	Summary	Issues alignment
2.4 Create a technical support panel for agritourism operators, or implement an alternative financial support measure, to assist them in obtaining approvals or bringing existing facilities up to standard	<p>A technical support panel established through the new specialist support service (recommendation 2.3) comprising relevant private sector experts will help agritourism businesses by providing an opportunity to provide advice about specific approval requirements or process issues while they are engaged in the process, without having to personally engage that expert.</p> <p>The technical support panel will provide an opportunity to:</p> <ul style="list-style-type: none"> • sense check ideas and promote the consistent spread of information • remove pressure from councils to act as an advice line, which can conflict with their independent assessment function • provide a second line of defence in case businesses obtain incorrect information. <p>It is recommended that the technical support panel is established through an EOI process with relevant private sector practitioners to determine suitability of skills and experience, and that there is reimbursement of costs in providing advice through government support to the expert. This avoids the common issues of free expert advice lines, where responses are not prioritised by the expert due to paid work commitments or agritourism businesses are encouraged into commissions.</p>	 Issue 1: Lack of accessible information
2.5 Provide access for agritourism businesses to relevant Australian building standards for agritourism businesses	<p>Relevant Australian Standards should be more easily available and affordable to agritourism businesses through support by State Government. Business Tasmania should purchase access to Australian Standards relevant to agritourism developments and make available to agritourism business either through advice, website or some other mechanism.</p>	 Issue 1: Lack of accessible information
2.6 Encourage councils that are not already doing so to establish a one-stop shop, pre-application advice service	<p>A one-stop shop, pre-application service where potential proponents can submit an initial concept and be provided with written advice that covers all regulatory requirements is already provided by some councils and was identified as helpful during the engagement process. Some councils charge a small fee for this service.</p> <p>Encouraging councils, particularly those in rural areas, to provide a similar service would be broadly beneficial, particularly for the mum-and-dad type agritourism proponents. Setting up the service so that it can be done electronically without the need for a face-to-face meeting, where all people need to be in the room at once, helps to overcome resourcing constraints in smaller councils where many regulatory staff only work part time. A small fee is considered reasonable and helps to overcome the cost burden to council.</p>	 Issue 1: Lack of accessible information

Recommendation: Create greater awareness of the agritourism industry and the policy context with regulators

Action	Summary	Issues alignment
3.1 Prepare and circulate an 'About agritourism' fact sheet to regulators	<p>Through the process of engaging with regulators it became apparent that there was a general unawareness of the agritourism industry and the policy priorities of State Government to grow the visitor economy through this industry. There were also varying definitions used by regulatory staff, some of which did not reflect the contemporary agritourism environment.</p> <p>A simple fact sheet can be circulated among regulators providing information on what agritourism is, its importance to the economy and the policy context. This will be a useful tool to create greater awareness and indirectly improve the administration of regulatory requirements.</p>	 <p>Issue 3: Experience and expertise of practitioners</p>  <p>Issue 4: Inconsistency in interpretation</p>
3.2 Facilitate regional sessions for regulators on this project and key issues	<p>A better understanding by regulators of how businesses experience the regulatory system and the key issues that have arisen will go a considerable way to supporting agritourism businesses in the regulatory process. It will provide a more holistic appreciation of the role of the regulatory environment as an enabler of the right forms of economic activity in the agritourism industry.</p> <p>The fact sheet (recommendation 3.1) lists specific ways in which regulators can assist agritourism businesses throughout the regulatory process.</p>	 <p>Issue 3: Experience and expertise of practitioners</p>  <p>Issue 5: The 'coal-face' experience</p>
3.3 Facilitate 'understanding agritourism' training for regulatory staff, private certifiers and other regulatory decision-makers such as local councillors	<p>Similar to the more in-depth understanding that the master class will provide to agritourism proponents over the toolkit, a specific training program for all decision-makers in the regulatory process will help them gain greater depth of knowledge of agritourism activities and how they interact with the process and specific regulatory requirements. This will also go a considerable way to resolving the issues identified.</p>	 <p>Issue 3: Experience and expertise of practitioners</p>  <p>Issue 4: Inconsistency in interpretation</p>
3.4 Provide regulator access to the new specialist support services	<p>With the establishment of specialist support services (recommendation 2.3) it will be possible to also support regulators on a day-to-day basis should they have questions about the agritourism industry, which will help them in their administrative role. This access can also be used as a feedback loop for regulators to raise new or emerging issues relevant to the agritourism industry.</p>	 <p>Issue 3: Experience and expertise of practitioners</p>  <p>Issue 4: Inconsistency in interpretation</p>

Recommendation: Increase the capacity of regulators and experts to assess agritourism proposals

Action	Summary	Findings alignment
4.1 Prepare guidelines in consultation with the Department of Health on allowable solutions under the relevant Australian standards for commercial kitchens and food preparation areas	<p>Guidelines help improve interactions and outcomes between businesses and regulatory officers, by providing information on allowable solutions as they relate to small agritourism operations, which both parties can rely on.</p> <p>Businesses will be empowered with information, and regulatory officers will have confidence that their interpretation adequately addresses the risks and reflects the advice of the Department of Health.</p> <p>This will help businesses understand the steps and promote consistency in interpretation.</p>	 Issue 1: Lack of accessible information
		 Issue 2: Regulatory complexity
		 Issue 3: Experience and expertise of practitioners
		 Issue 4: Inconsistency in interpretation
4.2 Facilitate training, with the Department of Health, for council environmental health officers on how to interpret and apply food preparation requirements for agritourism businesses	<p>In conjunction with recommendation 4.1, training for environmental health officers will provide greater understanding of various agritourism food service businesses, the food safety risks, and allowable solutions appropriate for the size and scale of the operation. This will help regulatory officers apply regulation and support resolving issues identified regarding complexity and consistent interpretation.</p>	 Issue 2: Regulatory complexity
		 Issue 3: Experience and expertise of practitioners
		 Issue 4: Inconsistency in interpretation

Action	Summary	Issues alignment
<p>4.3</p> <p>Request that CBOS strengthen its professional certification review and auditing program</p>	<p>The engagement process identified some examples of where private consultants and service providers are not providing accurate advice or discharging their statutory obligations appropriately. Adequately managing the professionals operating in any industry is important to maintain appropriate standards and integrity. Like any other industry, technical experts and consultants should refresh their skills with regular training and professional development, and be accountable for non-compliance.</p> <p>Ensuring that the professional certification review program is adequate will resolve issues raised about experience and expertise.</p>	 <p>Issue 3: Experience and expertise of practitioners</p>



Vineyard | Granton, Southern Tasmania
Photo courtesy of Moon Cheese Studio and Brand Tasmania

Appendix A: Detailed analysis of potential approvals

Landowner consent and works on public land permit

Before submitting a planning permit application, landowner consent is occasionally required. Landowner consent relates only to Crown land (usually Property Services in the Tasmania Parks and Wildlife Service – formerly Crown Land Services – or State Growth)¹ or council land. It does not relate to private freehold land – for private freehold land the owner only needs to be notified.

Consent is required pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993* (Tas) (LUPAA), as follows:

If land in respect of which an application for a permit is required is Crown land, within the meaning of the Crown Lands Act 1976 (Tas), is owned by a council or is administered or owned by the Crown or a council and a planning scheme does not provide otherwise, the application must –

- (a) *be signed by the Minister of the Crown responsible for the administration of the land or by the general manager of the council; and*
- (b) *be accompanied by the written permission of that Minister or general manager to the making of the application.*

The types of applications for which consent is required are broad in scale and do not just relate to major projects. Most instances where landowner consent arises are because related infrastructure may be on a road or other public space, such as a new access, a pipe or a sign, or where part of the activity occurs on a coastal reserve or potentially past a high-water mark where attached to the land.² A key consideration of whether the consent is granted is whether the activity is appropriate to the public land purpose.

The process for obtaining landowner consent varies depending on the relevant authority. The Property Services division in PWS, the Department of State Growth and some councils have established internal administrative processes with their own application forms, requirements and timeframes. Most councils, however, provide landowner consent through a more informal administrative process.

In addition to consent for lodging a planning permit application (if required), a works permit is also required from the relevant authority before construction of those works can commence. At this stage the authority is primarily focusing on the management of activity on public land to avoid damage to the public land and minimise inconvenience to other users. Again this process varies depending on the relevant authority.

Relevant authority:	<ul style="list-style-type: none">• Local council (for Council owned roads);• Department of State Growth (for state roads); or• Property Services at PWS (for other Crown land).
Cost:	No application fee. Costs limited to consultant assistance or documentation preparation.
Timeframe:	No legislative timeframes State Growth has internal timeframe of 20 business days for consent applications. No internal timeframe for Property Services Division in PWS or local government

¹ Crown consent would also be required for land managed through Communities Tasmania, Department of Health or Department of Education; however, these are less likely to be encountered outside the urban environment.

² The LUPAA does not regulate use and development past high-water mark if it is not attached to land, and in this circumstance only a works permit would be required by the PWS.

Planning permit

Use and development of land is principally managed through LUPAA, which establishes a planning permit as the means to authorise these activities. A planning permit is issued in accordance with the requirements of the applicable planning scheme in the relevant municipal area³. Currently in Tasmania each council is transitioning to the Tasmanian Planning Scheme (TPS), which is being implemented as each Local Provision Schedule is approved by the Tasmanian Planning Commission. Older schemes are referred to as Interim Planning Schemes (IPS).

The planning scheme primarily controls use and development on land through the application of zones. Each zone provides for a table of use and a suite of use and development standards. Development standards are divided into standards for 'Building and works' and standards for 'Subdivision'.

Uses are grouped into use classes and each use must be categorised into one of those on a best fit basis⁴.

The most likely use classes relevant to agritourism businesses are defined under the TPS as:

Food services:	means use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and takeaway food premises.
General retail and hire:	means use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, bottle shop, cellar door sales, commercial art gallery, department store, hairdresser, market, primary produce sales, local shop, shopfront dry cleaner, and supermarket.
Resource processing:	means use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling.
Tourist operation:	means use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitor centre or interpretation centre, wildlife park and zoo.
Visitor accommodation:	use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.

The most applicable zones to agritourism businesses would be:

- under the IPS, the Rural Resource and Significant Agriculture zones
- under the TPS, the Rural and Agriculture zones.

These are also the principal zones that give effect to the *State Policy on the Protection of Agricultural Land 2009*, which is a legislative requirement of planning schemes.

In the IPS there is currently some slight variation around the status of the abovementioned uses in the Rural Resource and Significant Agriculture Zones, due to the regional variation. Generally, though, these uses are discretionary and require consideration of how they relate to the use of the land for primary industry or agricultural purposes and manage the loss of agricultural land.

In the Rural Zone under the TPS, the abovementioned uses continue to be discretionary. Both the Food services and General retail and hire use classes require them to be undertaken in association with a Resource development⁵ or Resource processing use.

³ There are other approval processes available for activities that extend across municipal boundaries.

⁴ There are some circumstances where uses can be considered ancillary and subservient to a principal use on a site.

⁵ Resource development is the use that relates to most agricultural activities and is defined as "use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fish stock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry, forest operations, turf growing and marine farming shore facility." Resource development is usually a No Permit Required use in the rural/agricultural zones.

In the Agriculture Zone under the TPS, Food services and General retail and hire use classes are permitted where related to Resource development or Resource processing, but otherwise are discretionary. Resource processing and Tourist operations are discretionary. This is a slightly easier pathway than the IPS for Food services and General retail and hire uses like cellar doors and restaurants.

Visitor accommodation is permitted if within an existing building in the Rural Zone but otherwise discretionary in both the Rural Zone and the Agriculture Zone.

In all circumstances there are also use standards that require an assessment of whether discretionary use in those zones is related to and protects agricultural land.

Additional to the zones there are a suite of codes within the scheme. The codes set out provisions that may apply to more than one zone or cannot be described by zone boundaries. Some codes are applied by way of a spatial overlay and others by textual application (i.e. certain type of use and development). Where there is a conflict between a code and zone provision, the code provision prevails. Some codes require specific technical information to accompany the application to demonstrate compliance.

Sometimes a place, while not listed under the Tasmanian Heritage Register, is listed under the Heritage Code in the planning scheme and therefore a heritage assessment is still undertaken. In this situation the assessment is by the local Council and does not involve the THC.

The planning scheme also provides for exemptions, general provisions (that apply across the entire municipal area) and site-specific provisions (in the form of particular purpose zones or specific area plans).

Under the planning scheme, use and development may be classified as follows.

- **No permit required** – a permit is not required to commence or carry out a use or development.
- **Permitted** – a use or development must be granted a permit.
- **Discretionary** – the planning authority has a discretion to refuse or permit a use or development.
- **Prohibited** – a use or development permit must not be granted.

Any use and development standard includes an Acceptable Solution and Performance Criteria. The Acceptable Solution is the Permitted standard and the Performance Criteria is the Discretionary standard.

The vast majority of planning applications in Tasmania are discretionary and therefore require public notification for 14 days with third party appeal rights to any representor who puts in a representation during the public notification period. Depending on whether representations are appealed, the decision may be made at the officer level or by a council's elected members.

Relevant authority: **Local Council**

Cost:	Application fees are set by individual councils through their fees and charges schedule and therefore vary across the State. Fees depend on value of works and whether public exhibition is required. They can range in total from approximately \$500 for a low value permitted application to over \$25,000 for a high value discretionary application. Average planning permit application fees are between \$1,000 and \$3,000. In addition to application fees, proponents should factor in the cost of preparing application documentation and technical reports. Average costs for technical reports where required by a planning scheme are between \$3,000 and \$7,000 depending on complexity of issue.
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Timeframe:	Permitted application – 28-day assessment period, with a 14-day period to request further information (that stops the clock). Discretionary application – 42-day assessment period, with a 21-day period to request further information (that stops the clock). Appeal period following issue of a planning permit is 14 days and the permit does not take effect until that period has completed or any planning appeal is resolved.
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Secondary consent

Increasingly planning permits are issued subject to conditions, some of which require provision of more detailed or technical information for sign-off in order to fully demonstrate that the relevant planning scheme requirements are met. This is because the planning scheme requirements have increased in complexity over the last few decades.

Additionally, minor amendment applications to planning permits are relatively common and often naturally arise as proponents move from concept to detailed design, particularly when dealing with larger or more complex developments.

Both of these fall under the scope of secondary consents.

The LUPAA provides a statutory framework, including timeframes relevant to secondary consents.

For condition of endorsement, the LUPAA provides a 20-business-day assessment period for each time it receives new material relating to the satisfaction of a condition.

Section 56 of the LUPAA provides the framework for the assessment of minor amendments. The tests under these legislative requirements can sometimes be difficult to meet, in which case the amendment cannot be considered and would be required to be assessed through a new planning permit process. The main test to meet is whether the proposed changes will cause an increase in detriment to any person. Additionally, there is a 28-day assessment period for the determination of minor amendment requests. However, unlike the planning permit process, there are no implications for councils that do not meet this assessment timeframe.

Relevant authority:	Local Council
Cost:	Application fees for minor amendments are set by individual councils through their fees and charges schedule and therefore vary across the State. Average fees are between \$100 and \$500. There are no fees for consents relating to satisfying conditions of approval. In addition to application fees, proponents should factor in the cost of preparing technical documentation required to satisfy conditions of approval.
Timeframe:	Planning authorities have 28 statutory days to assess minor amendment applications and 20 statutory days to review documentation required to satisfy conditions of approval.

Heritage works approval

Where a place is listed on the Tasmanian Heritage Register, either a works exemption or a works permit is required to be issued by the THC under the *Historic Cultural Heritage Act 1995* (Tas) (HCHA). Heritage listed properties in agricultural areas occur regularly.

A works exemption can usually be applied for relatively early on in the design process. A works permit must be issued by way of a planning permit as the HCHA and the LUPAA provide for a combined assessment process.

Heritage Tasmania is the administrative support agency for the THC. It will provide pre-application advice to guide proponents through the process, and there is a comprehensive Works Guidelines available through its website.

It is important to recognise that sometimes heritage is also a relevant consideration for the planning assessment process, where a place is locally listed but not on the Tasmanian Heritage Register. This is not part of the Heritage works approval but rather part of the planning approval process.

Relevant authority:	Tasmanian Heritage Council
Cost:	<p>There are no application fees payable directly to the Tasmanian Heritage Council as these are integrated into the planning permit fee.</p> <p>In addition to application fees, proponents should factor in the cost of preparing technical documentation such as conservation management plans or heritage impact statements.</p>
Timeframe:	Where a works permit is required, the statutory timeframe under the LUPAA is extended to 49 days but can be extended at the request of the Tasmanian Heritage Council to 63 days.

EPA approvals

Level 2 approvals⁶ are where approval is required by the Environment Protection Authority Tasmania (EPA) under the *Environmental Management and Pollution Control Act 1994* (Tas) (EMPCA) for an activity that is either a scheduled level 2 activity or is called in as it has potential to cause environmental harm.

This approval requirement is unlikely to apply to most agritourism businesses, particularly at the artisan scale. Approval may however be required as successful agritourism operators look to scale up operations.

The only potential type of activity that the EPA has an interest in is processing type activities; however, the threshold for EPA assessment is relatively high in terms of production volume. Specifically, section 4 of Schedule 2 under the EMPCA lists the following activities as level 2 activities:

- a) Abattoirs or Slaughterhouses: the conduct of meat processing within the meaning of the *Primary Produce Safety Act 2011* (Tas) for producing 100 tonnes or more of meat or meat products per year.
- b) Breweries and Distilleries: the conduct of works for the production of beer by infusion, boiling or fermentation, or spirits by distillation, being works with a capacity to consume 100 kilolitres or more of water in a working day of 8 hours.
- c) Fish Processing: the conduct of works for scaling, gilling, gutting, filleting, smoking, drying or otherwise processing fish for sale, other than by freezing, chilling or packing, and in which 100 tonnes or more of product per year are produced.
- d) Milk Processing Works: the conduct of works at which milk is separated, evaporated or otherwise processed for the manufacture of milk powder, cheese, butter, ice cream or other similar dairy products, being works with a processing capacity of 3 000 litres or more of whole milk, skimmed milk, evaporated milk or cream in an 8 hour working day.
- e) Produce Processing Works: the conduct of works for the processing of vegetables, seed, grain, fruit or any other agricultural crop material by deep fat frying or roasting or boiling or drying through application of heat, being works with a processing capacity of 50 kilograms or more per hour.
- f) Rendering or Fat Extraction Works: the conduct of works at which animal, fish or grease trap wastes or other matter is processed or is capable of being processed by rendering or extraction or by some other means to produce tallow or fat or their derivatives or proteinaceous matter, being works with a total processing capacity of 50 kilograms or more per hour where a continuous cooker is used, or 50 kilograms per batch where a batch cooker is used.
- g) Wool Scourers, Tanneries or Fellmongeries: the conduct of works for the scouring of wool or the commercial preservation or treatment or drying of animal skins or hides and producing 100 tonnes or more per year of product.
- h) Finfish farming.

Relevant authority: **Environmental Protection Authority Tasmania**

Cost: \$30,000 - \$150,000.

Proponents should be aware that the cost of preparing environmental impact statement documentation for a level 2 assessment can be a significant task and involve consultant fees ranging from \$30,000 through to several \$100,000 including technical reports.

Timeframe: 3-12 months depending on class of assessment.

6 Within this legislative framework the RMPS establishes three levels of assessment:
• Level 1 – Standard planning permit application assessed under the LUPAA
• Level 2 – Combined environmental and planning assessment under the EMPCA and LUPAA
• Level 3 – Project of State Significance assessed under the *State Policies and Projects Act 1993*.

Aboriginal heritage approvals

Where agritourism business involves land disturbance, approvals relating to the protection of Aboriginal heritage sites may be required. The process facilitated by the *Aboriginal Heritage Act 1975* involves a stepped process as follows.

- Undertake a due diligence search which can be done by two methods. Firstly, via a dial-before-you-dig search which confirms whether you are okay to proceed on the basis of the unanticipated discovery protocol⁷, or a further desktop assessment by AHT is required. Or, secondly, you can skip the dial-before you dig search and submit a desktop request to AHT. Results can take up to 10 business days on the second option.
- If a 'stop' result is received as a result of the due diligence search, it will be necessary to engage an Aboriginal heritage practitioner to undertake an onsite assessment and refer the assessment to AHT and the Aboriginal Heritage Council for their sign-off. The practitioner will advise if a permit under the *Aboriginal Heritage Act 1975* is required.
- If a permit is required, a permit application form with relevant supporting documentation must be submitted to AHT for formal consideration by the Aboriginal Heritage Council and the Minister.

Relevant authority: Aboriginal Heritage Tasmania

Cost: No application fees.

If an onsite assessment is required by an Aboriginal Heritage practitioner, the cost of this documentation generally ranges between \$5,000 and \$10,000, although can be lower or higher depending on the spatial area to be surveyed.

Timeframe: There is no statutory timeframe for assessment of a permit application if required. Generally, 36 months should be allowed for formal determination.

⁷ The Unanticipated Discovery Protocol will apply to all land disturbance in Tasmania and must be followed. Harming of an Aboriginal heritage site, can now attract significant fines of between \$800,000 to \$1.6 million.

Other ecological approvals

Where agritourism business involves land clearance or disturbance of native vegetation, other approvals relating to ecological values may be triggered⁸. These are permits under the *Threatened Species Protection Act 1995*, *Nature Conservation Act 2002*, the *Nature Conservation (Wildlife) Regulations 2021* or potentially referral under the EPBCA.⁹

Most agritourism businesses are unlikely to encounter these requirements. Whether these approvals are required can only be determined following the preparation of a Natural Values Assessment in accordance with the Department of Natural Resources and Environment guidelines.

Sometimes in rarer situations, the native vegetation may be protected under the *Environment Protection and Biodiversity Conservation Act 2002* (Commonwealth) and a referral to the Australian Government is required to be undertaken if the extent of disturbance potentially represents a significant impact. Whether a referral is required should be determined by a qualified practitioner.

Relevant authority: **NRE Tas or Department of Agriculture, Water and Environment (Commonwealth).**

Cost: \$5,000 - \$20,000

Timeframe: 1-6 months

⁸ Clearance of native vegetation is also managed through the planning permit process.

⁹ Many of the native grasslands found through agricultural areas are listed under the EPBC Act additionally some native vegetation types such as the *Eucalyptus ovata* Forest and Woodland and habitat for the swift parrot also may trigger the EPBC Act assessment if the project impacts are deemed significant.

Building and occupancy permits

The *Building Act 2016* provides the legislative framework for all building, plumbing and demolition work in Tasmania and is supported by the *Building Regulations 2016*, Director's Determinations, and the National Construction Code (Volumes 1 and 2) and referenced Australian Standards.

There are three categories of building work, based on the level of risk.

- Permit building work is the highest risk and requires a building permit issued by council. It includes commercial, industrial and public buildings and therefore would be applicable to most agritourism businesses that are undertaken in a building:
 - A building surveyor must be engaged and they assess the design documentation against the requirements of the *Building Act 2016*. This assessment involves confirming the documentation has been prepared by licensed building services providers, and that the construction detail across architectural, structural, electrical, mechanical and hydraulic documentation, as well as all supporting documentation (e.g. other approvals, technical assessment and reports, etc.) is consistent, sufficient and compliant with the legislation.
 - Part of this assessment involves referring the design documentation to reporting agencies, such as the Environmental Health Officer for premises used for preparing and serving food, the Tasmania Fire Service for premises over a certain size or used for storing hazardous goods (including potable spirits), and relevant function control authorities, such as the Tasmanian Dairy Industry Authority for dairy premises or the Commissioner for Licensing for premises used for preparing and serving alcoholic beverages.
 - If the design documentation meets the requirements of the building legislation, the building surveyor issues a Certificate of Likely Compliance – Building Work and forwards it to council. The council reviews the certificate and undertakes internal referrals, and then grants a building permit. The Certificate of Likely Compliance contains conditions for construction and nominates the mandatory notification stages during construction where the building surveyor must be notified, and the building surveyor may cause inspections to be carried out during construction.
 - Once complete, the building surveyor refers to the relevant reporting agencies, conducts a final inspection, assesses the relevant construction documentation (including a Standard of Work Certificate from the builder), and issues an Occupancy Permit (if one is required) and a Certificate of Final Inspection. This documentation is forwarded to council, and council issues a Certificate of Completion – Building Work.
- Notifiable building work is for medium risk work and, while it still requires a building surveyor, it does not need to go to council for a building permit: instead, council is notified by the building surveyor. Notifiable building work largely pertains to residential building work, some additions and alterations to commercial buildings, and signs.
 - A building surveyor must be engaged for notifiable work and the same process is followed as for permit work, including referrals to external agencies. The design documentation must still be prepared by licensed designers, and the building surveyor's Certificate of Likely Compliance and approved design documentation is provided to council as notification of the work. On completion of the building work, the building surveyor issues an Occupancy Permit (if one is required) and the Certificate of Completion – Building Work, and forwards these to council for its records.
- Low risk work is that which does not need a permit (either from council or a building surveyor-issued Certificate of Likely Compliance). It includes low decks, carports and some outbuildings. This type of work still needs to comply with the *Building Act 2016* and be undertaken by a licensed builder but does not need approval.
 - Low risk work by a licensed builder is building work that does not need a permit from council or a Certificate of Likely Compliance from a building surveyor but must be undertaken by a licensed builder and still comply with the *Building Act 2016*. This type of building work includes minor, non-structural alterations in dwellings, small outbuildings and signs, and internal, non-structural fit-outs of commercial buildings. This type of work requires a Notification of Low Risk Work to be provided to council.
 - Low risk work by an owner is as above, but is smaller in scope and generally applies only to residential repairs and smaller outbuildings. This work must also comply with the *Building Act 2016* and requires a Notification of Low Risk Work to be provided to council.

Compliance with the *Building Act 2016* is also required for mobile structures that may be occupied or used for business purposes, and also temporary structures (such as marquees over a certain size and stages). A building surveyor must be engaged to assess the design documentation for such structures, which may include a referral to an external agency. If the structure is assessed as being suitable for occupancy, a Temporary Occupancy Permit is issued and provided to council for their records. An inspection of the mobile or temporary structures is generally conducted by the building surveyor before the Temporary Occupancy Permit comes into effect.

Relevant authority: **Local Council but requires private certification**

Cost:

There are a number of fees associated with obtaining a building approval.

Fees associated with the preparation of design documentation by licensed designers (including building designers, structural engineers, and building services designers), and the preparation of technical reports that set the context for building work (including bushfire, riverine or coastal inundation, soil, landslip, and energy efficiency reports). Design documentation for an agritourism business could be expected to be at least \$20,000 upwards, depending on the complexity of the project, and could be as much as \$300,000. Technical reports could be expected to range between \$3,000 and \$7,000 depending on the complexity of the issue.

Building surveyor fees for a Certificate of Likely Compliance may be charged according to the estimated value of work proposed, or according to the estimated time required to assess the design documentation, provide compliance oversight during construction and issue the relevant permits and certificates. Building surveying fees for an agritourism business could be expected to be at least \$3,000 for a simple structure and up to \$50,000 for large, complex structures requiring multiple designers and referrals. There is no difference in fees for notifiable or permit work as the same services are required of the building surveyor.

Fees for referrals vary from agency to agency and are generally up to \$500 for each project (this generally includes a report on the design documentation and an inspection of the completed work).

Council fees for building work vary considerably. Councils charge fees for notifiable building projects, generally up to \$900 depending on the council, estimated cost of work and class of building. Their building permit fees can range from \$180 to \$5,000 depending on the council, estimated cost of work and the class of building, and additional fees are charged for amendments (up to \$450) and extensions to building approvals (up to \$450), regardless of whether they are notifiable or permit building work.

The Tasmanian Government charges a building administration fee of 0.1% of the estimated cost of work, and a Building and Construction Industry Training Fund levy of 0.2% of the estimated cost of work, for all building work over \$20,000. These fees are collected by council on behalf of the State Government.

Building surveyor fees for a Temporary Occupancy Permit vary depending on the complexity and number of structures, but could be expected to range between \$1,500 and \$3,000.

Timeframe: For permit work, the time required to obtain a building approval has a number of elements.

- The preparation of design documentation can take months, and potentially over a year for complex projects. The building surveyor may also be involved to provide compliance advice and preliminary assessment during design development.
- Once the full and final set of design documentation and the certification application is received, the building surveyor has a 14-day period to carry out their assessment and provide their certification for notifiable work: it is 21 days for permit work. Requests for further information stop the clock.
- Referrals to reporting agencies have a 14-day timeframe for a response to be provided to the building surveyor.
- On receiving the building surveyor's certification and a building application, council has 7 days to issue a building permit.

For carrying out notifiable work:

- a Certificate of Likely Compliance has a 1-year timeframe or until a Start Work Authorisation is issued by the building surveyor, whichever comes first. If no Start Work Authorisation is issued, the certification expires after 1 year.
- Building work has a 2-year timeframe in which it is to be completed, taken from the date of the Start Work Authorisation, although an extension to this duration can be sought from the building surveyor.

With regards to Temporary Occupancy Permits, a building surveyor has a 21-day timeframe to issue the permit after receiving the design documentation and application, and a Temporary Occupancy Permit can be valid for up to 3 years.

Plumbing permit

Plumbing approvals in Tasmania are also regulated under the *Building Act 2016*. Similar to building approvals, there are three categories of plumbing work based on the level of risk.

- Permit plumbing work is the highest risk category and requires a plumbing permit issued by council. It includes plumbing work in multistorey buildings, in the combined sewerage/drainage area in Launceston, in karst areas of the Meander Valley municipality, where fire services for commercial premises or onsite wastewater systems are required, and where a trade waste installation is required. A plumbing permit would therefore be applicable to most agritourism businesses, and anything that requires trade waste would also need approval from TasWater.
 - The plumber (or owner) engages a licensed plumbing designer to prepare the plumbing design documentation and applies to council for a Certificate of Likely Compliance – Plumbing Work and Plumbing Permit. The council assesses the design documentation for sufficiency and accuracy and may also undertake internal referrals, including requesting a report from the Environmental Health Officer (e.g. for trade waste installations). If satisfied, council issues a Certificate of Likely Compliance – Plumbing Work and Plumbing Permit, which lists the mandatory notification stages of the plumbing work, and authorises plumbing work to commence.
 - Council undertakes inspections during the work and on completion, and assesses any as-constructed documentation (including a Standard of Work Certificate from the plumber) before issuing a Certificate of Completion – Plumbing Work.
- Notifiable plumbing work is medium risk work that still requires a Certificate of Likely Compliance – Plumbing Work from council but not a plumbing permit. It includes new stormwater installations, sanitary plumbing and water reticulation, and alterations of fire services.
- The design documentation must still be prepared by a licensed designer and the work carried out by a licensed plumber, and the council still assesses the documentation and authorises plumbing work to start, inspects the work and issues a Certificate of Completion – Plumbing Work.
- Low risk plumbing work is work that does not need a permit or Certificate of Likely Compliance – Plumbing Work from council but must be undertaken by a licensed plumber.
 - This work generally includes the repair and maintenance of sewerage, stormwater and water reticulation systems, installations of rainwater tanks, and relocation of water reticulation within a room. But some of this work requires as constructed documentation to be provided to the council on completion, such as repairs and maintenance of onsite wastewater and trade waste systems.
 - Low risk plumbing work by an owner is minor plumbing work such as the maintenance and repair of water tapware and stormwater grates, pumping out of septic tanks and trade waste, and new irrigation systems. As with building work, this work must also comply with the *Building Act 2016*.

Relevant authority: **Local Council**

Cost: The preparation of design documentation by a licensed plumbing designer most commonly occurs as part of the building documentation preparation, so these fees are accounted in the building permit above.

Plumbing fees are variable among councils: councils generally charge around \$200-900 for notifiable plumbing work and up to \$8,000 for a plumbing permit, including the Certificate of Completion (although these fees can be considerably higher, up to \$14,000, for high-value projects).

Onsite wastewater installations can attract additional fees generally up to \$500, plumbing inspections are up to \$300 each, and amendments to plumbing approvals can be up to \$600. Extensions to plumbing approvals are generally \$100-\$450.

Timeframe: The time required to obtain a plumbing approval has a number of elements.

- The preparation of design documentation can take months, and potentially over a year for complex projects.
- Once the full and final set of design documentation and the plumbing application is received, the council has a 14-day period to carry out its assessment and provide its certification for notifiable work: it is 28 days for permit work and requests for further information stop the clock.
- Referrals to the Environmental Health Officer have a 14-day timeframe for a response to be provided.

For permit work:

- A Certificate of Likely Compliance has a 1-year timeframe or until the plumbing permit is issued by council, whichever comes first. If no plumbing permit is issued, the certification expires after 1 year.
- Plumbing work generally has a 2-year timeframe in which it is to be completed, taken from the date of the building permit, although an extension to this duration can be sought from council.

For carrying out notifiable work:

- A Certificate of Likely Compliance has a 1-year timeframe or until a Start Work Authorisation is issued by council, whichever comes first. If no Start Work Authorisation is issued, the certification expires after 1 year.
- Plumbing work has a 2-year timeframe in which it is to be completed, taken from the date of the Start Work Authorisation, although an extension to this duration can be sought from council.

TasWater works approvals (DA Assessment and Certificate of Certifiable Works)

If a business is connecting to TasWater water and sewer infrastructure, including for trade waste¹⁰, TasWater will undertake an assessment to ensure that the requirements of the *Water and Sewerage Industry Act 2008* and associated regulations are met.

This assessment is done through the planning permit process through a referral to TasWater under the LUPAA. TasWater requires the provision of a concept servicing plan with the planning permit application and will issue a Submission to Planning Authority Notice outlining whether it is happy with the proposed connection and if there are any conditions to be met. This will form part of the planning permit.

Following this step, a Certificate for certifiable works will be required at the building and plumbing permit stage with a further compliance inspection following completion of works.

It is unlikely that most agritourism businesses will require TasWater works approval, as the provision of reticulated water and sewerage is limited to urban areas, towns and other settlements.

Relevant authority: **TasWater**

Cost: Application fees for assessment of development applications vary depending on scale of work:

- Minor - \$219.04
- Medium - \$363.57
- Major - \$699.36
- Significant - \$1,179.68

Proponents should be aware that TasWater application fees are invoiced directly to the applicant following issue of a planning permit.

Fees for issue of a certificate of certifiable work also vary depending on scale of work:

- Minor - \$310.86
- Medium - \$403.16
- Major - \$454.12
- Significant - \$573.09

Timeframe: The timeframe for assessment of development applications is built into the planning permit statutory timeframe.

For certificate of certifiable works, TasWater has a statutory timeframe of 28 days.

¹⁰ Trade waste is liquid waste generated by commercial businesses such as restaurants and food and beverage processing facilities.

TasNetworks approval

Generally, TasNetworks approval for a development is not required, unless it is for a subdivision or a major proposal.

However, if an additional electricity connection or a new 3-phase connection¹¹ is required, TasNetworks will be required to connect the service and an application will be required.

TasNetworks classifies connections into 'basic' and 'negotiated'. If a basic connection, an electrical contractor can undertake the work subject to completing an application form at least one month prior to the connection. The electrical contractor also needs to submit an Electrical Works Request which is processed by TasNetworks and then provided to the Electricity Retailer to create the account and install metering. TasNetworks inspects within 10 days of the works and then metering is performed within 6 days of the inspection. It is then ready to use.

A negotiated connection is more complex and will on average take 4 to 6 months for TasNetworks to investigate, design and quote. A TasNetworks contractor is required to undertake the work. In rural/agricultural areas, agritourism businesses are more likely to encounter a negotiated connection, particularly if the business is located physically distant from existing reticulated infrastructure.

Relevant Authority: **TasNetworks**

Cost: Basic connection is limited to the cost of the electrical contractor.

Negotiated connection requires an application fee of at least \$500 in addition to the cost of the design and contractor.

Timeframe: Basic connection is 1.5 to 2 months for completion from lodgement of application form.

Negotiated connection is 4 to 6 months for design and quote (letter of offer) then up to 3 months for works completion.

¹¹ This is a particular type of electricity connection that is required for some processing types of activities due to the plant and machinery used on site.

Food business registration

Agritourism businesses involving the production or sale of food require annual registration with the local council under the *Food Act 2003*. Exceptions are the Type 3 and Type 8 agritourism businesses shown in Table 1, which only require a one-off notification to the local council. To determine which businesses, need registration as opposed to notification, the businesses are classified under the Tasmanian Food Business Risk Classification System in accordance with the *Food Act 2003*.

In addition, prior to registration with the local council and for new builds, there is a requirement to demonstrate to the local council that the building meets the requirement of Tas H102 of the National Construction Code. For an existing building that does not require a building permit, the premises must meet the requirements of the Food Safety Standards which is performance based rather than prescriptive, so it is possible to register home kitchens.

Agritourism businesses that do not involve a new build and would like to use their domestic home kitchen for small scale commercial ventures should notify their council. The council will determine the risk classification of the business and the suitability of the home kitchen for the intended purpose. The Department of Health provides a guide on the legislative requirements for home-based kitchens. These requirements are based on the Food Safety Standards as opposed to the National Construction Code for new builds. As the legislation pertaining to home-based businesses is outcome based, the focus is placed more on achieving a safe end-product than on design and construction details.

Agritourism businesses that would like to convert an existing structure, such as a shed or garage, into a food business will need to contact a building surveyor to apply for a change of use to the current building classification. Doing this would require the structure to comply with Tas Part H102 Food Premises of the National Construction Code. The fit-out requirements are identical to those for a new build.

Mobile abattoirs¹² are not covered by the *Food Act 2003* (Tas), but rather the *Primary Produce Safety Act 2011* (Tas) and *Primary Produce Safety (Meat and Poultry) Regulations 2014*, which are regulated by the Department of Natural Resources and Environment. However, a mobile butcher cannot be accredited under this legislation, as they do not meet the requirements of an abattoir. Mobile butchers can only currently operate on private property where the meat does not leave that property and is not sold, in other words private consumption by the grower.

Agritourism businesses that supply water to customers or guests from a private water source (other than from TasWater) may be required under the *Public Health Act 1997* to register with the local Council as private water supplier. Supplying drinking water from a private source comes with microbiological and non-microbiological risk, potentially causing illnesses from organisms such as E.coli, Giardia and Salmonella. In order to prevent any risk to public health, you must demonstrate compliance with the Tasmanian Drinking Water Quality Guidelines.

Under certain circumstances an exemption from registering as a private water supplier may be granted. The registration of a private water supplier is renewable annually and most Councils will charge a fee. In order to determine the registration requirements for your business please contact your local Council.

Relevant authority:	Local Council
Cost:	Application fees are set by individual councils through their fees and charges schedule and therefore vary across the State. They also depend on the type of food business registration being issued. Fees range from \$0 - \$530.
Timeframe:	No statutory timeframe. Approximately 4 to 6 weeks.

¹² While these are not an agritourism business type, ERA has been requested to consider regulatory requirements for these, as they are enablers of agritourism businesses.

Liquor licence

Any business that provides alcohol for sale or consumption must have a liquor licence. This includes cellar doors and restaurants. There are five types of licences provided for under the *Liquor Licensing Act 1990* (Tas) (Liquor Act). The likely applicable licences to agritourism businesses are as follows.

- A general licence authorises the sale of liquor on the licensed premises between 5 am and midnight daily, for consumption on or off the premises.
- An on-licence authorises the sale of liquor for consumption on the licensed premises between 5 am and midnight daily. Premises such as bars, lounges and nightclubs that do not have takeaway liquor service (off sales) usually operate under an on-licence. An on-licence also authorises the sale of liquor at a restaurant for consumption with or without food. An on-licence in respect of premises operating as a restaurant (where the principal activity is serving food for consumption on the premises) can be issued where the intention of the licensee is to continue to operate as a restaurant.
- A special licence authorises the sale of liquor on the licensed premises between specified times and is subject to specific limitations or restrictions such as the types of liquor that can be sold or the means by which sale takes place. This licence is usually issued to cafés, restaurants, function centres, tertiary institutions, accommodation providers, wine producers, wholesalers or tourist attractions.

In considering an application for a liquor licence under section 24A of the Liquor Act, whether an approval to alter the area of a licensed premises under section 47 of the Liquor Act meets the best interests of the community is determined by either the Commissioner for Licensing or the Tasmanian Liquor and Gaming Commission. Consideration is given to the object and scope of the Act, and the interests included in the *Liquor Licensing Regulations 2016*.

Under the Act a person must be fit and proper to be qualified to hold a licence or to be an associate of an applicant or licensee. If an associate is not fit and proper, then the applicant or licensee is not considered to be qualified to hold a licence.

The issue of a liquor licence can be subject to such conditions as the Commissioner thinks fit. The licence imposes ongoing obligations on the licensee in terms of ongoing operations, including that alcohol is served by people who have responsible service of alcohol training.

Licensed premises can be subject to inspection by Tasmania Police at any time.

To apply for a liquor licence, an application form must be completed along with details of the use, proof of identity, evidence that the use is authorised by a planning permit, evidence of land tenure, and site and floor plan details.

Relevant authority:	Department of Treasury and Finance
Cost:	No application fees. Costs limited to those associated with preparation of documentation, relevant responsible service of alcohol training, and ongoing compliance requirements.
Timeframe:	Approximately 6 to 8 weeks to determine a licence application.

Excise licence

If an agritourism business manufactures or stores excisable alcohol products, an excise licence is required from the Australian Taxation Office (ATO). In effect it applies if a business is producing alcohol and releasing it for public consumption.

The ATO provides both 'manufacturer' and 'storage' licences under the *Excise Act 1901* (Commonwealth). A business requires a manufacturer licence to:

- manufacture beer or wine
- distil spirits or undertake maturation of spirits
- generally, blend or reduce the strength of spirits, then manufacture liqueurs and other excisable beverages
- repackage duty-paid beer, including into growlers and squealers
- store the excisable alcohol products it manufactures at its excise-licensed premises
- denature alcohol.

A manufacturer licence will specify the type of excisable alcohol products that can be manufactured, and the location of the premises. The licence will also specify the activities the business can do with those goods. In its licence application, a business needs to detail to the ATO a sound method for measuring the alcohol content (which determines the excise duty amount) and monitoring. This may require installation of alcohol measuring equipment on site or use of acceptable mathematical calculations based on volume or weight and type of alcohol.

A storage licence is required to store 'underbond' excisable goods. Excisable goods are underbond if excise duty has not yet been paid. This is commonly required for wineries, distilleries, cideries or breweries that are storing bulk produce before packaging. The storage facility is known as a 'bond store'.

Standard reporting back to the ATO for calculation of applicable excise duty is weekly, but small producers can apply to report monthly.

The excise licence is also used as a basis for determining rebates to small producers.

Relevant authority: **Australian Taxation Office**

Cost: Application fees

Timeframe: Approximately 4 to 6 weeks to determine a licence application.

Fishing license

If you are intending to catch and serve seafood from Tasmanian waters as part of your agritourism experience, other than product from marine farming, you will need a commercial fishing licence. Obtaining a commercial licence is currently difficult unless you have an existing licence.

For more information visit <https://fishing.tas.gov.au/commercial-fishing/commercial-fishing-licences>

Relevant authority: **Fishing Tasmania**

Cost: Application fees vary depending on species. More detail can be obtained from <https://fishing.tas.gov.au/Documents/2022-2023%20Commercial%20Fishing%20Application%20Fees.pdf>

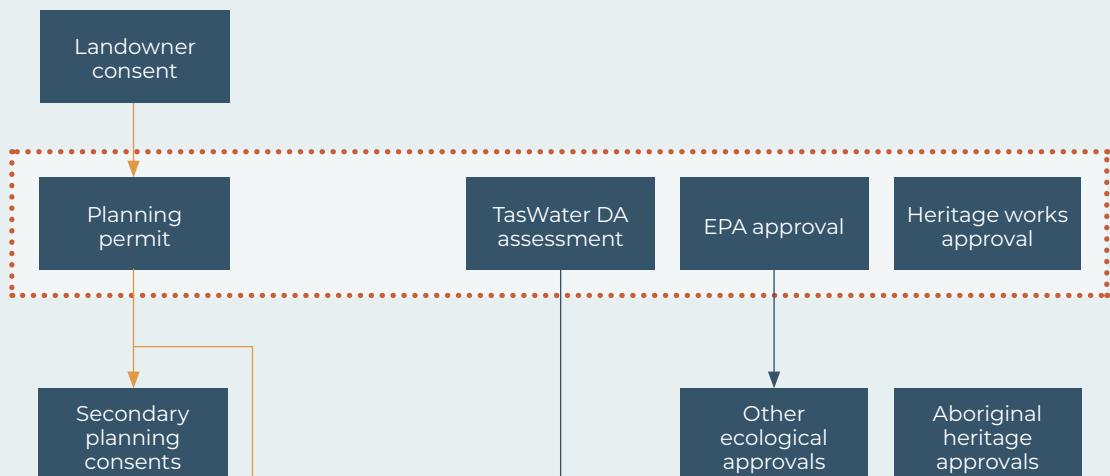
Timeframe: Varies



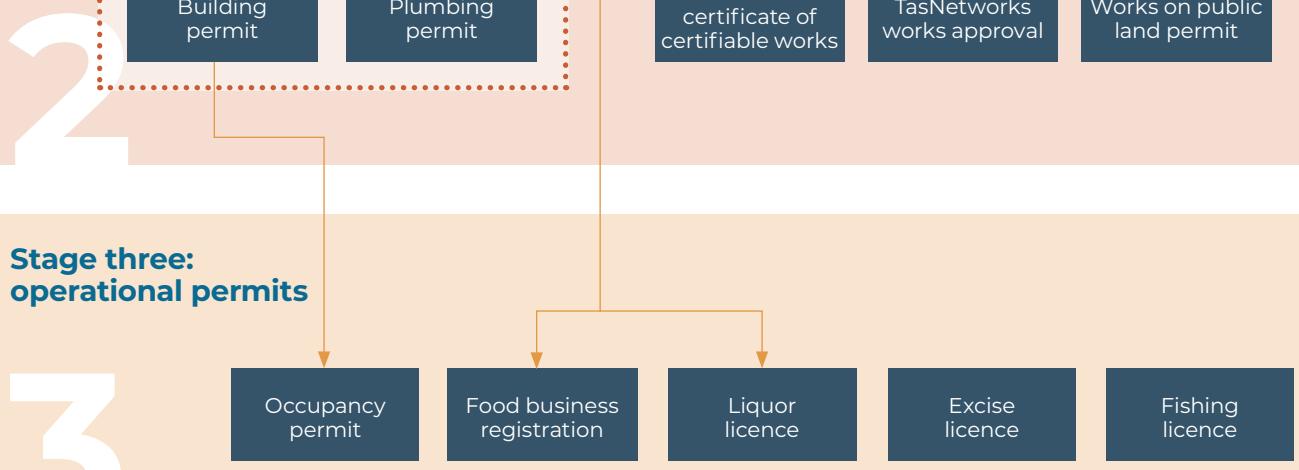
Red Cow Organics | Oldina North West Tasmania
Image courtesy of Tasmanian Partner Toolkit

Appendix B: Likely approvals by business types

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits

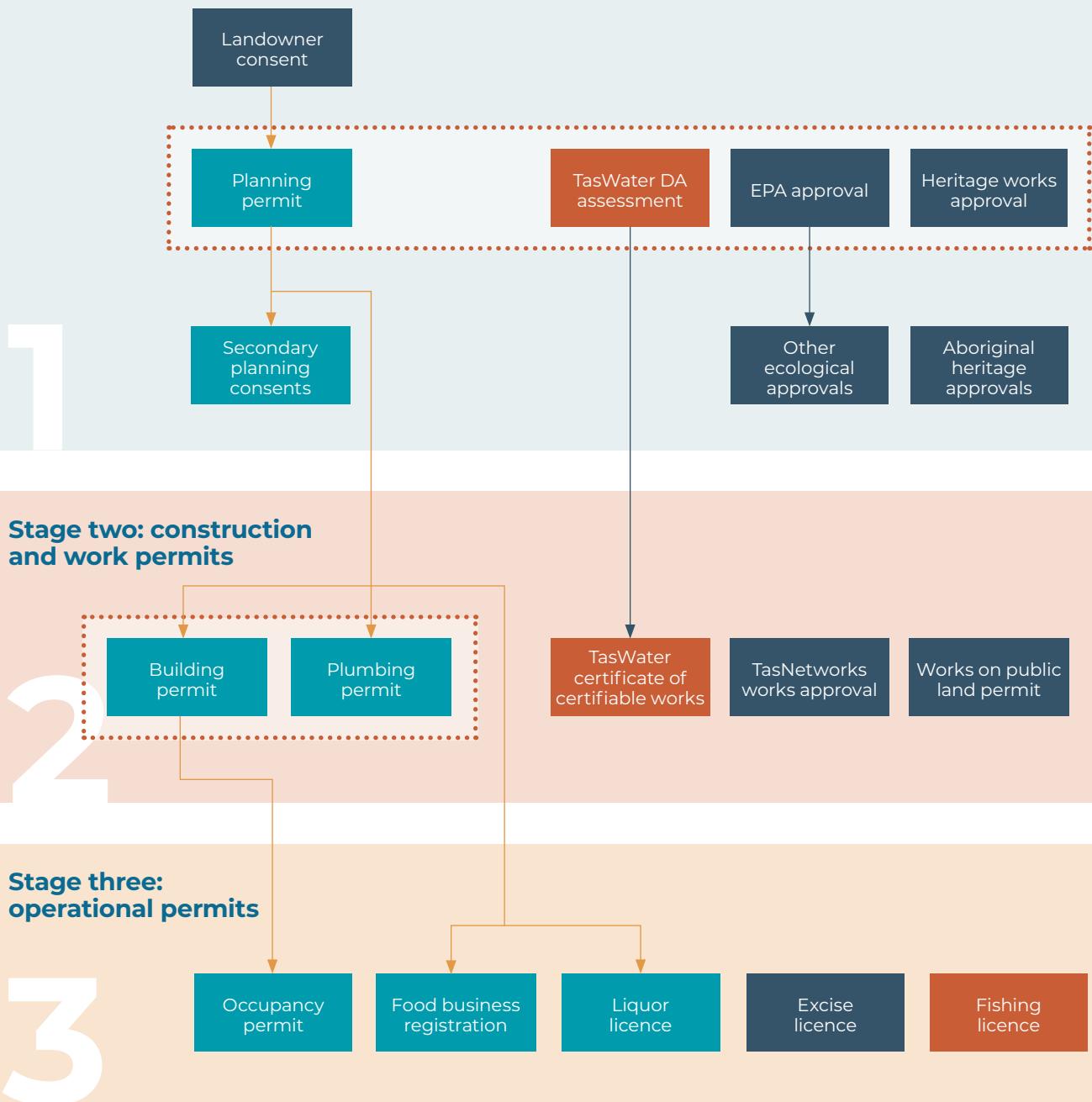


KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes

1. Farms producing, serving, and selling, food and alcohol on site (such as cheese and beer).

Stage one: consents to proceed

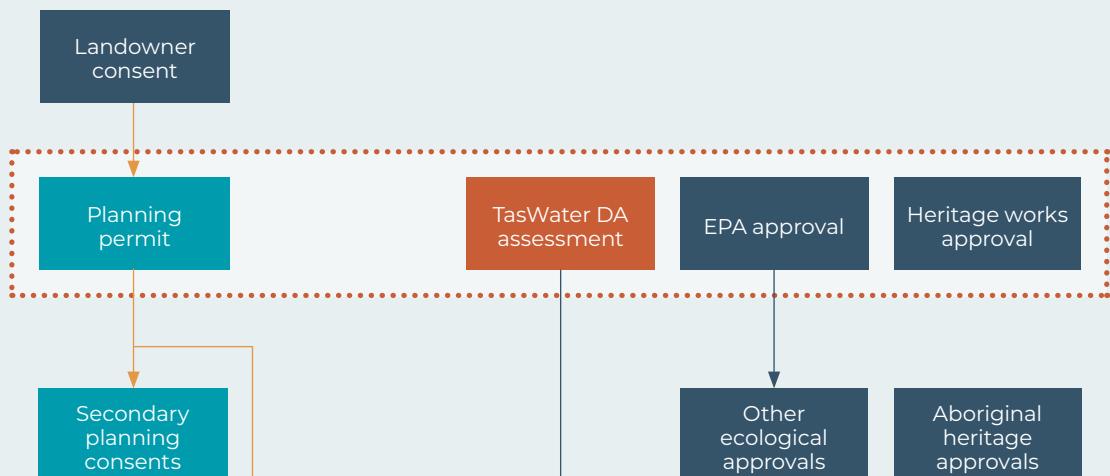


KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

2. Farms producing, serving, and selling, food and alcohol on site (such as dairy, egg and meat products).

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits

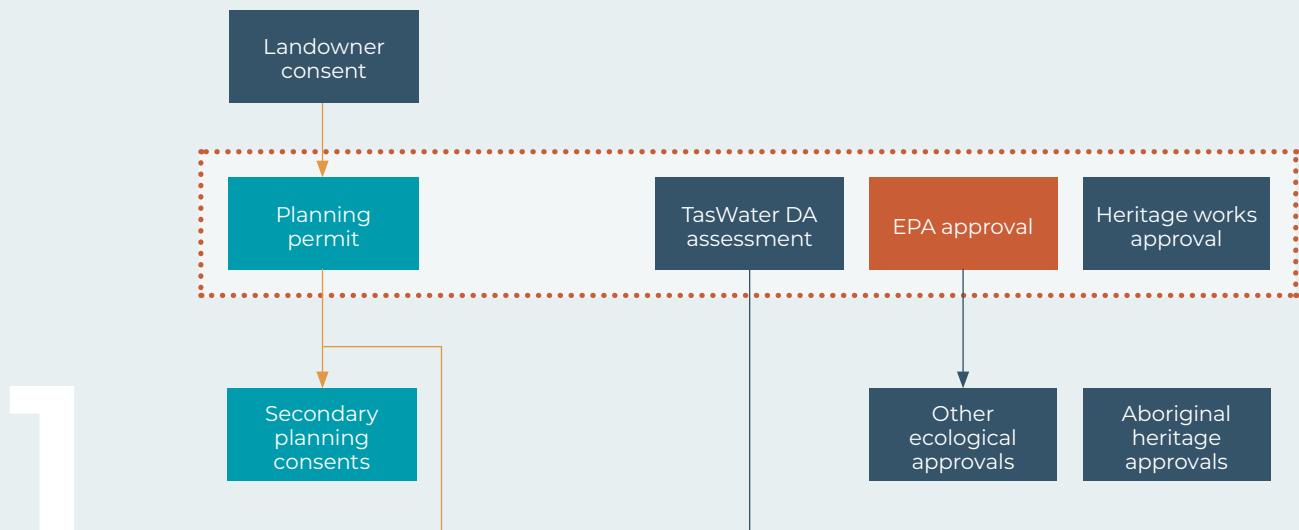


KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

3. Distilleries or breweries with a cellar door and sales.

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits

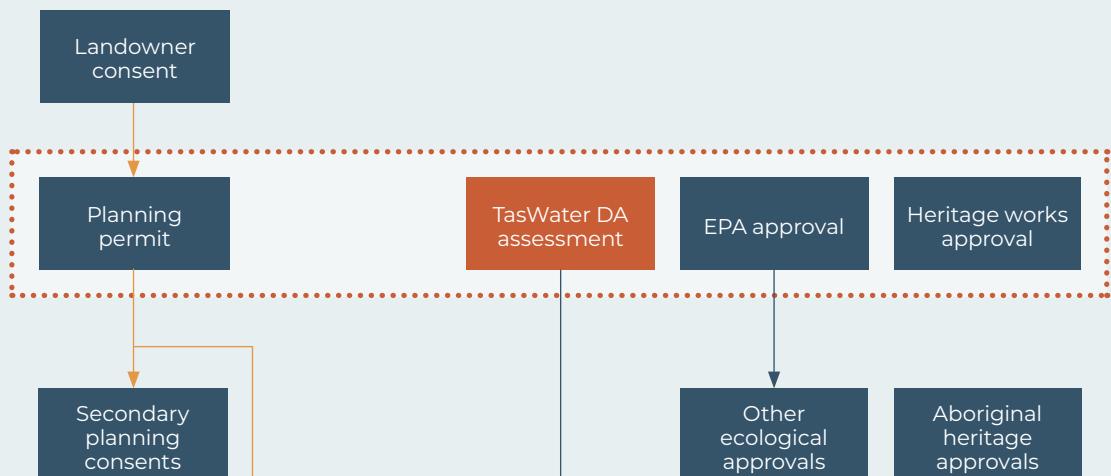


KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

4. Seafood businesses offering tours and dining (including alcohol).

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits



KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

5. Farms producing, serving and selling fruit and fruit products on site (including cider).

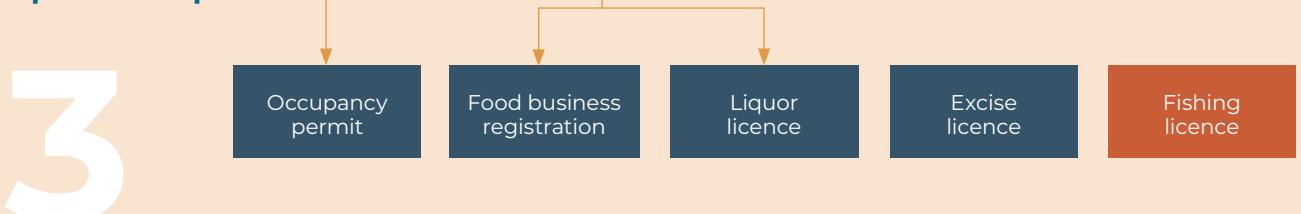
Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits



KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

6. Medium to large working farms offering onsite accommodation, tours, events and a dining experience (including alcohol).

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits



KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

7. Wineries producing, serving and selling wine with a cellar door, offering onsite tours, events and a dining experience.

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits



KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

8. Food producers with a garden, foraging or paddock-to-plate offering a 'do it yourself' or 'make your own' component.

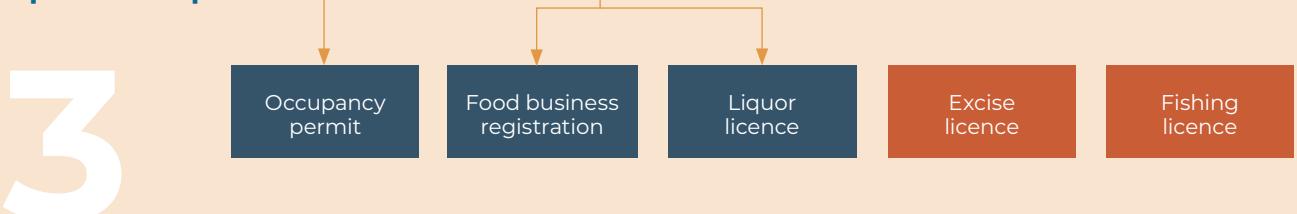
Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits

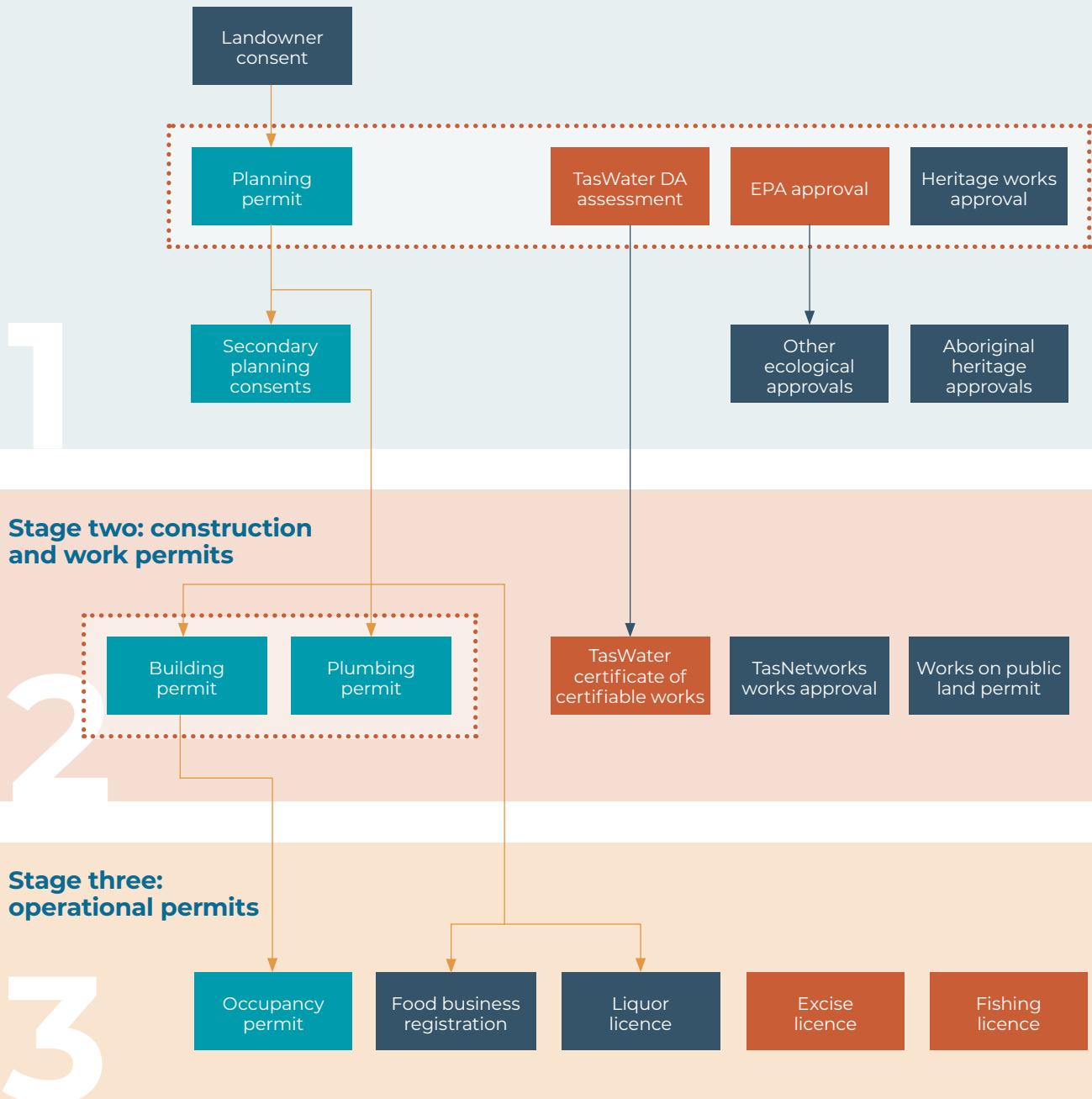


KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

9. Farms producing, serving and selling produce on site and offering tastings, tours and/or dining experiences (including flowers and flower products, olives and olive products, and herbs and spices).

Stage one: consents to proceed

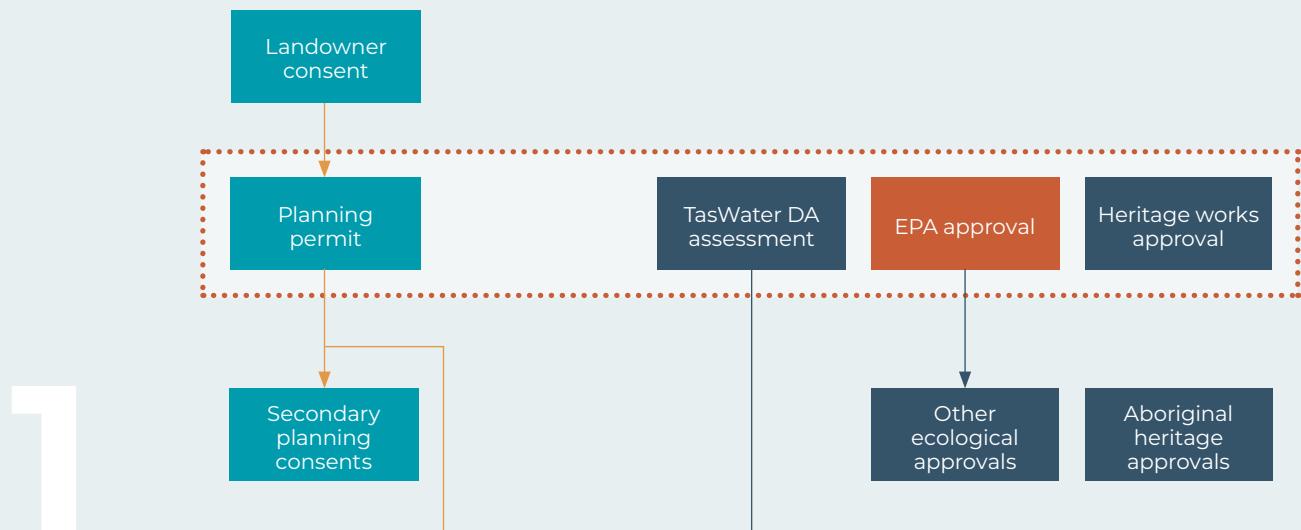


KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

10. Businesses producing, serving and selling honey on site, and offering tastings, tours and/or a meet-and-greet experience.

Stage one: consents to proceed



Stage two: construction and work permits



Stage three: operational permits



KEY

- Integrated legislative processes
- Legislative dependencies
- Connected processes
- Will or likely to be required
- May be required
- Will not or unlikely to be required

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