

Macquarie Point Multipurpose Stadium Project of State Significance

Guidance on representations and hearings

Key points

- The Tasmanian Planning Commission's (the Commission) Integrated Assessment will be based on the published [Guidelines](#).
- The proponent's reports should:
 - be prepared by suitably qualified people;
 - outline the evidence relied on; and
 - specify any professional opinion relied on.
- The reports and any accompanying materials will be published on Commission's website.
- The Integrated Assessment process will take up to 12 months to complete.
- The Commission's draft Assessment Report will be published online, and:
 - representations can be made about it; and
 - hearings may be conducted into representations, and directions will be made about evidence to be presented and the sharing of it.
- The tight timeframe means those considering making a representation are encouraged to review the published material, and prepare their documents, as early as possible.

In detail

The general process to be followed by the Commission in undertaking the integrated assessment of the proposal by the Crown in Right of Tasmania for the development of a multipurpose stadium at Macquarie Point (the project) and thereafter reporting to the Minister under s26(1) of the *State Policies and Procedures Act* 1993 is set out in Attachment A.

The Commission has prepared and publicly exhibited guidelines (the final guidelines)¹ to be followed in the preparation of reports to be presented to it for the purposes of the integrated assessment.

The proponent of the project will be delivering a number of such reports to the Commission. These will be published on the Commission's website.

¹ https://www.planning.tas.gov.au/data/assets/pdf_file/0010/750358/Final-Guidelines-Macquarie-Point-Stadium-16-February-2024.pdf

By the terms of the Ministerial Direction of 16 October 2023² the Commission is obliged to report to the Minister within 12 months from the date those reports are delivered to the Commission.

As can be seen from Attachment A, the timeframe for the Commission to complete the integrated assessment and to prepare the report to the Minister is limited.

Following the publication of the draft integrated assessment report pursuant to s22 of the Act, it may be that representations in relation to the draft report are made to the Commission, in accordance with s23 of the Act.

In that event the Commission must consider the representations. To that end it may conduct a hearing, which will be governed by the provisions of Part 3 of the *Tasmanian Planning Commission Act 1997*.

If there is a hearing, directions will be made by the Commission as to the orderly and fair conduct of it. That will include a requirement for any person who wishes to give or to call evidence to the Commission at the hearing, to disclose in writing the nature of such evidence some time prior to the hearing, and to make that available to any other person who seeks to be heard at the hearing.

The final guidelines stated:

The reports that address the matters in the final guidelines and which are provided to the Commission are to be prepared by suitably qualified people.

Where findings or conclusions on matters of merit are reached, the reports should clearly outline:

- the evidence that supports or relates to the findings or conclusions; and
- the degree to which the findings or conclusions are based on professional opinion.

It may be that part(s) of the reports contain matters and conclusions which are considered to be contestable; and that those who make a representation in relation to the draft report do so on that basis and seek to provide evidence in support of a contention that part(s) of the reports are wrong or should not be accepted.

²https://www.planning.tas.gov.au/data/assets/pdf_file/0003/733188/Ministerial-direction-16-October-2023.pdf

The Commission urges any person who might make a representation and who seeks to provide evidence to the Commission on any hearing, to carefully consider the reports at the earliest opportunity and to decide what evidence (and from what witness(es)) they want to put before the Commission – whether that evidence is against or in support of anything contained in the report(s).

The intent of this is twofold:

- To cause interested persons (i.e. those who might make a representation on the draft integrated assessment report) to consider, as soon as the reports are published on the Commission's website, what materials/evidence they want to secure which would be part of any representation or to be presented at any hearing – so that they have ample time to take steps to obtain such materials/evidence; and
- To thereby minimise the delay between representations being made and any hearing, bearing in mind the requirement – as a matter of procedural fairness – to disclose the evidence sought to be relied at any hearing.

Indicative process guidance
Macquarie Point Multipurpose Stadium
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Stage 1

- Receipt of all proponent's reports – commencement of assessment.
- Panel sends reports to Agencies with request to provide written views on the project, adequacy of response to the Guidelines and any Agency specific issues.
- Panel Members and TPC undertake assessment of reports for adequacy of response to Guidelines.

Stage 2

- TPC advise proponent in writing of any adequacy deficits and any other issues and invite proponent to respond – may involve a meeting.
- Proponent provides written responses.

Stage 3

- Proponent's final responses provided to Panel & Agencies. Agencies invited to consider and provide written comments.
- Panel identifies issues to be considered in consultation with Agencies.
- TPC arranges consultation meetings with Agencies as required, including participation of proponent as appropriate. Meetings may be bilateral or multilateral depending on issues/preference of agencies.
- Agencies requested to identify in writing key issues for draft IAR and, for Agencies which have a regulatory function, to also specify potential conditions in anticipation of a recommendation for approval of the project.
- TPC prepares consultation advice to Panel on key issues for draft IAR and potential conditions.

Stage 4

- Panel prepares draft IAR with assistance of TPC.

Stage 5

- Draft IAR exhibited and representations invited.
- Panel reviews representations with assistance of TPC and identifies scope of, and issues for hearings if same are required for consideration of any representations.
- Panel conducts hearing(s).

Stage 6

- Panel prepares any necessary modifications to draft IAR as informed by its consideration of the representations including hearing(s).

Stage 7

- Panel prepares the report required by s26(1) and presents it to the Minister.