23 May 2025

Members of the House of Assembly and Legislative Council
Tasmanian Parliament

Macquarie Point Multi-purpose Stadium - advantages of allowing the Projects of State Significance process to conclude

The State Government has recently announced its intention to introduce 'enabling legislation' regarding the Macquarie Point Multi-purpose Stadium.

While the State Government have referred to 'enabling legislation' we believe it should more accurately be referred to as 'over-riding legislation' as it would need to over-ride the order that authorised the ongoing Projects of State Significance (POSS) process.

The Planning Matters Alliance Tasmania (PMAT) and Tasmanian Conservation Trust (TCT) believe it is important to express our concerns regarding the proposed legislation, before it is released, to each member of the Tasmanian Parliament. The State Government has made false assertions about the need for the 'enabling legislation' and is expected to unnecessarily rush the legislation through the Tasmanian Parliament.

We want to ensure the Tasmanian Parliament is aware of:

1. **What the State Government has proposed.**
2. **Key facts about the *State Policies and Projects Act 1993* (SPP Act).**
3. **Advantages of allowing the Projects of State Significance Process (POSS) to conclude as compared with the proposed over-riding legislation.**
4. **Conclusions and final recommendations by PMAT and TCT.**

Find below (pages 3-10) our detailed points on the above.

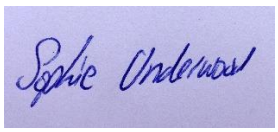
Key points:

- The final report and recommendations by the Tasmanian Planning Commission are required to be provided to the minister no later than 17 September 2025. The State Government's proposed over-riding legislation has the potential to produce an approval only about four weeks earlier than if the State Government waits for the Projects of State Significance process to conclude.
- The only function of the State Government's proposed over-riding legislation is to prevent the Tasmanian Planning Commission from making its final report and recommendations.

- There are many advantages to the POSS process being allowed to conclude and the State Government and Tasmanian Parliament receiving the Tasmanian Planning Commission's final report and recommendations. These include allowing the Tasmanian Planning Commission:
    - to hold public hears and responding to the 862 Tasmanian organisations and community members who made submissions on *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report*.
    - to 'report to the Minister on whether or not the project should proceed, and if so on what conditions'.
- There are no legitimate reasons for blocking the Tasmanian Planning Commission final report.
- Regardless of whether the Tasmanian Planning Commission's final report recommends for approval, or not, the State Government can propose an order to approve the stadium that the Tasmanian Parliament will have the opportunity to vote on.
- The Tasmanian Parliament should vote against any legislation that will stop the Projects of State Significance process from concluding.

We would very much welcome the opportunity to meet with you to discuss our concerns and are available anytime.

Yours sincerely



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Macquarie Point Multi-purpose Stadium - advantages of allowing the Projects of State Significance process to conclude

1. What the State Government has proposed

On 13 April 2025 the Premier and Minister administering the State Policies and Projects Act Jeremy Rockliff and Minister for Business, Industry and Resources, Eric Abetz issued a media release – see here. The media release stated in part:

> *The Tasmanian Government will introduce enabling legislation to Parliament to progress approvals for the Macquarie Point Urban Renewal Project.*
>
> *It follows significant concerns raised about the current planning process.*
>
> *"It has become clear over the last week that the current process is undermining certainty and confidence in the future of the Precinct and the Tasmania Devils AFL club, impacting construction, recruitment and economic prospects," Premier Rockliff said.*
>
> *"We cannot afford not to deliver this project. And we cannot afford delays.*
>
> *Minister for Business, Industry and Resources, Eric Abetz cited recent concerns about the Tasmanian Planning Commission's draft Integrated Assessment Report's scope and reliance on an assessment prepared by Dr Gruen*.

Minister Abetz relevantly states that the State Government '*will continue to work through the report - and whatever public feedback there is on it*' and that '*We will keep extracting what we can to inform good and proper planning decisions*'.

We believe the 13 April 2025 media release is the only written statement made by the Tasmanian Government on this subject to date. Premier Rockliff and Minister Abetz have made a range of other statements to the media and in parliament but most seem to repeat what is covered in the 13 April 2025 media release . We will comment on other statements made by the State Government where they provide additional information.

2. Key facts about the current State Policies and Projects Act

Attached is the relevant part of the *State Policies and Projects Act 1993*, 'Part 3 – Integrated assessment of projects of state significance'.

The SPP Act does not provide for the Minister to unilaterally stop a POSS process once commenced. Section 28A(1) states that:

> If the Commission is satisfied, at any time before the submission of its report to the Minister under section 26(1), that there is no reasonable prospect that its report will contain a recommendation that a project of State significance should proceed, the Commission may submit a report to the Minister recommending that the order made under section 18(2) in relation to the project be revoked.

Section 28A (1) provides that the Tasmanian Planning Commission may in limited circumstances make a recommendation to the Minister to revoke the POSS order. Otherwise, under the current act, once a POSS commences it must be allowed to conclude. The only alternative would be for the Tasmanian Parliament to pass over-riding legislation. Until such legislation is passed or section 28A(1) is triggered, the POSS must continue.

This is presumably why the Premier has made media statements suggesting he is considering including a provision in the proposed over-riding legislation to revoke the POSS order. While not specifically referring to revocation of the POSS order, the 10 April 2025 ABC story quotes Premier Jeremy Rockliff stating *'So, we can no longer have faith in either report I have to say, which is disappointing*' referring to *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report* and Dr Nicholas Gruen's report. This clearly insinuates that the State Government intends to revoke the POSS order.

On 7 May 2025 the Premier was quoted on Pulse Tasmania news website making the following statement that goes beyond what was said in the 13 April 2025 media release:

> *Tasmanian Premier Jeremy Rockliff has issued an ultimatum to Upper House members that unless enabling legislation for the Macquarie Point stadium passes, the state's AFL team bid will collapse.*
>
> *"Every MP will get a vote on whether the stadium will go ahead. Yes or No. If the vote is no, it is all over," Rockliff told Pulse.*
>
> *"There will be no ongoing POSS (Project of State Significance process). There will be no stadium. There will be no team."*

Asked about the ultimatum in Parliament on Wednesday, Rockliff said everything will come to an end if the enabling legislation fails.

If the proposed 'enabling legislation' is voted down it is not 'all over'.

If the vote is no then it is wrong to claim, '*There will be no ongoing POSS (Project of State Significance process)'. There will be no stadium. There will be no team*.'

If the enabling legislation is voted down, then the ongoing POSS process continues. As stated above the Minister cannot unilaterally act to revoke a POSS order. The outcome of the POSS is that the Tasmanian Planning Commission may recommend for approval or against approval of the stadium.

The POSS process has a strict timeframe that must be met. *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report*, page 3, outlines the process the Tasmanian Planning Commission must follow. As required by the Ministerial Direction from the Premier to the Tasmanian Planning Commission dated 16 October 2023 (attached to the *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report*), the Tasmanian Planning Commission must issue its recommendations to the Minister within 12 months of the date of the proponent's submission of reports. This means a recommendation is due no later than 17 September 2025.

It is our understanding that the Tasmanian Planning Commission can issue its final report and recommendations before that date.

The Tasmanian Planning Commission is yet to provide its final report to the Minister and the content of this final report will contain critically important recommendations. Section 26 of the SPP Act states that:

> ***26. Recommendation to Minister on project of State significance***
>
> *(1) As soon as practicable after undertaking an integrated assessment of a project of State significance, the Commission must submit a report to the Minister on whether or not the project should proceed, and if so on what conditions.*
>
> *(2) Where the report of the Commission recommends that a project of State significance should proceed on conditions, it must specify –*
> *(a) those conditions; and*
>
> *(b) the Act pursuant to which, and the permit, licence or other approval in which, each condition would normally be imposed; and*
>
> *(c) the agency responsible for the enforcement of each condition.*

The key part of the Tasmanian Planning Commission 's recommendations is to: '*report to the Minister on whether or not the project should proceed*'. If the Tasmanian Planning Commission recommends for approval, it can recommend conditions of approval, the permits etc that are required and the agencies responsible for enforcement.

If the over-riding legislation is passed, the State Government would be determining '*whether or not the project should proceed*', conditions approval, etc and not the Tasmanian Planning Commission.

Under the SPP Act the State Government does not have to act 'in accordance with the report of the Commission'. Section 26 (7) provides a pathway for the State Government to propose an order where the State Government wants to act contrary to the Tasmanian Planning Commission advise. Section 26 (7) states:

> *Where the Minister does not recommend to the Governor the making of an order in accordance with a report of the Commission, the Minister may recommend to the Governor the making of an order enabling the project of State significance to proceed on conditions, and specifying –*

Where the Minister does not recommend making an order in accordance with the Tasmanian Planning Commission final report, the Minister may recommend an order to the Governor 'enabling the project' which then must be tabled in Tasmanian Parliament and voted on. The Tasmanian Parliament makes the final decision.

The key advantage of allowing the current POSS process to conclude is that the Tasmanian Parliament would have the Tasmanian Planning Commission's final report and recommendations to assist it with its deliberations over any order issued regarding the stadium.

If the State Government's proposed over-riding legislation passes, the Tasmanian Planning Commission must stop its work and cannot issue a final report. Therefore, the Tasmanian Parliament will not have the Tasmanian Planning Commission report.

As per section 25(1) of the SPP Act the Tasmanian Planning Commission may, after considering representations and presentations made during public hearings (if these occur), make modifications to the Draft integrated assessment report. Under the current SPP Act the *Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report* and any modifications, if any were made, would be made available to the Tasmanian Parliament.

If the State Government's proposed over-riding legislation passes, the Tasmanian Parliament will not have the Tasmanian Planning Commission 's final report and recommendations.

3. Advantages of the POSS process being allowed to conclude as compared with the proposed over-riding legislation

If the Tasmanian Parliament does not pass over-riding legislation and the Tasmanian Planning Commission does not make a recommendation to the Minister for revocation, the POSS must continue until it has been completed. We assert that there are numerous advantages to the Tasmanian Parliament not supporting over-riding legislation and allowing the POSS process to conclude.

The POSS process has a strict timeframe that must be met. In the 13 April 2025 media release the Premier says that *'we cannot afford delays'*. The 3 April 2025 ABC story quotes the Premier saying *'It throws into extreme doubt the timeline for the project of State Significance assessment'*. However, the POSS process has a strict timeframe that must be met. Over-riding legislation would potentially bring about an approval sooner but only by a few weeks.

The proposed enabling legislation may have a slow passage through the parliamentary process, especially given the need to address the state budget as a priority. If the enabling legislation fails to be voted on by both houses by 3 July (which is likely), then it would need to wait until the next scheduled sitting week commencing on 19 August 2025.

As stated above, under the POSS process the Minister must be provided with the Tasmanian Planning Commission recommendations by 17 September 2025 at the latest and it may do so earlier. The Minister could quickly table an order in the Tasmanian Parliament (either confirming or contradicting the Tasmanian Planning Commission advice) to grant approval to the project. Conveniently, both houses of Tasmanian Parliament are scheduled to sit on 16, 17, 18, 23, 24, 25 September 2025.

The over-riding legislation has the potential to produce an approval about 4 weeks earlier than if the State Government waits for the POSS to be concluded as per the Tasmanian Planning Commission 's current statutory deadline.

Allowing the POSS process to conclude has important advantages. In the 13 April 2025 media release the Premier seems to present the two alternative processes as being the same, stating that: 'Every Member of the Tasmanian Parliament will have their say on this project – just as they would have through the POSS.' This is wrong.

There are two key advantages of the POSS process being allowed to conclude:

- the Tasmanian Planning Commission can complete its assessment of public submissions (862 submissions received – see here) and presentations made at public hearings (if they are held), form its final views in response to the *Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report* and may make modifications to the Draft Integrated Assessment Report;

- the Tasmanian Planning Commission would be able to provide its final '*report to the Minister on whether, or not, the project should proceed, and if so on what conditions*'.

If the over-riding legislation is passed, then these two stages of the process do not occur. Instead, it is the State Government that takes on this final part of the assessment and in effect assesses its own project – or does not do it at all.

If the over-riding legislation is passed, the State Government would be recommending "*whether or not the project should proceed, and if so on what conditions*" and not the independent Tasmanian Planning Commission.

Minister Abetz's quotations in the 13 April 2025 media release regarding the State Government's approach to assessment of the project fails to provide us with confidence, stating that the State Government '*will continue to work through the report - and whatever public feedback there is on it*' and that '*We will keep extracting what we can to inform good and proper planning decisions*'. It seems very lacking in rigour and commitment to offer to '*work through the report - and whatever public feedback there is on it'. Offering to 'keep extracting what we can*' seems very like '*cherry picking*' what suits the State Government.

The Minister does not state who does the final assessment work, replacing the Tasmanian Planning Commission, but we assume that it is the Ministers and their advisors. In addition to lacking independence there are serious doubts that the people doing this work have the required skills.

The State Government may receive a Tasmanian Planning Commission recommendation that supports its aim of approving the stadium – but over-riding legislation negates this possibility. Its seems that the State Government is second guessing the Tasmanian Planning Commission recommendation and assuming it will be to recommend against approval. The Tasmanian Planning Commission can and may recommend for approval. By introducing over-riding legislation, the State Government negates the potential for the Tasmanian Planning Commission to provide a recommendation that supports the State Government's aims. Equally, if the Tasmanian Planning Commission recommended approval, it would be expected to recommend numerous conditions of approval. Over-riding legislation would result in the State Government not having the benefit of these conditions that would be independently produced by the Tasmanian Planning Commission.

The State Government seems to be unwilling to act contrary to the Tasmanian Planning Commission 's recommendation and instead wants to avoid receiving it. It is possible the Tasmanian Planning Commission recommends not to approve but the Minister does not have to recommend an order in accordance with the Tasmanian Planning Commission recommendation. The Minister may, contrary to a Tasmanian Planning Commission

recommendation against approval, propose to the Governor an order approving the project. However, this order must be tabled in parliament and voted on.

If the POSS is allowed to conclude the Tasmanian Parliament will have the Tasmanian Planning Commission ’s final report and recommendations to assist it with its deliberations on the Minister’s proposed order (whether, or not, the Tasmanian Planning Commission ’s recommendation is for approval). With the proposed over-riding legislation, the Tasmanian Parliament would not have the Tasmanian Planning Commission ’s final report and recommendations. There is no legitimate reason for preventing the Tasmanian Planning Commission from producing its final report and recommendations.

4. Conclusions and final recommendations by PMAT and TCT

A key assessment that the parliament needs to make is to compare the Tasmanian Planning Commission and the State Government in terms of assessment and decision making. The final part of the POSS process can be expressed simply. The Tasmanian Planning Commission has made myriad findings in its *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report* in relation to a wide range of economic, social, cultural and environmental factors. It then considers representations in response to *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report* and the presentations made at hearings (if any are held) and reconsiders those findings. It may make modifications to *The Macquarie Point Multipurpose Stadium Draft Integrated Assessment Report*. It then uses that assessment to come to one of two key recommendations:

- whether the project should proceed, and if so on what conditions; or
- whether the project should not proceed.

The Tasmanian Planning Commission makes a key judgement about its findings that either support refusal or support approval and, if so, form the basis for conditions.

Critical to the Tasmanian Planning Commission 's judgement is its assessment of the detailed information presented to it and the Commission's independence. The State Government cannot be trusted to assess these matters independently but nor do they have the capacity to make such an assessment.

Final recommendations by PMAT and TCT: Our conclusion is that the only function of the State Government's proposed over-riding legislation is to prevent the Tasmanian Planning Commission from making its report and recommendations. There are no legitimate reasons for blocking the Tasmanian Planning Commission report. Regardless of whether the Tasmanian Planning Commission report recommends for approval, or not, the State Government can propose an order to approve the stadium that the Tasmanian Parliament will have the opportunity to vote on.

It is our simple recommendation that there are many advantages to the POSS process being allowed to conclude and the State Government and Tasmanian Parliament receiving the Tasmanian Planning Commission's final report recommendations. Therefore, the Tasmanian Parliament should vote against any legislation to stop the POSS process.