

Macquarie Point Development Corporation and Stadiums Tasmania

Joint Submission to the TPC in response to the Draft Guidelines – Macquarie Point Multipurpose Stadium Project of State Significance

In this submission we have captured our comments in the following sections:

- Section 1 – Matters where amendments are sought
- Section 2 – Matters that appear out of scope
- Section 3 – Matters where we are seeking clarification

Section 1 – Matters where amendments are sought

- **Part II, 1.3 Proposed Use and Development**

The background section of the draft guidelines lists three Acts: *Land Use Planning and Approvals Act 1993*, *Environmental Management and Pollution Control Act 1994*, and *Historic Cultural Heritage Act 1995*. This does not include the *Building Act 2016*, as building and plumbing permits and approvals should be sought after the integrated assessment has been undertaken and the high-level design is resolved through the assessment process.

This multistage process reflects the usual planning process and the potential for amendments, revisions or conditions to arise through that process that are important to inform the detailed design process.

This consistent with our understanding of how the legislative framework created under the *State Policies and Projects Act 1993* operates to regulate the assessment and approval of Projects of State Significance. In particular:

- the scope of the legislative provision in section 19 of the *State Policies and Projects Act 1993* ‘turns-off’ relevant controls for Projects of State significance relating to ‘use or development’ only, rather than matters regulated under the *Building Act 2016*.
- the requirement in section 20(1) of the *State Policies and Projects Act 1993* states that the Commission is required to undertake an integrated assessment in accordance with the Minister’s Direction for the project dated 16 October 2023. The Direction states that:

The Commission is required to comply with the following requirements in relation to this integrated assessment, subject to the terms of the Act –

- 1. The integrated assessment is to address the environmental, social, economic and community impacts of the project.*
- 2. As part of the integrated assessment, the Commission is to specifically consider the extent to which the project:*
 - a. Is consistent with and supports the urban renewal of the Macquarie Point site (as defined in the Macquarie Point Development Corporation Act 2012) as provided for in the Mac Point Precinct Plan*

*prepared by the Macquarie Point Development Corporation
established under section 5 of the Act.*

b. Impacts on the surrounding area and uses; and

*c. Could generate social, economic, and cultural benefits to the
region and State of Tasmania.*

Notably, these directions require an integrated assessment of the environmental, social, economic and community impacts of the project, rather than issues regulated by the Building Act. In addition, none of the specific considerations in item 2 relate to matters regulated by the *Building Act 2016*. Consideration of issues regulated by the *Building Act 2016* would therefore appear to be outside of the scope of the Ministerial Direction and therefore not in accordance with section 20(1) of the *State Policies and Projects Act 1993*; and

- the requirement in section 20(5) of the *State Policies and Projects Act 1993* is that the integrated assessment seeks to further the objectives set out in Schedule 1 of that Act and be undertaken in accordance with State Policies. The objectives set out in Schedule 1 are the 'Objectives of the Resource Management and Planning System of Tasmania', which are the same as those set out in the *Land Use Planning and Approvals Act 1993* and make no reference to matters regulated under the *Building Act 2016*. In addition, no State Policies are relevant to matters regulated under the *Building Act 2016*.

However, section 1.3 *Proposed Use and Development* of the draft guidelines seeks detailed design information in excess of what is likely to be required to undertake an integrated assessment to assess the environmental, social, economic and community impacts of the Project.

Accordingly, it is requested that the guidelines are amended to seek indicative information rather than requiring '*plans are to be detailed in design*', '*full details*' or '*a full description*'. Specific examples include:

- for the reference to *plans are to be detailed in design* at the start of section 1.3.1 to be replaced with *plans are to show a schematic design*; and
- for the insertion of the word *indicative* at the start of the third dot point under the sub-heading '*Development*', which requires '*the building form, height, detailing and finishes of proposed buildings and works*'.

It is noted that a schematic design would include articulating the indicative height, form, appearance and finishes, as well as key elements such as entry and exit areas.

- **Part II, 4.2 Urban form of Sullivans Cove**

4.2.2 refers to the planning history and master plans and site development plans for the site, and how the project relates and responds to these.

There have been a number of proposals for the site over time by a number of parties, however, the current planning environment only reflects the most recent master plan, as embedded in the planning scheme. This would be the same basis from which any project on site would be comparatively assessed. Accordingly, it is requested that this section is

amended to refer to a comparison to the current master plan and site development plans as currently embedded in the local planning provisions.

- **Part II, 8.4 Noise and vibration**

The first sentence in this section notes *‘The reports are to describe all sources of noise and vibration from the use of the proposed project...’* It is suggested that this is amended to all sources of noise and vibration *that can be reasonably identified* from the use of the proposed project...

- **Part II, 9.1 Signs**

This section requires reports seeking specific details on sign graphics, location, method of attachment, graphic content and concepts, logos, colours, finishes, materials and method of lighting. There is no limitation on the prescriptive nature of these requirements on size or location. The text appears to apply these requirements to *all* signs without clear exclusions.

It is requested that these references be amended to seek *indicative information* and provide flexibility in finalisation and installation, and to provide thresholds for size and location for when they need to be identified. The use of indicative or guiding information could also be useful to inform the development of signs as they change over time, noting sponsor, naming rights and themes used on signs are likely to be subject to change.

Section 2 – Matters that appear out of scope

- **Part II, 3.3 Financial Impact Report**

This section of the draft guidelines requires an assessment of the State’s projected financial position, compared with a projected financial position for the State on a “no policy change” basis.

Comparatively, the PoSS guidelines for the Lauderdale Quay, Pulp mill, and Basslink projects focus on the impacts of public revenue as an additional expense stemming from the relevant project (such as public expenditure for impacts, subsidy, supplied benefits) as well as any public revenue generated by the project.

The approach taken in the draft guidelines for this multipurpose stadium is inconsistent with the precedent to date. Further the impacts on the State’s financial position, trends, financial ratios and the State’s credit rating are not relevant to assessing the merits of the Project under the Resource Management and Planning System of Tasmania as proposed.

There are existing statutory and established internal to government and external public scrutiny processes and pathways to review government budget processes. The draft guidelines should focus on the integrated assessment of the Project rather than the broader activity and mechanics of government, which appear to be out of scope, particularly noting there are existing direct mechanisms for these.

- **Part II, 3.2 Economic Impact Assessment**

Under this heading, the final paragraph states *‘The economic impact report should also consider the opportunity cost of domestic investment – for example, a “counter-factual” estimate of the impact of an alternative investment of equivalent public funds. The report*

should also consider the degree of ‘crowding out’ that may occur through construction stage activities.’

Similarly, to the above comments, decisions around the investment of public funds is a policy consideration for which there are existing budget processes.

Comparatively, the assessment of previous projects has considered the economic impacts of the proposal not proceeding.

There are existing processes for the review and scrutiny of government budget and financial management and decision making. As a proponent, the Macquarie Point Development Corporation is not reasonably in a position to make assumptions, assertions or to comment on whole of government decision making on either financial or policy matters more broadly.

Section 3 – Matters where we are seeking clarification

- **Part I, 3.0 Guidelines and Reports**

Under this heading, the final paragraph states *‘While every attempt will be made to ensure the final guidelines address the major issues associated with the proposed project, they will not necessarily be exhaustive and should not be interpreted as excluding matters not addressed from further consideration in the Commission’s integrated assessment’*.

Should the guidelines, or the intent of elements of those guidelines, change materially and result in additional matters being considered or further information being required, it is assumed the Corporation will be afforded reasonable opportunity to respond to those matters and to provide further information and make amendments to its submission as appropriate.

- **Part II, 1.4 Design and management response**

Sub-section 1.4.1 notes that reports are to provide context and analysis and describe how, *‘management actions related to the proposed use and development’*.

The intent of this is not clear. Our interpretation is that the TPC is seeking an overview of the anticipated uses and activities that will be undertaken as part of the project once operational, and how these will be generally managed. It is noted that the draft guidelines seek more detailed information on potential specific operational activity impacts, such as noise management, in other sections. Please advise if this is not an appropriate interpretation.

It is suggested that consideration be given to removing this item if it is a duplication or to provide further guidance if new or additional information sought.

Sub-section 1.4.2 requires reports to provide information on *‘off-site management actions that are proposed to address broader social, cultural or economic effects of the project’*

The intent of this is not clear. Our interpretation is that the TPC is seeking information on activities that will occur off site in relation to the social, cultural and environmental benefits that will be generated as part of the project, and to consider the counterfactual to these. Please advise if this is not an appropriate interpretation.

It is suggested that consideration be given to removing this item if it is a duplication or to provide further guidance if new or additional information sought.

- **Part II, 3.2 Economic Impact Assessment**

Under this heading, the second paragraph states *'The modelling is to show the direct and indirect/induced economic effects resulting from indicators such as GDP, employment, real income per capita and industry sector output.'*

Comparatively, it is noted that the Lauderdale Quay, Pulp mill, Basslink and Oceanport PoSS guidelines all provided for an assessment of the employment impacts.

Our interpretation is that the reference to *employment* in this section should also be reasonably interpreted to include *employment impacts*. Please advise if this is not an appropriate interpretation. If this is not the case, it is requested that employment impacts be specifically included in the guidelines.

- **Part II, 4.1 Landscape and visual values**

4.1.3 states that specific consideration should be given to: *'how the historic character of the landscape is incorporated into and shapes the character of the locality. The historic landscape character will be derived from understanding how the long sequence of events and actions are visible in today's landscape and the broad patterns and character that this sequence reveals.'*

The intent of this is not clear. Our interpretation is that we are being asked to articulate and consider how the landscape of the site has evolved over time through different uses, and with regard to the original landscape, and how this informs the resulting character and therefore future use and design. Please advise if this is not an appropriate interpretation.

- **Part II, 5.3 Places and precincts of historic cultural heritage significance**

5.3.5 contains prescriptive and specific requirements for photomontages. The prescriptive nature of these does not appear consistent with other elements of the guidelines. Please advise if these are standard requirements for photomontage submissions to the TPC or if there are other matters that should be considered when preparing photomontage information.

It is also generally noted that a variety of language is used throughout the guidelines to refer to the Project. It is suggested that 'the Project' is used wherever possible to assist in the ease of reading and interpretation, and that the definition of 'the Project' refer back to the order deeming the multipurpose stadium a Project of State Significance for a consistency.

Attachment – Referenced sections of previous PoSS guidelines

In the above feedback, we have made references to previous guidelines that have been prepared for PoSS assessments. Excerpts of relevant sections are provided below.

Section 2 – Matters that appear out of scope

In relation to feedback on 3.3 Financial Impact Report, components were referred to from previous guidelines. The relevant excerpts are as below.

Relevant previous PoSS guideline excerpts:

Lauderdale Quay - 2004

6.4 Impacts on Public Revenue and Expenditure

Critically analyse, quantify and assess both direct and indirect impacts of the project on public revenues and expenditure at local, State, and national levels, including the City of Clarence and any businesses owned by local, Tasmanian and Australian Governments, for the life of the project. Examine any Government-supplied benefits that have, or will be supplied, to the proponent to make the project viable or reduce its risk exposure (including direct Government financial or infrastructure contributions, or tax concessions).

The proponent should take account of the timing of payments and costs, including the costs of additional monitoring to all levels of Government over the life of the project and anticipated contributions. Any anticipated forms of public subsidy, both direct and indirect, should be identified and described. Any costs to be borne by public expenditure for the management of social, environmental and economic impacts of the project should be individually detailed.

Gunns Pulp Mill Proposal - 2004

8.4 Impacts on public revenue and expenditure

Critically analyse, quantify and assess both direct and indirect impacts of the project on public revenues and expenditure at Local, State, and Australian Government levels, including any businesses owned by local, Tasmanian and Australian governments, for the life of the project. Examination of any government supplied benefits that have or will be supplied to the proponent to make the project viable or reduce its risk exposure (including direct government financial or infrastructure contributions, or tax concessions). The proponent should take account of the timing of payments and costs, including the costs of additional monitoring to all levels of government over the life of the project and anticipated contributions. Any anticipated forms of public subsidy, both direct and indirect, shall be identified and described. Any costs to be borne by public expenditure for the management of social, environmental and economic impacts of the pulp mill project should be individually detailed.

The section should distinguish in these matters between the initial construction phase and subsequent operational phases. It must highlight any major differences in the impacts of alternative development options and development sites.

Basslink - 2000

10.4 Impacts on public revenue and expenditure

Critically analyse, quantify and assess both direct and indirect impacts of the project on public revenues and expenditure at Local, State, and Commonwealth Government levels, including Government Business Enterprises for the life of the project. Examination of any government supplied benefits that have or will be supplied to NGIL to make the project viable

or reduce its risk exposure (including direct government financial or infrastructure contributions, or tax concessions). The Project Proponent should take account of the timing of payments and costs, including the costs of additional monitoring to all levels of Government over the life of the project and anticipated contributions. Any anticipated forms of public subsidy, both direct and indirect, shall be identified and described. Where necessary, additional information over and above that provided by the Project Proponent shall be obtained and analysed. Any costs to be borne by public expenditure for the management of social, environmental and economic impacts of the Basslink project should be individually detailed.

The section should distinguish in these matters between the initial construction phase and subsequent operational phases. It must highlight any major differences in the impacts of alternative development options. Such an analysis should include, amongst other things, consideration of the payments to governments, including:

- *taxes and charges;*
- *rates;*
- *stamp duties;*
- *leases; and*
- *access to Crown land*

Section 2 – Matters that appear out of scope

In relation to feedback on 3.2 Economic Impact Assessment, components were referred to from previous guidelines. The relevant excerpts are as below.

Lauderdale Quay - 2004

7.6 Impact of Project Not Proceeding

Critically analyse, quantify (in gross/net terms) and assess any social, economic, ecological or community effects of the project not proceeding which are not already evident from the analysis required above. Discuss the implications of partial or noncompletion of major elements of the proposed development. Detail contingency alternative uses in the event of partial completion and/or, the economic failure of one or more major elements of the proposed development.

Gunns Pulp Mill Proposal - 2004

9.3 Impact of project not proceeding

Critically analyse, quantify, and assess any social, economic or community impacts of the project not proceeding which are not already evident from the above analysis.

Basslink - 2000

12. Impact of project not proceeding

Critically analyse, quantify, and assess the environmental, social, economic or community impacts to Tasmania and Victoria of the project not proceeding

Oceanport - 1998

7.4 Impact of project not proceeding

Analyse, quantify (in gross/net terms) and assess any social, economic or community impacts of the project not proceeding which are not already evident from the analysis required in

Section 2.3.1. Further, the Proponent is to clarify the status of the Princes Wharf site should the proposed development not go ahead. Discuss the implications of partial or non-completion of major elements of the proposed development. Detail contingency alternative uses in the event of partial completion and, or, the economic failure of one or more major elements of the proposed development.

Section 3 – Matters where we are seeking clarification

In relation to feedback on 3.2 Economic Impact Assessment, components were referred to from previous guidelines. The relevant excerpts are as below.

Lauderdale Quay - 2004

6.5 Employment impacts

Critically analyse, quantify (in gross/net terms) and assess the employment impacts which will arise as a result of the project both during the construction and operation phases. Both direct and indirect predicted impacts should be assessed and are expected to include the following:

- *The types of job classified (where possible) in accordance with the major and minor ASCO job classifications as used by the Australian Bureau of Statistics (Catalogue no. 1222.0) that will be generated and the number of jobs of each type.*
- *The regional distribution of the employment impact during the construction phase of the project.*
- *Impact on employment in all industry sectors.*
- *The capacity of the Tasmanian workforce to meet the employment needs of the project and jobs created in other sectors as a result of the project.*

Gunns Pulp Mill Proposal - 2004

8.5 Employment impacts

Critically analyse, quantify and assess the employment impacts which will arise as a result of the project both during the construction and operation phases. Both direct and indirect predicted impacts should be assessed and are expected to include the following:

- *The types of job classified (where possible) in accordance with the major and minor ASCO job classifications as used by the Australian Bureau of Statistics (Catalogue no. 1222.0) that will be generated and the number of jobs of each type.*
- *The regional distribution of the employment impact, both in the construction and operational phases of the project.*
- *Impact on employment in industry sectors.*
- *The capacity of the Tasmanian workforce to meet the employment needs of the project and jobs created in other sectors as a result of the project.*
- *Special attention should be paid to training and education and the impact on job opportunities arising from the project, both in its construction and operation.*
- *Job categories which cannot or will not be filled by Tasmanians should be specifically identified to the extent possible.*

Basslink - 2000

10.5 Employment impacts

Critically analyse, quantify and assess the impact of Basslink and its associated optic fibre cable on employment, wages and salaries by industry sector in Tasmania and Victoria and identify any regional employment implications. Both direct and indirect predicted impacts should be assessed in both the construction and operational phases of the project.

Assess the capacity of the Tasmanian and Victorian workforces to meet the employment needs of the project and jobs created in other sectors as a result of the project.

Oceanport - 1998

6.3 Employment impacts

Analyse, quantify (in gross/net terms) and assess the employment impacts which will arise as a result of the project. Both direct and indirect predicted impacts should be assessed and are expected to include the following:

- *The types of job classified (where possible) in accordance with the major and minor ASCO job classifications as used by the Australian Bureau of Statistics (Catalogue no. 1222.0) that will be generated and the number of jobs of each type.*
- *The regional distribution of the employment impact, both in the construction and operational phases of the project.*
- *Impact on employment in all industry sectors.*
- *The capacity of the Tasmanian workforce to meet the employment needs of the project and jobs created in other sectors as a result of the project.*
- *Special attention should be paid to the training and education which is or should be available to maximise the Tasmanian uptake of job opportunities arising from the project, both in its construction and operation.*
- *Job categories which cannot or will not be filled by Tasmanians should be specifically identified to the extent possible.*

Section 3 – Matters where we are seeking clarification

In relation to feedback on 6.2 Traffic, freight and transport routes, a component was referred to from the Oceanport guidelines. The relevant excerpt is below.

Oceanport - 1998

5.3 Measure to Control Impacts

Where measures to control impacts are necessary, but are not the responsibility of the proponent, this should be indicated together with any information regarding the commitment by the responsible party to implement the measures. Any influence the proponent may bring to bear to ensure that the necessary measures are put in place should be identified. This shall be taken to include matters such as noise attenuation of heavy vehicles travelling through the area and possible restrictions on night time activities of such vehicles.