



Vica Bayley MP

Greens Member for Clark

Monday, 8 January 2024

Tasmanian Planning Commission
144 Macquarie St,
Hobart TAS 7000

Via email: tpc@planning.tas.gov.au

Re: Draft Assessment Guidelines for the Macquarie Point Stadium Project of State Significance

Dear Assessment Panel,

Please accept this submission from the Tasmanian Greens on the Draft Assessment Guidelines for the Macquarie Point Stadium Project of State Significance (POSS).

While acknowledging the timelines within which the Tasmanian Planning Commission (TPC) is directed to prepare Assessment Guidelines, we note with dismay the consultation window within which the public are asked to make a submission. For a project of this size, expense and level of public interest, conducting public consultation that includes the Christmas/New Year holiday period undermines trust and confidence in the process.

While legislative requirements for advertising the consultation period were met, we note the quiet manner in which the Rockliff Government communicated this publicly. We particularly note the complete absence of Government announcement on the day the Draft Guidelines were released for consultation. It was not until six days after the release of the Draft Guidelines for public comment that the Government issued a statement acknowledging their publication.ⁱ

The Tasmanian Greens supported calls for the consultation period to be extended given the overlap with a traditional holiday period and the lax public announcement.

Background

The Tasmanian Greens do not support the stadium project and voted against its progression into the Project of State Significance Process.

As you can read in our Parliamentary contribution [here](#), from a planning perspective we believe an objective assessment against the longstanding

requirements of existing, accepted planning prescriptions would lead to an outright rejection of the proposal due to numerous, profound non-compliances.

When measured against these planning prescriptions, informed by expert opinion and community engagement, the size, bulk and operation of the proposal will demonstrably impact important values including, but not limited to:

- built heritage;
- cultural heritage including the ambience of the Cenotaph and Sullivans Cove;
- visual amenity from numerous high-use locations including the Cenotaph, Sullivans Cove and the River Derwent;
- traffic flows and community convenience;
- noise, with impacts on residential and adjacent businesses;
- plans for a Truth and Reconciliation Park.

Given this, a POSS assessment will condemn the community to a lengthy, time consuming and controversial assessment process; the taxpayer to expensive proposal development; and the site to further delay to redevelopment in line with the previously developed, widely accepted Macquarie Point Reset Masterplan.

Assessment Criteria

The Tasmanian Greens are concerned the Draft Guidelines do not identify any specific criteria against which the proposal will be assessed, and a final decision made.

The process appears to allow approval to occur entirely at the discretion of the Assessment Panel with no clear, transparent assessment criteria or standards, based on the maintenance and/or enhancement of important values of the area and informed by community consultation.

In the absence of such criteria, it is clear the provisions of the existing planning scheme should take precedence and the proposed project application under POSS should be required to explicitly report against their specific criteria, and be assessed by the panel against the standards therein.

The relevant scheme is the Sullivans Cove Planning Scheme and its subsidiary Macquarie Point Site Development Planⁱⁱ, with reference to the finalised Macquarie Point Reset Masterplanⁱⁱⁱ

This should be reflected clearly in the Final Guidelines.

Mac Point Precinct Plan (unfinished) vs Macquarie Point Reset Masterplan (2017-2030)

At the time of the Governor's order establishing the POSS process, and the signing of the Ministerial Direction (16 October 2023), there was no such document as the *Mac Point Precinct Plan*, against which the POSS process is to '*consider the extent to which the project...is consistent with and supports the urban renewal of the Macquarie Point site*' (Ministerial Direction).

As at submission of this representation, this remains the case.

A *Mac Point Draft Precinct Plan* has been published for public consultation and is still to be finalised.

Irrespective, a new *Mac Point Precinct Plan* appears to be a key document against which the panel is directed to assess the stadium proposal.

However, this Plan and the process under which is to be established is entirely illegitimate.

It represents the antithesis of good planning process - being rushed, predetermined and highly controversial, with limited community engagement and no regard for the longstanding planning prescriptions for the site and its surrounding area.

Worse still, the Mac Point Precinct Plan is being written by the project proponent itself^{iv}.

The *Mac Point Precinct Plan* is being developed by the Macquarie Point Development Corporation, identified as the proponent of the stadium in correspondence from the Premier to the Tasmanian Planning Commission.

On 27 November 2023, in response to a request for additional information on who will be progressing the project on behalf of the Crown, the Tasmanian Premier wrote '*The Macquarie Point Development Corporation will be responsible for progressing the project...*'^v

As the proponent is responsible for writing the (as yet unfinished) plan against which the project is to be assessed, there is a clear conflict of interest that will fundamentally undermine the credibility of the POSS process and the assessment of the panel. This conflict of interest is pecuniary in nature, making it more aggravating in extent and creating an apprehended bias that could be deemed unlawful. It is certainly unethical.

The key outcome of the future *Mac Point Precinct Plan*, a stadium, is a predetermined feature established by Ministerial decree, driven not by community consultation and local area compatibility, but lopsided Government negotiation with a domineering multi-million dollar sporting corporation.

This is no way to plan for a vibrant, cohesive and culturally sensitive city.

The previously agreed Macquarie Point Reset Masterplan^{vi} was exhaustively developed over years, at great expense and with significant community engagement and support.

The panel should consider all aspects of the Macquarie Point Reset Masterplan in its deliberations as this represents the most credible, community supported and compliant plan for the precinct.

1.0 Proposal

The independence of all authors preparing reports addressing the Guidelines is paramount and any consultancy engaged for the POSS process should not have existing government contracts.

Discredited and questionable consultants like Price Waterhouse Coopers should be excluded from providing reports on behalf of the proponent.

All consultants should be required to adhere to the expectations of the Supreme Court of Tasmania, the Federal Court of Australia and TASCAT, in that reports they prepare be done in accordance with expert witness practice notes.

An independently verified report detailing the full, updated cost estimate of the project should be provided. This should detail the cost estimate of various stages of the project.

The proposed source of the funding should be detailed including the proportion to be delivered by:

- The Australian Football League (AFL)
- The State of Tasmania
- The Commonwealth of Australia
- The private sector

An update on the GST exemption status of any Commonwealth Government contribution, and implications for State funding, should be clearly expressed.

1.2 Site Description

Features and context

A report detailing future flood modelling, taking into account sea level rise should be provided.

A report detailing site contamination issues should be provided. This report should include:

- Site contamination issues at the time of the establishment of the Macquarie Point Development Corporation;
- Contamination issues that remain on site;
- Proposed treatment of contamination issues, cost estimates and confirmation of whether they form part of the proposed project and if costs are fully incorporated into updated project cost estimates.

A 'plan of the project site and Macquarie Point site' should clearly identify all buildings that:

- form part of the proposed project;
- are existing;
- Are mooted for the site, but do not form part of the proposed project and POSS assessment.

Development

Buildings planned for demolition or relocation should be clearly identified.

Details and plans of any proposed cut and fill should include proposed building footings.

3D digital rendering of the proposed project in context should include views from off site, including, but not limited to:

- The Tasman Bridge;
- The Derwent River;
- The Cenotaph;
- Various locations within Sullivans Cove
- kunanyi/Mt Wellington

Transport

Plans for any new transport infrastructure (including wharves and bus stops etc off site) should be clearly identified and detailed as to whether they form part of the proposed project and are costed in the updated cost estimate.

If they are not part of the proposed project, and costed in the updated project costing, a cost estimate and proposed timeline for completion should be outlined.

Plans for mass-evacuation should be detailed.

Mass transport and public transport analysis should only consider those aspects of public transport that are existing, or formally form part of this proposal, as there are no guarantees other mass transport proposals that have been mooted will eventuate.

Design and management response

A description of the 'ground conditions and microclimate of the project site' should include details of reclaimed and contaminated land.

A description of the adjacent 'significant places' should explicitly address:

- The Cenotaph;
- Evans Street;
- The Federation Concert Hall;
- The River Derwent.

Prevailing wind analysis should model future wind tunnelling associated with the construction and operation of the proposed project.

Existing views to and from the project site should also explicitly include:

- The Cenotaph;
- The River Derwent;
- Evans Street;
- The Tasman Bridge;
- The Soldiers Memorial Walk;
- The Tasman Highway's southbound approach to Hobart.

2.0 Policy, strategy and legislative context

A *Draft Mac Point Precinct Plan* should not be referenced in the guidelines as it is inconceivable that a project of this scale, significance and public interest is assessed against the requirements of an incomplete precinct plan.

As discussed above, the *Mac Point Precinct Plan* is an illegitimate planning document as:

- It has been developed by the proponent;
- It has predetermined, prescribed elements including the stadium;
- Is not informed by credible community consultation and engagement.

The proponent should specifically report against the extent to which the proposed project is consistent with all elements of all current relevant planning documents for the site, including:

- The Sullivans Cove Planning Scheme 1997^{vii}
- The Macquarie Point Site Development Plan (in the Sullivans Cove Planning Scheme)
- Macquarie Point Reset Masterplan 2017-2030

The Commission should assess the project against compliance with prescriptions in these planning documents.

At 2.2.1, specifically reference the *Greater Hobart Cycling Plan*^{viii} and a standard of infrastructure consistent with the All Ages and Abilities (AAA) standard.

AAA is a standard that should be referenced in all mentions of cycling paths and its definition added to the glossary.

Details of timelines for construction, and if AAA standard will be met, should be provided for all cycling routes leading into the proposed development.

3.0 Economic development and social, cultural and community well being

A cost-benefit analysis for the proposed project should comprehensively detail:

- The full financial cost of the proposed project, including project planning, development, construction and operation;
- The full financial cost of elements required to operate the project (such as mass transport facilities) that are not part of the proposed project;
- The opportunity cost of not using the site in accordance with the previously agreed and finalised Macquarie Point Reset Masterplan;
- The cost associated with paying out commercial contracts entered into in line with the previously agreed and finalised management plan;
- The cost to community amenity and cultural values;
- Costs associated with increased traffic congestion during construction and on days of operation.

Landscape and urban form

At 4.2.1 the reports should analyse the effect of any impacts from the proposed project on the existing spatial, built form and historic and cultural value of the Cove.

5.0 Cultural Heritage

The *Aboriginal Heritage Act* (1975) is under review and widely accepted as unable to demonstrate the protection of Aboriginal heritage values. In July 2021, the relevant minister tabled in Parliament a review report^{ix} and acknowledged *that 'it is clear that the Act itself does not provide effective mechanisms for protection, nor does it adequately consider the significance of Aboriginal heritage in the context of Aboriginal culture'* (pg.2).

A project of this size and scale should not progress until the review process is complete and new, effective legislation is in place.

The Tasmanian Greens note that there is not a member of the Tasmanian Aboriginal Community on the assessment panel. This places additional responsibility on the panel to consider Aboriginal heritage issues and Aboriginal Community aspirations closely, and to directly consult extensively with the Tasmanian Aboriginal people.

Assessment against the current Act does not demonstrate that Aboriginal heritage values will be protected and the panel cannot be satisfied unless assessment is conducted against the requirements of a new act.

The perspective of the Tasmanian Aboriginal community and the effective abandonment of a Truth and Reconciliation Park concept should be sought and expressed.

At 5.3.2 reports should clearly identify anticipated adverse effects in advance of articulating 'what measures, if any, are proposed to avoid or ameliorate and adverse effects'.

Noise impact assessments must consider the activities of adjacent businesses and residences and the likely impact of all aspects of the operation of the project on neighbours, including construction and operation.

A social and cultural analysis report should consider the recruitment and accommodation of the construction workforce required to deliver the project and detail proposals to accommodate them and the impacts on housing availability across the construction period.

6.0 Movement

Reports should model the effect on broader traffic congestion in Hobart during:

- Various stages of construction;
- Normal days of operation;
- Various event days/nights depending on expected crowd numbers

At 6.4.2 the reports should also detail the proposed level of security of bike parking infrastructure.

Conclusion

The Tasmanian Greens are strong supporters of Tasmanian AFL and AFLW teams and willingly offered support for Tasmania's bid when public guarantees were given by the Premier that a stadium was NOT part of that bid.

History demonstrates that we, and the Tasmanian public, were deceived and the stadium, now the subject of this POSS, is the result. The Premier's statement denying a stadium and Tasmania's AFL team bid are linked is still posted on the AFL website^x.

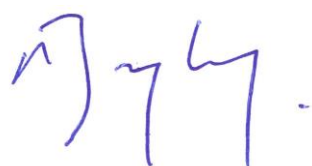
Planning for a city, and the development of a significant brownfields site, in the manner proposed, is a shocking perversion of process.

- A stadium was not part of the legitimate planning process that culminated in the non-controversial *Macquarie Point Reset Development Plan*;
- The proposed stadium is demonstrably non-compliant with the existing, longstanding planning standards that would apply to any development on the site under a normal planning process;
- The proposed stadium is a predetermined outcome of a weak negotiation process, imposed by third party corporate interests;
- The *Mac Point Precinct Plan* will be an illegitimate and controversial document as it has a predetermined outcome and is being authored by an entity with a serious conflict of interest, the proponent of the proposed stadium;
- Elements important to the function of a stadium, such as mass transport infrastructure, will not be part of the development proposal and there is no guarantee that they will ever be implemented;

As it stands, given the timeline afforded the TPC and POSS process, the Draft Assessment Guidelines appear rushed and offer no clear, transparent and community endorsed criteria against which the panel can objectively assess the proposed development and ensure the protection of important community values.

The Tasmanian Greens urge the Macquarie Point Multipurpose Stadium Panel to ensure the highest level of probity and scrutiny is applied to this development and the current, longstanding and well-established planning prescriptions are applied as the standard against which this development is assessed.

Yours sincerely,



Vica Bayley MP

Tasmanian Greens Member for Clark

ⁱ https://www.premier.tas.gov.au/site_resources_2015/additional_releases/getting-on-with-delivering-tasmanias-multipurpose-stadium

ⁱⁱ <https://www.hobartcity.com.au/files/assets/public/v/6/development/planning-schemes/sullivans-cove-planning-scheme-1997-10-may-2023.pdf>

ⁱⁱⁱ https://www.planning.tas.gov.au/_data/assets/pdf_file/0010/705997/Applied-adopted-or-incorporated-document-Macquarie-Point-Reset-Masterplan-2017-2030.PDF

^{iv} <https://www.macpoint.com/precinctplan>

^v https://www.planning.tas.gov.au/_data/assets/pdf_file/0004/735988/Premiers-response-to-request-for-further-information-27-November-2023.pdf

^{vi} https://www.planning.tas.gov.au/_data/assets/pdf_file/0010/705997/Applied-adopted-or-incorporated-document-Macquarie-Point-Reset-Masterplan-2017-2030.PDF

^{vii} <https://www.hobartcity.com.au/files/assets/public/v/6/development/planning-schemes/sullivans-cove-planning-scheme-1997-10-may-2023.pdf>

^{viii} https://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0010/416962/Greater_Hobart_Cycling_Plan_FINAL.pdf

^{ix} <https://www.aboriginalheritage.tas.gov.au/Documents/Tabling%20Report%20-%20Review%20of%20the%20Aboriginal%20Heritage%20Act%201975.pdf>

^x <https://www.afl.com.au/news/817611/tasmania-premier-jeremy-rockliff-confirms-new-stadium-wont-be-part-of-the-states-afl-bid>