



28 September 2021

Ms Ann Cunningham
Delegate (Chair)
Tasmanian Planning Commission
HOBART TAS 7001

**RE: Retirement & Aged Care Facility - Change of Use & Planning
Scheme Amendment RA12371 Tasman Highway, Swansea**

Please accept this correspondence as a preliminary response to the proponents submissions dated 8 and 14 September 2021. Also included with this correspondence is an agricultural assessment prepared by Jason Lynch of Pinion Advisory.

Fettering of Established Agricultural Operations

My client purchased the Gala Estate Vineyard land in 2019. He purchased the property with the expectation that the land and that surrounding would remain zoned significant agriculture. His decision to invest millions of dollars in a vineyard was principally based upon the reasonable premise that a high-density residential development for a retirement village would occur on land immediately adjacent.

It is self-evident that a high-density retirement village, sharing a boundary with an intensive horticulture vineyard operation would create ongoing land use conflict, impact the health, amenity, and mental condition of future residents, fetter the operation of a legitimate, established rural activity and result in the Gala Estate



Vineyard having at best to alter its farming practices and at worst cease operating in some areas and rip out vines.

These land use conflicts are highlighted in the *Ag Logic Report - Comment on Tempus Development location – potential impacts on agricultural land*, Dr Ruben Wells 29 July 2021, lodged in support of the rezoning request, it makes the following statements.

My conclusion on noise conflict resulting from gas guns is that it may indeed cause issues, however the vineyard operator does have other control options. P2

The development proposed at the site would constitute a change in the sensitivity of the use of the adjacent land, and therefore does change the requirements for the vineyard operator. P2

My conclusion on the risk of spray drift is that vineyard spraying should, in most cases, be possible without leading to spray drift and therefore causing conflict with the Tempus development using the above proposed aids (improved sprayer, a local weather station, timing of operations, and a buffer containing a wind break). It is recognised that this will require the vineyard operator to modify their current management systems, with respect to equipment and selecting appropriate weather conditions for spraying. Those modifications are not onerous, and once adopted would not reduce vineyard potential. P3

While these steps will minimise spray drift risk, it will not eliminate them. I am not familiar enough with the legality around this to know if there is a process whereby adhering to a predefined “reasonable practice” for spraying that is agreed upon by the operator and Tempus can then absolve the operator of unforeseen consequences from spraying, or the concerns of individual residents. P3

The proposed Tempus development has an ideal aspect for viticulture, and the Swansea-Cranbrook region has a climate well suited to production of quality grapes, as evidenced by the number of vineyards in the area (the Gala expansion adjacent being the most obvious example). As a result, it naturally rates well in the enterprise suitability modelling. P5

The Tempus development will create some management restrictions or modifications on the vineyard operator, particularly around spraying and the use of gas guns. These modifications will involve costs, however, should not reduce the health of the vineyard nor the quality and yield of the fruit. P9

It is important to note that the above recommendations are taken from a report which was prepared in support of the proposal and rather than make recommendations as to why the retirement village might be inappropriately located or how it should be amended, the Ag Logic report places the onus upon an established vineyard to substantially alter its operations. The alterations recommended would be at considerable expense to Gala Estate, without any guarantee that future residents of the retirement village would not complain about farming operations. The Ag Logic Report reinforces the fact that it is entirely inappropriate to rezone significant agricultural zoned land and to provide for a high-density retirement village immediately atop an existing vineyard.

Particular Purpose Zone vs Retirement Village

The responses from the Glamorgan Spring Bay Council and the proponent in relation to land use conflicts concentrate on a development application for a proposed retirement village. These responses fail to consider potential land use impacts which may arise from all and any use and development which could be

progressed under the proposed Particular Purpose Zone. From a planning perspective it is all eventualities which must be assessed. No requirement for the proposed retirement village to be constructed if approved. An amended proposal could be envisaged which seeks to locate residential dwellings and the retirement village closer than proposed, or a completely new scheme creating substantially greater potential land use conflicts.

For instance, the Retirement Village proposes 80m setbacks from side boundaries already significantly less than the 100m setback specified under Acceptable Solution GSB-P8.6.3A1 (there are 16 residential dwellings within the setbacks), however Performance Criteria P8.6.3P1 gives no guarantee that any setbacks from side boundaries would be provided. Residential dwellings could be located much closer than proposed and still meet the performance criteria.

Farm Gate Impact

Table 1 outlines the farm gate value of the Gala Estate Vineyards

	Gala Vineyard (Cranbrook) 2021	Gala Vineyard (Cressy Beach) 2022 (Estimate)
Area in Ha	10.7	17
No of Vines	30571	48571
2020 vintage		0
Tons fruit grown	108	172
Tons of fruit Sold	18	29
Tons of fruit to Gala brand	90	143
Cartons of wine produced	6601	10488
	hours	hours
Vineyard labour	6734	10698
Cellar Door Labour	2032	3228
No full and part time employees	41	65

Table 1: Gala Estate Farm Gate value

The East Coast of Tasmania is renowned for its vineyards and its agricultural produce. This brand has been crafted over many decades and is solely reliant upon there being access to rare, high quality agricultural land which is not impacted and fettered by urban expansion. The proposed Particular Purpose Zone providing for a Retirement Village would alter this, if approved it would send a strong message that retirement villages and residential development is preferred over vineyards and agricultural activities on land zoned significant agriculture.

The proposed rezoning and retirement village would place a significant amount of the farm gate revenue including employment as listed in table 1 at risk.

LPS and the Draft Amendment

Ms Billett in her response to the Tasmanian Planning Commission on behalf of the respondent states:

Accordingly, we seek to ensure that the present draft amendment is promptly assessed and that directions are given for the LPS to not come into effect until after that assessment has concluded.

While the proponents frustration at the time taken to assess the proposal is appreciated; planning scheme amendments are notoriously time consuming. Council had intimate knowledge of the progress of its Local Provision Schedule and the proposed amendment, yet it chose not to include or consider the zoning of the land which is subject to the amendment under the LPS.

Ms Billett's suggestion that the *LPS not come into effect until after that assessment has concluded*, cannot in our submission be supported. Council initiated the amendment and although the proponent has invested in the amendment it is Council's amendment and its responsibility. If Council was of the opinion that the zoning of the property was incorrect and a more appropriate zoning was necessary, then it could have chosen to progress this through the development of the LPS. There are also other proposed amendments to the *Glamorgan Spring Bay Interim Planning Scheme 2015* which if Ms Billett's submission was accepted would similarly delay the introduction of the Glamorgan Spring Bay LPS.

Regards



Evan Boardman
Grad Dip URP, B ScEnv, B Econ

Gala Cressy Beach Vineyard

Combined Planning Scheme Amendment and Development Application

Glamorgan Spring Bay Interim Planning Scheme 2015

AP-GLA-AM2021-01

Agricultural Assessment

Jason Lynch Professional Experience

I have over twenty years' experience in agronomy, property development, irrigated agriculture, supporting the productivity and sustainability requirements and outcomes for cropping, horticulture and pasture based enterprises and property planning. My expertise is outlined in my curriculum vitae in Attachment A to this statement.

I have particular experience in property development, nutrient management, irrigated pasture production, land capability assessment, enterprise analysis and constraint analysis of agricultural land for successful enterprise development applications and strategic planning.

I am experienced in assessing the potential impacts on agricultural land activities, including cropping, horticultural and pastoral enterprises, from non-agricultural use.

I have worked extensive throughout Tasmania and am very familiar with the management of agricultural land and various associated agricultural production systems associated in this state.

I am very familiar with the agricultural production systems and the specific land management issues associated with east coast (including climate, enterprise suitability, pasture production and seasonality considerations). My previous work in the area has included working with clients on horticultural, cropping, livestock production properties, providing agronomic support, and property development and management advice for dryland and irrigated production systems to manage and improve soil fertility, crop protection, irrigation, soil health management in order to achieve profitable and sustainable outcomes.

As an agricultural consultant I have expertise in the concepts of sustainable use of land and a broad knowledge of land use and development in the rural sector.

I have a CV attached in Appendix A.

Summary

Please find attached my opinions and considerations regarding the potential for land use conflict which would be created by the introduction of a Particular Purpose Zone into the *Glamorgan Spring Bay Interim Planning Scheme 2015*, to provide for the development of a retirement village

This report provides details on potential for conflict and fettering of the Gala Cressy Beach vineyard at 12941 Tasman Highway (CT 178488/1).

Conflict between agricultural and non-agricultural land use activity results from:

- Noise
- Odor and dust emission
- Light emissions
- Spray drift
- Control of browsing wildlife and birds
- Hours of operation

The proposed Tempus Retirement Village would house elderly residents whom would have an expectation that they would enjoy a particularly high level of residential amenity, such as privacy and not being disturbed and/or disrupted by external factors such as those which could be likely expected to be produced from agricultural land use activity.

The Tempus Retirement Village would impact upon the Gala Cressy Beach vineyard to the extent that it would have to modify and alter its vineyard production practices in order to accommodate a residential development in a rural area zoned Significant Agriculture and as a consequence result in an increased level of complexity and cost of production compared to the normal production practices being currently undertaken.

A map of the location of the Gala Cressy Beach and proposed adjacent Tempus Retirement Village is attached in Appendix B.

Impacts on the Gala Cressy Beach Vineyard

Noise

The vineyard produces a number of noise emissions from a variety of sources including:

- Tractors and vehicles
- Spray rigs
- Bird and vermin deterrents including gas guns

The production of noise is often consistent with normal business hours (8am to 5pm) when workers are undertaking normal farming duties such as operating spray rigs, mowing grass and having workers visit the vineyard to undertake pruning and general property maintenance duties.

At times farming operations occur out of business hours and weekends depending upon the operational requirements of the vineyard and labor availability.

It is possible that noise can and would be generated during out of hours, from activities such as the application of fungicides during the main growing season (spring and summer) and during the harvesting window.

It is reasonable, acceptable and most appropriate for vineyard managers to take full advantage of whenever the weather conditions are appropriate to undertake and conduct spraying operations, and in particular dealing with the prevailing easterly winds which are often present during this time of the year. This can often require spraying early in the day or late in the evening.

Harvesting operations are fully mechanised and typically occur in autumn at night and depending upon the specific vine variety/clone and seasonal conditions would typically extend over 4 weeks.

At times vineyards can be at risk of damage from birds and vermin which cause damage to both the vine itself and the grapes. Bird deterrents include gas guns and are routinely used in the Gala Cressy Beach Vineyard as they are in other rural areas of Tasmania as a part of typical farming operations.

Gas guns are used to produce a loud sudden sound which scares off bird and is well recognized to have potential to create conflict with residents of nearby residential dwellings. Even if gas guns are operated within business hours it is highly likely that noise complaints would be made against these devices and inevitably lead to conflict as they are mistakenly associated with the use of actual guns.

It is not possible to confine and/or restrict the harvesting of grapes and/or other operational activities within business operating hours.

Imposing restrictions and/or limitations when activities which can and/or could produce noise would clearly fetter the operational activities of the vineyard which would normally not be restricted activities in a rural setting.

Visual Conflict

Normal farming activities have the potential to make people unfamiliar with agricultural activities uncomfortable and complain about adjacent operations. This is likely to be the case with potential future residents of a retirement village being immediately adjacent.

The mere sight of the operation of a spray rig can create conflict with neighbors who are unaccustomed to this type of machinery and perceive a threat of potential spray drift to human health and environmental harm.

Farming operations at night, such as the operation of a spray rig and mechanised grape harvesting operations, can occur at any time of the night and could be perceived as light pollution.

Elderly residents of a retirement village who have clearly come to a location assuming they will have a high level of residential amenity who would likely object to light pollution, although in a rural setting these out of hours operations could be routinely undertaken (eg grape harvesting) or as required (eg spraying).

It is not possible to confine and/or restrict the normal vineyard operational activities within business operating hours to satisfy the needs of elderly residents of a retirement village.

Spray Drift

The use of agricultural chemicals is a recognised and accepted feature of vineyard production systems and involves the use of mainly fungicides to control the potential for various fungal diseases.

The application of fungicides mostly occurs throughout spring and summer.

It is reasonable, acceptable and most appropriate for vineyard managers to take full advantage of whenever the weather conditions are appropriate to undertake and conduct spraying operations, and in particular when dealing with easterly winds which are often present during the spring and summer growing season.

From an agronomic perspective, the various vine varieties/clones have different growth and grape maturity rates and associated disease sensitivities which subsequently necessitates the ability to undertake and apply fungicides at multiple times and therefore the need to freely take full advantage of suitable weather conditions is critical.

The vineyard manager must ensure the application of all agricultural chemicals is consistent with and abide by the DPIPW's "Code of practice for ground spraying".

Being encumbered by imposed restrictions due to external factors such as perceived loss of residential amenity from neighboring properties would be unreasonable and could lead to lost opportunities to take full advantage of suitable spraying weather and the consequence of increased disease risk and associated crop yield and quality losses.

It is reasonable to consider that whilst every attempt is taken by the vineyard manager to avoid spray drift the presence of a high-density residential development in close proximity would result in the creation of a significantly higher level of risk, anxiety and concern for the neighboring residents by the vineyard manager and likely require substantial adjustment, modification and re-organisation of any and all spraying activities.

The statement by Dr Ruben Wells (Comment on Tempus Development location - potential impacts on agricultural land, 29/7/21, Ag Logic Pty Ltd) acknowledges that the Gala Cressy Beach vineyard would need to modify their current management system in terms of how, when and where agricultural spraying would need to be conducted on the property.

The presence of the Tempus development is a clear imposition on the operation of the Gala Cressy Beach Vineyard and obviously would result in a change to their current practices in order to accommodate a land use activity which has no connection to and or support agricultural land use activity in the area.

Odor and Dust Emissions

At times odor and dust emissions are an inevitable outcome of normal vineyard operating activities, such as from the application of organic fertilisers (eg compost, dynamic lifter, blood n bone) and soil amendments (eg lime or dolomite), mowing grasses and weed vegetation and harvesting grapes.

Neighbors who are unaccustomed to the various odors and sight of dust could perceive this as a threat of potential environmental harm and negative impact to human health and consequently lead to conflict.

Residents of a retirement village who have clearly come to a location assuming they will have a high level of residential amenity would likely object to dust and odors.

If a vineyard is not allowed to produce odors and/or dust emissions, or rather only produce these emissions at times which accommodates the desire and wishes of the elderly residents of a retirement village would be a significant negative impact on the normal farming activities which could be undertaken on the vineyard.

Setbacks and Impact Upon Gala Cressy Beach Vineyard

In order to mitigate and manage the potential for conflict in rural areas between land use activities mitigation measures would need to be implemented including:

- Setback distances
- Vegetation shelter belts

Setback distances can vary depending upon the type of land use activities being undertaken, sensitivities of parties involved, topography and prevailing climate with an accepted setback distance of 200m between rural and residential development.

The Tempus development would be located the north and west of the Gala Cressy Beach vineyard, and arguably in a particularly sensitive position due to the size and scale of the adjacent vineyard enterprise (approximately 22 hectares).

The Tempus development would be located up wind (during the growing season of spring and summer) and upslope of the vineyard creating a higher potential risk of spray drift when the vines are routinely sprayed with agricultural chemicals.

No significant topographic barriers are present between the vineyard and the proposed location of the Tempus development, such a significant hilly rise.

Other normal and frequent vineyard operations can produce odors and dust, noise, and light and would be best dealt with by having a substantial setback distance to reduce the potential for conflict between neighbors and the subsequent risk of the agricultural land use activities having to be modified and altered to accommodate for a residential use in a rural setting.

Tasmanian Context for a high-density residential development in close proximity to a perennial horticultural enterprise

In Tasmania I am unaware of any examples where a high-density residential development, such as proposed has been able to operate in close proximity to a perennial horticultural enterprise without creating ongoing land use conflict.

The key commercial scale perennial horticultural production areas include the Tamar Valley, Derwent Valley, Coal Valley and Central East Coast (north and south of Swansea) and includes enterprises such as vineyards and various types of orchards (apples and stone fruit).

The key commercial scale perennial horticultural production areas have been selected for a combination of factors including:

- A favorable climate
- Sufficient land area to enjoy a larger scale of operations
- Access to irrigation water

Being in close proximity to residential dwellings is not ideal and is considered unfavorable due to the possibility for conflict and subsequent interference with normal farming operations and the potential risk of future urbanisation and loss of rural amenity.

Where urbanisation has spread into rural areas with existing vineyards, such as Rosevears, Legana, Rokeby (Pass Road) it is clearly impacting on the potential growth and development of these enterprises, and they are becoming isolated stranded parcels of agricultural zoned land.

Vineyards at Rokeby (Pass Road) have had to modify their production practices, such as not using gas guns and avoiding the use of dust producing soil amendments (eg lime and dolomite) and organic fertilisers which have an odor.

Conclusion

I am not aware of any development of the type, nature and intensity of the proposed Tempus Retirement Village in a rural area of Tasmania which would be located in close proximity to a large-scale commercial vineyard.

The proposed Tempus Retirement Village would house elderly residents who would have an expectation that they would enjoy a particularly high level of residential amenity at the intended location.

The creation of a Particular Purpose Zone into the *Glamorgan Spring Bay Interim Planning Scheme 2015*, to provide for the development of a retirement village would have a very high probability of creating conflict and fettering of the existing Gala Cressy Beach vineyard.

Normal agricultural land use activities associated with the Gala Cressy Beach vineyard would involve the use and application of agricultural chemicals, create noise from the operation of tractors and heavy machinery, bird deterrents and vehicle movements, produce light emissions and at times undertake operations outside of normal business hours.

In a rural setting and with respect to the specific location the normal agricultural land use operations associated with the Gala Cressy Beach vineyard are acceptable and a common feature of agricultural properties within significant agriculture and/or agriculture zoned land.

The Tempus Retirement Village would negatively impact upon the Gala Cressy Beach vineyard to the extent that it would have to modify and alter its vineyard production practices in order to accommodate a residential development in a rural area, and as a consequence result in an increased level of complexity and cost of production compared to the normal production practices being currently undertaken.

The Tempus Retirement Village is not in keeping with the rural amenity of the area in question, would result in conflict and fettering of the existing large scale Gala Cressy Beach Vineyard and this development would be better located in setting which has residential amenity values and qualities.

References

DPIPWE (2001), Code of Practice for Ground Spraying, Tasmanian Government

Glamorgan Spring Bay Interim Planning Scheme 2015

Grose, C. J. (1999). Land Capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania. (Second Edition ed.). Tasmania, Australia: Department of Primary Industries, Water and Environment.

Ketelaar A., Tempest M. (2020) Agricultural Report – Tempus Village Management Pty Ltd. AK Consultants.

The LIST. Department of Primary Industries, Water and Environment.

Wells, R (2021). Comment on Tempus Development location - potential impacts on agricultural land. Ag Logic Pty Ltd.

Appendix A



Jason Lynch



Position:

Senior Consultant - Agronomy

Qualifications:

B App Sci (Hort)

CPAg (Certified Practicing
Agriculturalist)

Professional Associations:

Australian Institute of Agricultural
Science

Australasia Pacific Extension
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INTRODUCTION

Jason Lynch is a senior consultant at Pinion Advisory, with over 20 years experience in production agronomy, various aspects of grazing management and property development. Jason works with clients to improve the profitability and sustainability of a diverse range of agricultural production systems.

Jason has agronomic experience in both pasture based and a range of broad acre and intensive cropping systems, in addition to horticultural enterprises. Jason provides advice to clients on crop protection, integrated pest management practices, soil health management, plant and soil nutrition, and soil moisture and irrigation management. He has well developed communication skills and has extensive experience in the delivery of presentations and group facilitation for both small and large audiences. Jason's client mix includes small and large scale businesses, and both family farms and corporate enterprises.

Jason is able to provide independent agronomic advice with an in-depth knowledge of farming systems.

PROFESSIONAL EXPERIENCE

- 2013 - present: senior consultant – Pinion Advisory/Macquarie Franklin
- 1998 - 2013: senior agronomist - Serve-Ag Pty Ltd

RECENT PROJECTS

- Property assessments and technical support, Cradle Coast NRM, Property Our Productive Soils 2019 to present
- WIN Irrigation water reuse project, Western Water, Victoria, 2018-present
- Property agricultural assessments, council planning scheme compliance reports and provision of expert witness statements across the various Tasmanian municipalities, 2005 -present
- Farm Water Access Plans and land capability assessments for various irrigation schemes including the Dial Blythe, Duck, Midlands, North Esk, Scottsdale, South Esk, South East, Southern Highlands and Swan River, Tasmanian Irrigation Sept 2013 - present
- Pasture Principles course facilitator and coach, Cressy/Tamar, Coal Valley, Derwent Valley Evandale, Flinders Island, North West Northern/Central/Southern Midlands, Meander Valley, 2014 - present

Areas of Expertise

- Extension & communications
- Facilitation
- Agronomic advice
- Vegetable production
- Cereal production
- Forage and fodder production
- Floriculture
- Berry fruit production
- Crop protection
- Soil fertility
- Plant nutrition
- Soil, plant and water analytical testing
- Biofumigation
- Gross margin analysis
- Agricultural research
- Land capability assessment
- Land use constraint analysis
- Farm drainage

Pinion Advisory Expertise

- Agronomic advice
- Crop protection
- Land capability assessment
- Sustainable soil management
- Soil science
- Red meats and dairy feed base management
- Agricultural research
- Extension and communication
- Irrigation

- MLA Producer Demonstration Site technical support with Longford Red Meat Group, MLA, 2016 - 2018
- Sheffield school and Jordan River Learning Federation school farms redevelopment, Tasmanian Department of Education 2019-2020
- GRDC Opportunity For Profit project, Management Guidelines, Tasmania, GRDC, 2016-2019
- Lifetime Ewe Management Facilitator, RIST, Jan 2015-Dec 2015
- Insect Pasture Pest IPM course delivery, Cradle Coast NRM, May 2014-July 2015
- Managing Your Finances course delivery, Dairy Tas, 2015
- F300 – Boosting livestock production efficiency and decreasing greenhouse gas emissions, North West Tasmanian Beef Producers Group Coach, Meat and Livestock Australia, Nov 2014 - March 2015
- Dairy Australia Taking Stock, 2016 - present
- Regular delivery of presentations to various NRM, grower and agricultural industry groups throughout Tasmania, 2006-present
- Soil health management, including agronomic advice and research and development relating to soil fertility, nutrient management, erosion management, green manure and biofumigation crops
- Provision of comprehensive agronomic advice covering a wide range of broadacre and horticultural crops such as alliums, turf, berry fruit, brassicas, canola, carrots, cereals, hemp, legumes, floriculture, poppies and potatoes (fresh, processing and seed production)

BOARDS AND STEERING COMMITTEES

- Forage Value Index technical committee group member, Dairy Australia Jan 2020 - present
- More milk from forages steering committee group member, Tasmanian Institute of Agriculture, Sept 2013 – June 2014
- Dairy Futures CRC steering committee for forage technologies adoption, Dairy Australia, Sept 2013 – June 2016
- Forage Improvement Community of Interest group, member, Dairy Australia, Dec 2015 – present
- Tasmanian Institute of Agriculture Participatory Action Research Group member, 2016-2018

Appendix B



Figure 1 Location of the Gala Cressy Beach vineyard at 12941 Tasman Highway (outlined in blue) and the proposed Tempus Retirement Village (green dot) (source the LIST)