

From: [REDACTED]
To: [TPC Enquiry](#)
Subject: Macquarie Point stadium proposal - POSS draft guidelines comments - pt1 procedural - Alistair Graham
Date: Friday, 29 December 2023 4:55:41 PM
Attachments: [Stadium - TPC Macquarie Point Stadium POSS Draft Guidelines - Comments from Alistair Graham.docx](#)

To whom it may concern,

Please find attached a letter with my preliminary procedural comments on the POSS draft guidelines for the preparation of reports for the assessment of the Government's Macquarie Point stadium proposal. I intend to submit a later submission on my substantive concerns should time and information allow.

Regards,

Alistair Graham

[REDACTED] 29/12/23

Alistair Graham

Mr John Ramsay
Executive Commissioner
Tasmanian Planning Commission (TPC)
GPO Box 1691
Hobart
Tas 7001
By e-mail: tpc@planning.tas.gov.au

Cc: Hon Tanya Plibersek, Minister for Environment & Water
Mr Craig Warhurst, Editor, Hobart Mercury

[date ...]

Dear Mr Ramsay

Macquarie Point Stadium – Preliminary Comment on Draft Guidelines

Thankyou for your invitation to comment on the TPC's draft guidelines for the preparation of reports to enable the integrated assessment of the Government's Macquarie Point stadium project proposal. Please note that these are only my preliminary procedural comments. I will make some substantive comments should time and information allow. I should start by saying that I am very much opposed to any proposal to build an AFL stadium, regardless of any 'multi-purpose' label, at or close to Macquarie Point, for reasons that I will return to in a subsequent submission.

I received your invitation to comment as a public notice in the Hobart Mercury of 16th December 2023. I was somewhat taken aback to note that the comment period had already been running for a week. More seriously, however, I regard the scheduling of statutory public comment periods over the Christmas/New Year break as the recourse of rogues and charlatans. Starting the comment period before public notification, would seem to help make my point in this instance.

While I expect such devious behaviour from state governments and shonky developers, I expect better of the TPC – indeed 'better' will be needed if any commitments to taking public consultation seriously are to be credible. Might I suggest that you stop the consultation clock and restart it after the summer break. In which context I note that some more democratically minded administrations already have regulations in place excluding the holiday period from relevant statutory timetables. With this thought in mind, please note that I have copied this comment to the Editor of the Mercury.

On a first read of your notification and draft guidelines, I can find no reference to the proponent's legal obligation to proactively engage with the Commonwealth to allow the Minister for Environment to decide whether their proposal is or is not a 'controlled action' under the Commonwealth's Environment Protection and Biodiversity Conservation (EPBC) Act. I might remind the TPC that it has a procedural duty to ensure that proponents do properly engage with the Commonwealth in a timely manner.

This duty principally involves the TPC proactively ensuring that the guidelines for any assessment under the POSS Act are consistent with Commonwealth requirements not only with respect to their substance and content but also with regard to the procedures necessary to achieve parallel Commonwealth approvals insofar as they may be required. In this regard, I note that neither the TPC notification nor the TPC draft guidelines for assessment reports make any reference to meeting requirements under applicable Commonwealth laws. Please note that, with this thought in mind, I have copied this comment to Minister Plibersek as the Minister responsible for the administration of the EPBC Act.

Yours sincerely

Alistair Graham