



30 December 2022

Anthony Albanese MP
Prime Minister of Australia
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Cc Anika Wells MP, Minister for Sport

Dear Prime Minister,

AFL stadium at Macquarie Point

The Tasmanian Conservation Trust is writing to you and Anika Wells, Minister for Sport, urging you to not agree to any funding for the proposed AFL stadium at Macquarie Point in Hobart (the Tasmanian Government's preferred location) unless there is a clear commitment from the Tasmanian Government that the proposed development will not be declared a major project under the Land Use Planning and Approvals Act 1993 (LUPAA) but rather be taken through the normal Council planning process. This commitment by the Tasmanian Government should be made immediately and prior to any decision by the AFL on the license and prior to any commitment of funding by your government.

It may surprise you and Minister Wells that a stadium is almost certainly a prohibited development and use at Macquarie Point. The area known as Macquarie Point was subject to a very specific planning scheme amendment in 2019 that incorporated the Macquarie Point Master Plan into the Sullivans Cove Planning Scheme 1997.

The Hobart City Council recently advised the TCT that 'The planning scheme (including the master plan) does not contemplate a stadium'.

It seems clear that the Sullivans Cove Planning Scheme would need to be amended for a stadium at Macquarie Point to be considered by the HCC through the normal planning process.

If a scheme amendment was initiated, including at the recommendation of the Macquarie Point Development Corporation (as per the Macquarie Point Development Corporation Act 2012), this would constitute the normal planning process because a scheme amendment must be released for public comment, is assessed by the independent Tasmanian Planning Commission and enables the HCC ample opportunity to provide strategic planning input.

If the scheme was amended and a separate development application made to the HCC, public input would be required and the decision would be subject to appeal to the Tasmanian Civil and Administrative Appeals Tribunal.

The same safeguards are not present in the major project process. Most critically there is no right of the community to appeal a major project permit to the TasCAT and the normal Tasmanian Planning Commission processes do not apply.

The normal planning process also enables the very good elements of the Macquarie Point Master Plan to be fully considered and assessed as part of any scheme amendment process. Under the normal process a scheme amendment may be refused and the Master Plan be retained. Under the fast track process we fear that the Master Plan would be discarded and its potential lost to make room for a stadium.

The Macquarie Point Annual Report for 2020-21 provides an elegant summary of the Master Plan at page 16-17:

MASTER PLAN

To encapsulate the Mona vision, community views, Tasmanian Government priorities, and establish a cohesive framework for the development, the Master Plan was created. This Master Plan is a suite of planning rules that set out the site's development framework, including what can and can't be built.

Buildings that can be developed include galleries, cultural spaces, cafes, restaurants, residential, research facilities, tourism, and office complexes. It also sets out other requirements such as green roofs and building setbacks which increase the site's amenity while emphasising the importance of public open space for holding events

In addition, the Master Plan establishes protections to safeguard designated areas such as the transit corridor and heritage buildings on site, including the Goods Shed and the Red Shed.

The Master Plan was formally approved by the City of Hobart after a public process and approved by the Independent Planning Commission on 30 October 2019.

A copy of the Sullivans Cove Planning Scheme 1997 can be found via the Corporation or the City of Hobart's website.

https://www.macpoint.com/_files/ugd/8d6c51_15f6b6899d994e1d86931608419a56de.pdf

A critical element of the Master Plan is the public open space zoning that has enabled consideration of a 'Truth and Reconciliation Art Park' through the more recently developed Master Development Plan (Macquarie Point Annual Report for 2020-21, page 18-19).

While the Tasmanian Government have dismissed criticism that the Truth and Reconciliation Art Park cannot be incorporated into the AFL stadium, it seems to the TCT that this and other elements of the Master Plan would be rendered as mere add-ons to an AFL stadium, if, and where, they can be incorporated.

I ask you and your minister make yourselves familiar with the details of the Macquarie Point Master Plan and the existing planning scheme provisions and consider what would be lost if an AFL stadium was to be built at this site. Please consider the potential for a 'Truth and Reconciliation Art Park' and don't accept any glib assurances from the Tasmanian Government regarding this proposal.

Finally, I ask that you commit to the normal planning process applying and do not support the proposed AFL stadium being made a major project under the LUPA Act.

Yours sincerely,

Peter McGlone
Chief Executive Officer
Tasmanian Conservation Trust

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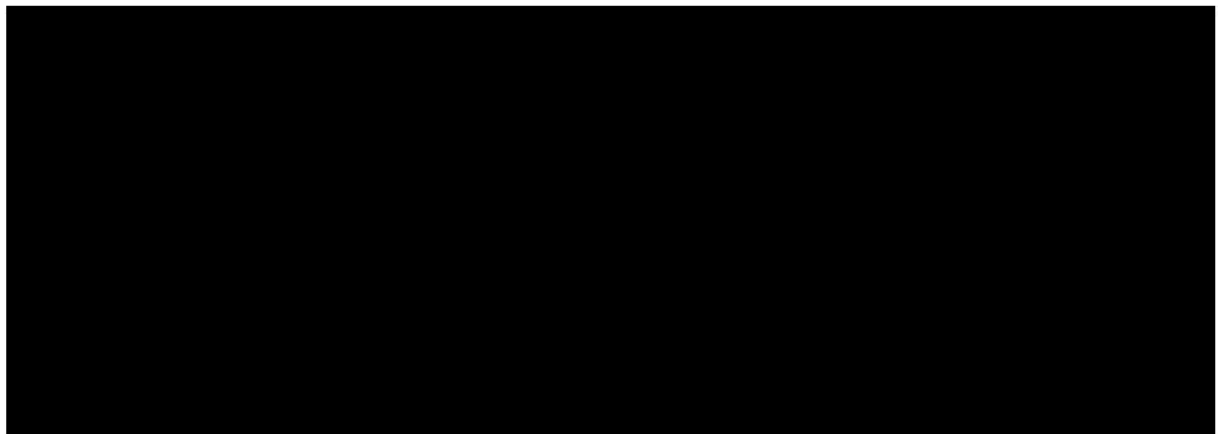
30 March 2023

Simon Scott
Committee Secretary
Parliamentary Standing Committee of Public Accounts
Parliament House
HOBART TAS 7000

Email: pac@parliament.tas.gov.au

Inquiry into the Tasmanian Government's process into the feasibility planning for a new sporting and event stadium in Hobart - Additional submission.

The Tasmanian Conservation Trust provided a submission to the Parliamentary Standing Committee of Public Accounts on 10 February 2023. I wish to provide additional information on issues raised in that submission. In particular, I provide below some further evidence to support the claims that the proposal for a stadium at Macquarie Point are probably prohibited under the existing planning scheme.



Current planning scheme

Under the current planning scheme (Sullivans Cove Planning Scheme 1997) does not seem possible to obtain planning approval from the Hobart City Council for the proposed AFL stadium.

The planning scheme was amended in 2019 to include the Macquarie Point Site Development Plan and we have advice that:

- major sports and recreation uses are prohibited within parts of the plan area; and
- other provisions, that seek to protect views and sightlines from the Cenotaph across the Macquarie Point area, would be a further impediment.

It is noted that at the time the plan was developed a stadium was not envisaged.

Our advice suggests that unless the Scheme were amended, it would not currently be possible to construct the proposed AFL stadium within the Macquarie Point Site Development area simply with a planning permit.

Amending the planning scheme

The proponent for the proposed AFL stadium could seek to amend the Sullivans Cove Planning Scheme 1997 to better fit the development.

The planning scheme can be amended by the Macquarie Point Development Corporation Board making a recommendation to the minister, but this is a once only option and the Board already requested an amendment in 2019. Without a change to legislation this option is now unavailable.

The planning scheme can be amended via the Land Use Planning and Approvals Act, in what I describe as the 'normal manner'. A proposal can be initiated by the Hobart City Council or by a request to the council. A proposed scheme amendment would be considered by the Tasmanian Planning Commission and an opportunity for public comment is provided. The Council would be expected to have input.

Major projects pathway

The proposed AFL stadium can be assessed and potentially approved via the Major Projects pathway (a new process established within the Land Use Planning and Approvals Act 1993) whereby the normal council assessment and approval process is bypassed. There would also be no right for the community to appeal the final decision. The planning scheme only needs to be considered by the major projects assessing panel which may mean the proposal can be inconsistent and still be approved.

Project of State Significance?

The proposed AFL Stadium could be declared a State Significant Project in accordance with the *State Policies and Projects Act 1993*. This could also overcome inconsistencies the proposed project may have with the planning scheme. It is my view that the major projects process is probably more likely to be used.

I hope this is of assistance to the committee.

Yours sincerely,



Peter McGlone
Chief Executive Officer
Tasmanian Conservation Trust

