

## **AGENDA**

OPEN PORTION OF THE SPECIAL COUNCIL MEETING WEDNESDAY, 11 JUNE 2025 AT 5.00PM





#### THE MISSION

Working together to make Hobart a better place for the community.

#### **OUR VALUES**

THE COUNCIL IS:

#### **PEOPLE**

We care about people – our community, customers and colleagues

#### **TEAMWORK**

We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.

#### FOCUS AND DIRECTION

We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.

### CREATIVITY AND INNOVATION

We embrace new approaches and continuously improve to achieve better outcomes for our community.

#### **ACCOUNTABILITY**

We work to high ethical and professional standards and are accountable for delivering outcomes for our community.

#### VISION

OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

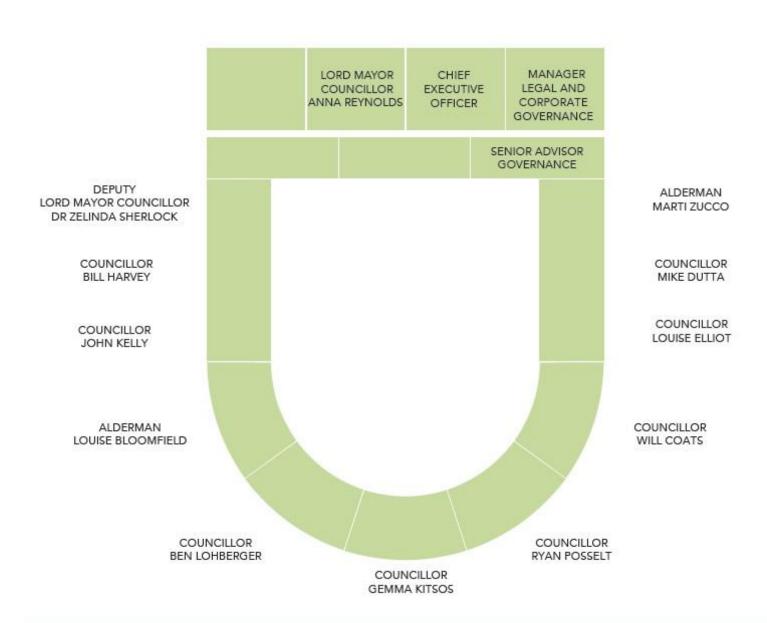
Hobart breathes.

Connections between nature, history, culture, businesses and each other are the heart of our city We are brave and caring.

We resist mediocrity and sameness.

As we grow, we remember what makes this place special. We walk in the fresh air between all the best things in life.







#### ORDER OF BUSINESS

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# A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON WEDNESDAY, 11 JUNE 2025 AT 5.00PM.

## Michael Stretton Chief Executive Officer

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

LEAVE OF ABSENCE: Nil.

ELECTED MEMBERS: APOLOGIES:

Lord Mayor A R Reynolds Deputy Lord Mayor Z E Sherlock Alderman M Zucco Councillor W F Harvey

Councillor M S C Dutta

Councillor J L Kelly

Councillor L M Elliot

Alderman L A Bloomfield

Councillor R J Posselt

Councillor B Lohberger

Councillor W N S Coats

Councillor G H Kitsos

#### 1. ACKNOWLEDGEMENT OF COUNTRY

#### 2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the Local Government (Meeting Procedures) Regulations 2015.

Elected Members are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda.

#### **OFFICER REPORTS**

3. Macquarie Point Planning Permit Bill 2025 Submission File Ref: F25/40365; 24/13

Report of the Manager Strategic Land Use Planning and the Director Strategic and Regulatory Services of 6 June 2025 and attachment.

Delegation: Council

REPORT TITLE: MACQUARIE POINT PLANNING PERMIT BILL 2025

SUBMISSION

**REPORT PROVIDED BY:** Manager Strategic Land Use Planning

Director Strategic and Regulatory Services

#### 1. Report Summary and Key Issue

- 1.1. The Tasmanian Government is seeking submissions on its draft Macquarie Point Planning Permit Bill 2025 (the Bill) for the Macquarie Point Multipurpose Stadium (the Project).
- 1.2. The Bill seeks to replace the previous Project of State Significance (POSS) process and includes all the *Project land* as defined in the draft Bill.
- 1.3. In summary, the City of Hobart (the City) does not support this Bill as the City does not support the abandonment of the POSS process. The City expresses its deep disappointment with the State Government's handling of the Stadium proposal and its disregard for the Tasmanian Planning System.
- 1.4. In its capacity as the local government and planning authority for the wider areas, as an impacted landowner and adjacent landowner, the City has prepared a response to the Bill and associated documents; Enabling Legislation Report (the Report) and the draft Project Permit (the Permit) as prepared by the Tasmanian State Government for the Macquarie Point Multipurpose Stadium (the Project).
- 1.5. Whilst the City has prepared this submission in good faith, the City would like to reiterate that it does not support the multipurpose stadium (the stadium) being built at this location, as the negative impacts outweigh the positive benefits. The City has consistently maintained that the stadium will result in:
  - significant damage to places of heritage significance (including the Hunter Street precinct and Cenotaph) and Hobart's heritage tourism brand;
  - the lost opportunity, of what will be an inactive precinct for most of the year, in a prime and strategic location for the City;
  - significant environmental concerns, as raised by the Environmental Protection Agency (EPA) in their various submissions to the Commission;
  - the impact of the northern access road in cutting off community access to the river;

#### Agenda (Open Portion) Special Council Meeting 11/6/2025

- the very poor process that led to this point including overriding the approved plan for Macquarie Point and the abandonment of the POSS process; and
- the lack of critical transport infrastructure to support a functional stadium.
- 1.6. Key issues of the submission are set out below.
  - 1.6.1. The Enabling Legislation Report (the Report)

Our key concerns regarding the Report are as follows:

- Consultation Process
  - The requirement to consult with authorities like HCC lacks clarity and enforceability. Therefore we recommend defining consultation to include a good faith effort by all parties to reach consensus.
- Northern Access Road & Bus Plaza
   The City is highly concerned regarding the lack of detail and exclusion from the draft planning permit. We recommend including these elements in the legislation for proper scrutiny, especially regarding traffic, heritage, and public access impacts.
- Stadium Design and Usage Field shadowing issues
   The City has considerable concerns over the potential loss of cricket
   events due to shadow banding issues on the field. The City insists
   that this issue be resolved, or an alternative major sporting
   commitment must be secured to maintain Project viability.
- Cultural Heritage Aboriginal Culturally Informed Zone
   The City has concerns regarding the reduction in area and encroachment by stadium facilities. We recommended prioritising this area to ensure cultural values are respected and preserved.
- Collins Street Footbridge
   The Government has excluded the Collins Street Footbridge from the legislation. The City recommends including it as essential infrastructure funded by the project, not the City.
- Delivery of the Rapid Bus Network
   Uncertainty about the deliverability and benefits of the rapid bus network remain. The City calls on the Government to invest significantly to ensure its success.
- Pedestrian and Cycle Infrastructure
   Vague commitments and implied City funding. All required infrastructure should be fully funded by the project proponent.
- Precinct Design and Connectivity

#### Agenda (Open Portion) Special Council Meeting 11/6/2025

The City has concerns regarding the narrow laneways proposed and poor connectivity to the rest of the City may hinder the Macpoint precinct success. The City recommends ensuring safe, active, and well-designed pedestrian and cycling spaces with proper surveillance and activation are prioritised.

- Solid Waste and Hazardous Material management
   The City is in a position to accept historical fill provided it's rated as
   Level 2 waste or lower with conditions to ensure we can manage
   acceptable vehicle movements and to ensure the waste is
   appropriately cleaned to the conditions stipulated.
- 1.6.2. The Macquarie Point Planning Permit Bill 2025 (the Bill)

Our key concerns regarding the Bill are as follows:

- Interpretation and Consultation
   The Bill should define "consultation" to include a mutual obligation for all parties to act in good faith and strive for consensus. This would enhance transparency and ensure meaningful engagement throughout the development process.
- Project Permits and Legal Clarity
  Clause 8 broadly authorises development under a project permit
  overriding other legislative requirements. Although the Bill states
  that building approvals under the Building Act 2016 are still
  required, this is not clearly reflected in the clause. The Land Use
  Planning and Approvals Act 1993 (LUPA) links such approvals, but
  the Bill's language could be misinterpreted. Additionally, Clause
  8(3) excludes the permit from LUPA unless explicitly stated, and
  currently, no such statement is included. While Clause 8(3) is
  supported, the Bill lacks enforcement mechanisms for permit
  conditions, except for EPA-related matters.
- Ministerial Powers and Permit Amendments
   Clauses 9, 11, and 12 grant the Minister significant discretion to
   issue or amend permits without the same scrutiny or consultation
   required for this initial project permit. This raises concerns about
   transparency and fairness, especially since these decisions are not
   subject to appeal. It is recommended that all permits and
   amendments undergo the same public and parliamentary review
   process, including defined consultation procedures.
- Planning Scheme Amendments
   Clause 14 allows for broad amendments to planning schemes,
   potentially beyond the scope of the project. This could result in
   changes that affect future developments unrelated to the current
   proposal. It is recommended that this clause be limited strictly to the
   project land as defined in the Bill.

#### Compliance and Enforcement

Clause 16 assigns responsibility for permit compliance to the Minister but provides no enforcement powers. Clause 17 similarly lacks mechanisms to ensure compliance. It is recommended that enforcement powers be explicitly granted to the Minister and relevant agencies. Specific schedules (e.g., HCC, Historic Cultural Heritage, Aboriginal Heritage, TasWater) should reference the applicable legislation to empower enforcement by the appropriate authorities.

# Land Acquisition and Compensation Clause 20 involves the compulsory acquisition of Council land by the State. While compensation under the Land Acquisition Act

the State. While compensation under the *Land Acquisition Act* 1993 is acknowledged, the City requests that any unused land be returned. Concerns are also raised about access to infrastructure like the Hobart Rivulet outfall, which must be maintained by the City.

# Financial Impacts and Fee Exemptions Clause 30 exempts the development from standard fees and charges, resulting in lost revenue for the City. Given the removal of these fees through the Bill and the POSS process, the City seeks fair compensation from the State Government to offset this financial

# Appeal Rights and Ministerial Discretion Clause 34 removes appeal rights against Ministerial decisions, including permit amendments. This is particularly concerning given the potential for critical conditions—such as those related to stormwater management—to be altered without recourse. The City argues that this undermines procedural fairness and accountability.

#### 1.6.3. Draft Permit and Conditions (draft Permit)

Our key concerns regarding the draft Permit are as follows:

#### Parts A & B

impact.

The draft permit includes several conditions requiring the submission and approval of documentation. It is recommended that these conditions, such as B3, explicitly state that once documentation is approved, it must be complied with within a specified timeframe. This would align with standard planning permit practices and ensure enforceability.

# Part C - Construction Management The State is encouraged to adopt best practice standards in drafting construction management provisions, with the City to be consulted in finalising key plans. Specifically, Condition C5 should explicitly

#### Agenda (Open Portion) Special Council Meeting 11/6/2025

reference the Hobart Rivulet Tunnel due to its unique nature. Additionally, it should require that dilapidation reports be shared with relevant infrastructure owners.

- Part D Operational Management and Adaptive Review
   Under Condition D1, the use of the stadium for events is contingent
   upon the implementation of certain infrastructure improvements.
   Since the City has no role in the development or approval of the
   Operational Transport Management Plan, it should be clarified that
   the Proponent—not the City—is responsible for funding pedestrian
   and cycling infrastructure. Condition D9 should place equal emphasis
   on waste avoidance and include specific measures for managing
   organic and food waste, not just recycling.
- Schedule 1 Definitions and Consultation
   A clear definition of "consultation" is needed, requiring both parties to
   act in good faith to reach consensus. This is particularly important
   given the City's limited role in many conditions, which often involve
   consultation without decision-making authority. Schedule 8 outlines
   the City's consultation role on several plans but lacks transparency
   regarding expected outcomes, reinforcing the need for a robust
   definition of consultation.
- Schedules 3 & 4 Aboriginal and Historic Cultural Heritage
   Schedule 3 should affirm that the Aboriginal Heritage Act 1975
   empowers Aboriginal Heritage Tasmania to enforce its conditions.
   Similarly, Schedule 4 should reference the Historic Cultural Heritage
   Act 1995 to confirm the Tasmanian Heritage Council's enforcement
   authority. Several conditions (6–12) under Schedule 4 lack clarity or
   enforceable outcomes. These require further drafting to specify
   responsibilities, timelines, and compliance expectations, particularly
   regarding archaeological work and heritage impact mitigation.
- Schedules 6 & 7 TasWater and HCC Conditions
   Schedule 6 should state that the Water and Sewerage Industry Act
   2008 grants TasWater enforcement powers. Schedule 7 should
   include a clause confirming that the Land Use Planning and
   Approvals Act (LUPA) applies, enabling the City to enforce its
   conditions. This enforcement should be limited to Schedule 7 only.
- Schedule 8 Stormwater Design
  Fees and Cost Recovery
  The City is required to assess stormwater-related aspects of the
  proposal. Current fees, such as the \$630 standard endorsement fee,
  do not reflect the complexity or time required for assessment. A
  higher fee should be introduced to ensure adequate cost recovery.
  Additionally, a 2% fee on development costs related to new or altered
  public assets may apply, though its applicability remains uncertain
  due to unresolved stormwater arrangements.

#### 2. Recommendation

#### That:

- 1. Council note and endorse the submission, in accordance with attachment A to this report, to the Tasmanian Government in response to the draft Macquarie Point Planning Permit Bill 2025 for the Macquarie Point Multipurpose Stadium.
- 2. That the submission included as attachment A be uploaded to the City of Hobart's website as well as provided to all Members of the State Parliament to inform their deliberations.

#### 3. Discussion and Background

3.1. At its 28 April 2025 Council Meeting, Council expressed its deep disappointment with the State Government's handling of the stadium proposal, citing concerns about process integrity and disregard for the Tasmanian Planning System.

The Council passed motions to urge the State Government to take account of the findings from Nicholas Gruen's independent review, properly respond to the draft IAR, address the Planning Institute of Australia's concerns, and respect community expectations for transparency and public involvement.

The Council also noted the City's significant investment in reviewing the proposal and its process concerns, urging the State Government to maintain public trust by adhering to a transparent and objective planning framework.

In good faith, and in its capacity as the local government and planning authority for the wider area, and as an adjacent landowner, the City drafted a submission to the draft IAR noting that the State Government has indicated that, irrespective of the abandonment of the POSS process and introduction of 'enabling legislation', they will consider issues raised in submissions received in response to the IAR.

Where relevant, our concerns raised in the draft IAR have been referenced in this submission and we have included the draft IAR submission as an appendix for ease of reference.

- 3.2. The submission has been prepared considering the various roles the City holds in regards to the Project. These roles are:
  - as the council of the municipality in which the proposed development is located;
  - as an asset owner of local roads, footpaths and carparks, stormwater and lighting infrastructure;
  - as an adjoining landowner to the declared *project land* area;
  - as the body that is responsible for the future strategic land use planning agenda for the City;
  - as the responsible Agency that has considerable experience in assessing and managing planning applications for major developments including the enforcement of complex permit conditions; and
  - as an advocate representing a range of different community views on issues such as Aboriginal cultural values.

#### 4. Legal, Risk and Legislative Considerations

- 4.1. The following is provided as context in relation to the proposed enabling legislation's development approval for the Project and the legislated scope for the City's involvement in the draft Bill.
  - 4.1.1. Council's role, in its capacity as a planning authority, within the meaning of the *Land Use Planning and Approvals Act 1993* (LUPA), is set out in the draft Bill and the Draft Project Permit which is proposed to be granted under Section 8 of the Bill.
  - 4.1.2. The step of submitting a submission to the draft Bill does not impact the Council's risk or legal considerations.

#### 5. Strategic Planning and Policy Considerations

- 5.1. Hobart: A Community Vision for Our Island Capital
  - 5.1.1. The Project has strong linkages to the Community Vision Pillars, particularly:
    - Sense of Place
    - Creativity and Culture
    - City Economies
    - Movement and Connectivity
    - Built Environment
    - Governance and Civic Involvement
- 5.2. Capital City Strategic Plan 2023
  - 5.2.1. City's involvement in the assessment process for the Project will contribute to achieving some of the strategic outcomes contained in the Capital City Strategic Plan 2023.
  - 5.2.2. The Capital City Strategic Plan 2023 elaborates on how the Pillars set out in *Hobart: A community vision for our island capital* can be achieved. The key strategic outcomes of the realisation of the Project that have particular relevance include:

Pillar 1. Sense of Place

Outcome: 1.1 Hobart keeps a strong sense of place and identity, even as the city changes.

Outcome: 1.2 Hobart's cityscape reflects the heritage, culture and natural environment that make it special.

Pillar 2. Community Inclusion, Participation and Belonging

Outcome: 2.1 Hobart is a place that recognises and celebrates Tasmanian Aboriginal people, history and culture, working together towards shared goals.

Outcome: 2.3 Hobart communities are active, have good health and wellbeing and engaged in lifelong learning.

Outcome: 2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.

Pillar 3. Creativity and Culture

Outcome: 3.1 Hobart is a creative and cultural capital where creativity is a way of life.

Outcome: 3.4 Civic and heritage spaces support creativity, resulting in a vibrant public realm.

Pillar 4. City Economies

Outcome: 4.1 Hobart's economy reflects its unique environment, culture and identity.

Outcome: 4.4 Hobart's economy is strong, diverse and resilient. Pillar 5. Movement and Connectivity

Outcome: 5.1 An accessible and connected city environment helps maintain Hobart's pace of life.

Outcome: 5.2 Hobart has effective and environmentally sustainable transport systems.

Outcome: 5.4 Data informs decision-making.

Pillar 6. Natural Environment

Outcome: 6.1 The natural environment is part of the city and biodiversity is preserved, secure and flourishing.

Outcome: 6.3 Hobart is a city with renewable and ecologically sustainable energy, waste and water systems.

Outcome: 6.4 Hobart is a leader on climate change moving toward a zero emissions and climate-resilient city.

Outcome: 6.5 Hobart's bushland, parks and reserves are places for sport, recreation and play.

Pillar 7. Built Environment

Outcome: 7.1 Hobart has a diverse supply of housing and affordable homes.

Outcome: 7.2 Development enhances Hobart's unique identity, human scale and built heritage.

Outcome: 7.3 Infrastructure and services are planned, managed and maintained to provide for community wellbeing.

Outcome: 7.4 Community involvement and an understanding of future needs help guide changes to Hobart's built environment.

Pillar 8. Governance and Civic Involvement

Outcome: 8.1 Hobart is a city that is well governed that recognises the community as an active partner that informs Regional, State and National Plans and Policies

There are several relevant plans and policies in place which support the aspirations of the Project, including:

- The 30-Year Greater Hobart Plan: Strategy for Growth and Change 2022
- Hobart City Deal Implementation Plan
- Central Hobart Plan 2023
- Northern Suburbs Transit Corridor Transport Mode Study

Tasmanian Antarctic Gateway Strategy decisions.

#### 6. Financial Viability

#### 6.1. Financial Considerations:

	2025-26	2026-27	2027-28	2028-29
	\$'000	\$'000	\$'000	\$'000
Revenue Existing Revenue		TBC		
Additional Revenue <b>Total Revenue</b>		ТВС		
Expenditure				
Operating Capital	\$170,721	TBA		
Total Expenditure	\$170,721	TBA		
Net Cost				

#### **FTE Impact**

	2025-26	2026-27	2027-28	2028-29
Change in FTE	No	No	No	No
	change	change	change	Change

Detail the change in the level of full-time equivalents within the group should the requested level of additional funding be required.

- 6.1.1. Funding for the review of the planning processes for the Stadium has been allocated within the 24-25 Budget. We have committed \$170,721 to consultants thus far with additional support potentially required during the POSS hearings process were they to proceed. Further information will be provided in due course.
- 6.1.2. Whilst the planning assessment of the stadium is covered by the proposed Bill, it is unclear at this stage, what additional planning applications will be submitted for related infrastructure and for the wider precinct and when they may be lodged in the coming year(s). Relevant Council Divisions will continue their proactive approach and continue to liaison with relevant Government agencies to ensure Council can review and act promptly as financial implications arise whether they be positive or negative.
- 6.1.3. Asset related implications

As stated in previous Project submissions, the significant investment in City infrastructure required to support the stadium and surrounding precinct on an everyday basis and in 'event' mode will require careful planning as well as capital investment. Council will continue its review of asset related implications across this financial year and into the future as required.

- 6.2. City Economy Strategy:
  - 6.2.1. This proposal aligns to the following strategic priorities listed in the City of Hobart City Economy Strategy 2023 2028:
    - 1. Plan for our collective social, economic and environmental prosperity
    - 2. Attract responsible investment to unlock an inventive and inclusive economy

- 3. Position Hobart as an enviable place to visit, live and do business
- 4. Promote and leverage Hobart's uniqueness and celebrate the Hobart Difference

#### 6.3. Economic Impact:

As covered in the City's submission to the draft IAR, the City concurred with the Panel's concerns around the ability of the State to finance the construction of the Project and the associated long-term economic impacts this may have at the State level. In particular, this may create a constrained financial environment in which the City must compete for infrastructure expansion grants or loan funding of its own. 6.3.2. The negative impact on the City may be ameliorated by additional rates that will be raised from the stadium precinct, in line with similar recent developments of this kind. Consistent with other recent stadium developments in Australian cities, you would expect to see increased localised economic activity within industries such as accommodation providers and food and beverage establishments.

#### 6.4. Consultants

Through the course of the planning assessment process for the Project, Council engaged a number of subject matter experts to peer review selected technical reports and has integrated their feedback into the submission and included relevant reports as appendixes to the submission. A range of Tasmanian consultants and national consultants were engaged to ensure the appropriate subject matter experts with experience in state significant development were engaged to prepare the submission.

6.4.1. In the event that the enabling legislation fails and the Commission's Hearings do proceed, these consultants may be engaged to represent Council at various hearing meetings.

#### 7. Climate and Sustainability Considerations

7.1. The City is committed to leading on climate change by moving toward a zero emissions and climate-resilient future with our community. Any development should aim to support the City of Hobart's goal of moving toward a zero emissions and climate resilient city. The Project has set out ambitious energy targets for the project which the City endorses.

#### 8. Community and Business Engagement and Collaboration

8.1. This report addresses the Council's submission to the draft Bill during the public exhibition period.

#### 9. Innovation and Continuous Improvement

- 9.1. The step of submitting a representation to the State Government does not require a communications plan.
- 9.2. It is suggested that the City's endorsed submission be uploaded to the City of Hobart's website as well as provided to all Members of Parliament to inform their deliberations.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Jennifer Lawley

MANAGER STRATEGIC LAND USE PLANNING

Neil Noye

DIRECTOR STRATEGIC AND REGULATORY SERVICES

Date: 6 June 2025 File Reference: F25/40365; 24/13

Attachment A: City of Hobart submission to Permit Bill 4

#### **MACQUARIE POINT PLANNING PERMIT BILL 2025**

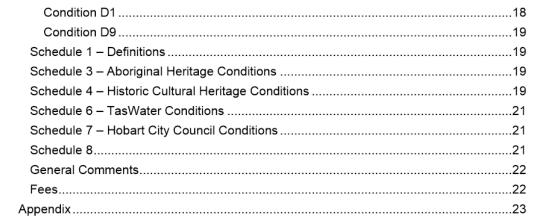
**City of Hobart Submission** 



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This submission represents the City of Hobart's response to the draft Macquarie Point Planning Permit Bill 2025 (the Bill) and associated documents; Enabling Legislation Report (the Report) and the draft Project Permit (the Permit) as prepared by the Tasmanian State Government for the Macquarie Point Multipurpose Stadium (the Project).

In summary, the City of Hobart (the City) does not support this Bill as the City does not support the abandonment of the Project of State Significance (POSS) process.

As previously stated, the City does not support the multipurpose stadium (the stadium) being built at this location, as the negative impacts outweigh the positive benefits. The City has consistently maintained that the stadium will result in:

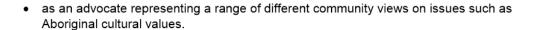
- significant damage to places of heritage significance (including the Hunter Street precinct and Cenotaph) and Hobart's heritage tourism brand;
- the lost opportunity, of what will be an inactive precinct for most of the year, in a prime and strategic location for the City;
- significant environmental concerns, as raised by the Environmental Protection Agency (EPA) in their various submissions to the Commission;
- · the impact of the northern road in cutting off community access to the river;
- the very poor process that led to this point including overriding the approved plan for Macquarie Point and the abandonment of the POSS process; and
- the lack of critical transport infrastructure to support a functional stadium.

The City notes similar findings were previously expressed in the draft Integrated Assessment Report (IAR) prepared by the five-member Panel delegated by the Tasmanian Planning Commission (the Commission) to assess the Project.

Notwithstanding these issues, the City has prepared the following submission as it relates to the Bill, the Report and the Permit.

The submission has been prepared considering the various roles the City holds in regards to the Project. These roles are:

- as the council of the municipality in which the proposed development is located;
- as an asset owner of local roads, footpaths and carparks, stormwater and lighting infrastructure;
- as an adjoining landowner to the declared project land area;
- as the body that is responsible for the future strategic land use planning agenda for the City;
- as the responsible Agency that has considerable experience in assessing and managing planning applications for major developments including the enforcement of complex permit conditions; and



#### **Abandonment of the POSS Process**

At its 28 April 2025 Council Meeting, Council expressed its deep disappointment with the State Government's handling of the stadium proposal, citing concerns about process integrity and disregard for the Tasmanian Planning System.

The Council passed motions to urge the State Government to take account of the findings from Nicholas Gruen's independent review, properly respond to the draft IAR, address the Planning Institute of Australia's concerns, and respect community expectations for transparency and public involvement.

The Council also noted the City's significant investment in reviewing the proposal and its process concerns, urging the State Government to maintain public trust by adhering to a transparent and objective planning framework.

In good faith, and in its capacity as the local government and planning authority for the wider area, and as an adjacent landowner, the City drafted a submission to the draft IAR noting that the State Government has indicated that, irrespective of the abandonment of the POSS process and introduction of 'enabling legislation', they will consider issues raised in submissions received in response to the IAR.

Where relevant, our concerns raised in the draft IAR have been referenced in this submission and we have included the draft IAR submission as an appendix for ease of reference.

#### **Submission Summary**

A summary of the submission is set out below.

The Enabling Legislation Report (the Report)

Our key concerns regarding the Report are as follows:

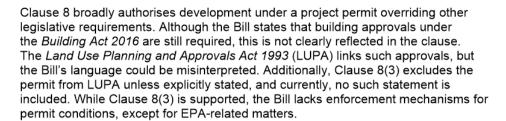
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   Therefore we recommend defining consultation to include a good faith effort by all parties to reach consensus.
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   The City is highly concerned regarding the lack of detail and exclusion from the draft
   planning permit. We therefore recommend including these elements in the
   legislation for proper scrutiny, especially regarding traffic, heritage, and public
   access impacts.

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   Uncertainty about the deliverability and benefits of the rapid bus network remain.
   The City calls on the Government to invest significantly to ensure its success.
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   Vague commitments and implied City funding. All required infrastructure should be fully funded by the project proponent.
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   The City recommends ensuring safe, active, and well-designed pedestrian and cycling spaces with proper surveillance and activation are prioritised.
- Solid Waste and Hazardous Material management
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   lower with conditions to ensure we can manage vehicle movements and to ensure
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The Macquarie Point Planning Permit Bill 2025 (the Bill)

Our key concerns regarding the Bill are as follows:

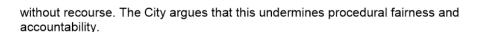
- Interpretation and Consultation
   The Bill should define "consultation" to include a mutual obligation for all parties to act in good faith and strive for consensus. This would enhance transparency and ensure meaningful engagement throughout the development process.
- · Project Permits and Legal Clarity



# Ministerial Powers and Permit Amendments Clauses 9, 11, and 12 grant the Minister significant discretion to issue or amend permits without the same scrutiny or consultation required for this initial project permit. This raises concerns about transparency and fairness, especially since these decisions are not subject to appeal. It is recommended that all permits and amendments undergo the same public and parliamentary review process, including defined consultation procedures.

# Planning Scheme Amendments Clause 14 allows for broad amendments to planning schemes, potentially beyond the scope of the project. This could result in changes that affect future developments unrelated to the current proposal. It is recommended that this clause be limited strictly to the project land as defined in the Bill.

- Compliance and Enforcement
   Clause 16 assigns responsibility for permit compliance to the Minister but provides
   no enforcement powers. Clause 17 similarly lacks mechanisms to ensure
   compliance. It is recommended that enforcement powers be explicitly granted to the
   Minister and relevant agencies. Specific schedules (e.g., HCC, Historic Cultural
   Heritage, Aboriginal Heritage, TasWater) should reference the applicable legislation
   to empower enforcement by the appropriate authorities.
- Land Acquisition and Compensation
   Clause 20 involves the compulsory acquisition of Council land by the State. While
   compensation under the Land Acquisition Act 1993 is acknowledged, the City
   requests that any unused land be returned. Concerns are also raised about access
   to infrastructure like the Hobart Rivulet outfall, which must be maintained by the City.
- Financial Impacts and Fee Exemptions
  Clause 30 exempts the development from standard fees and charges, resulting in lost revenue for the City. Given the removal of these fees through the Bill and the POSS process, the City seeks fair compensation from the State Government to offset this financial impact.
- Appeal Rights and Ministerial Discretion
   Clause 34 removes appeal rights against Ministerial decisions, including permit
   amendments. This is particularly concerning given the potential for critical
   conditions—such as those related to stormwater management—to be altered



Draft Permit and Conditions (draft Permit)

Our key concerns regarding the draft Permit are as follows:

#### Parts A & B

The draft permit includes several conditions requiring the submission and approval of documentation. It is recommended that these conditions, such as B3, explicitly state that once documentation is approved, it must be complied with within a specified timeframe. This would align with standard planning permit practices and ensure enforceability.

- Part C Construction Management
  - The State is encouraged to adopt best practice standards in drafting construction management provisions, with the City to be consulted in finalising key plans. Specifically, Condition C5 should explicitly reference the Hobart Rivulet Tunnel due to its unique nature. Additionally, it should require that dilapidation reports be shared with relevant infrastructure owners.
- Part D Operational Management and Adaptive Review
   Under Condition D1, the use of the stadium for events is contingent upon the
   implementation of certain infrastructure improvements. Since the City has no role in
   the development or approval of the Operational Transport Management Plan, it
   should be clarified that the Proponent—not the City—is responsible for funding
   pedestrian and cycling infrastructure. Condition D9 should place equal emphasis on
   waste avoidance and include specific measures for managing organic and food
   waste, not just recycling.
- Schedule 1 Definitions and Consultation
   A clear definition of "consultation" is needed, requiring both parties to act in good
   faith to reach consensus. This is particularly important given the City's limited role in
   many conditions, which often involve consultation without decision-making authority.
   Schedule 8 outlines the City's consultation role on several plans but lacks
   transparency regarding expected outcomes, reinforcing the need for a robust
   definition of consultation.
- Schedules 3 & 4 Aboriginal and Historic Cultural Heritage
   Schedule 3 should affirm that the Aboriginal Heritage Act 1975 empowers Aboriginal
   Heritage Tasmania to enforce its conditions. Similarly, Schedule 4 should reference
   the Historic Cultural Heritage Act 1995 to confirm the Tasmanian Heritage Council's
   enforcement authority. Several conditions (6–12) under Schedule 4 lack clarity or

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enforceable outcomes. These require further drafting to specify responsibilities, timelines, and compliance expectations, particularly regarding archaeological work and heritage impact mitigation.

- Schedules 6 & 7 TasWater and HCC Conditions
   Schedule 6 should state that the Water and Sewerage Industry Act 2008 grants
   TasWater enforcement powers. Schedule 7 should include a clause confirming that
   the Land Use Planning and Approvals Act (LUPA) applies, enabling the City to
   enforce its conditions. This enforcement should be limited to Schedule 7 only.
- Schedule 8 Stormwater Design
  Fees and Cost Recovery
  The City is required to assess stormwater-related aspects of the proposal. Current
  fees, such as the \$630 standard endorsement fee, do not reflect the complexity or
  time required for assessment. A higher fee should be introduced to ensure adequate
  cost recovery. Additionally, a 2% fee on development costs related to new or altered
  public assets may apply, though its applicability remains uncertain due to unresolved
  stormwater arrangements.



#### **General Comments**

#### Consultation

Across the Draft Report, Draft Bill and Permit conditions the requirement to consult with Authorities such as the Hobart City Council (HCC) is a common requirement. This creates some uncertainty for the City as the obligation to consult does not carry with it any obligation either to seek or to reach agreement on the subject for consultation. Consultation is not an exercise in collaborative decision-making. All that is necessary is that a genuine opportunity to be heard about the nominated subjects be extended to those required to be consulted before any final decision is made. From the City's perspective, it is necessary to provide further guidance on what the requirement to consult means.

#### Recommendation

It is suggested that a definition for consultation should include a requirement for both parties to act in good faith to achieve consensus to the greatest possible extent.

#### Part 1 Macquarie Point Multipurpose Stadium – Enabling Legislation

2. Overview of the Macquarie Point Planning Permit Bill 2025

#### Access Network

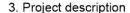
The bill as currently drafted does not contain a draft planning permit for the Northern Access Road and bus plaza.

#### Recommendation

The City holds significant concerns regarding the insufficient detail provided in relation to the Northern Access Road and the proposed bus plaza. It is the City's view that the draft planning permit ought to have been incorporated within the enabling legislation to facilitate thorough and appropriate scrutiny of the design and its potential impacts on the City's traffic network, scale of development required, scale of modifications to the Domain embankment required to facilitate the road, scale and location of pedestrian crossings whether they be above-ground or under-ground, impacts on the City's cycling network, impacts on adjacent heritage-listed infrastructure, adequate parking provisions to account for loss of parking infrastructure invested in by the City.

Furthermore, the City is deeply concerned about the ongoing public access to the waterfront and the continued functionality of nearby City assets, such as the John Colvin Stand—constructed in 1919—which is solely accessible via the land identified in Schedule 2 – Areas of Land for State Acquisition.

#### Part 2 Macquarie Point Multipurpose Stadium



#### Sports

If a solution to the shading issues on the field during day matches is not found, and Cricket Tasmania and Cricket Australia withdraw their involvement, it is anticipated that the stadium would host approximately 14 fewer major events annually, resulting in an estimated reduction of over 139,000 visitors each year<sup>1</sup>.

#### Recommendation

For the stadium to genuinely fulfill its role as a 'multi-purpose' venue, the issue of shadowing on the playing surface—caused by the use of a fully translucent roofing material—must be resolved. Additionally, the potential loss of cricket as a key fixture would need to be mitigated by securing commitments from other major sporting codes. This level of uncertainty presents a significant challenge for the City in making a confident and informed decision regarding the project's viability.

#### 7. Cultural heritage and values

#### Aboriginal cultural values and landscape

The City wishes to formally express its concerns regarding the reduction in the scale of the Aboriginal Culturally Informed Zone, which has decreased by approximately 1,000 square metres from the draft precinct plan to the most recent design drawings. This reduction, coupled with the progressive expansion of the Stadium's scope—such as the inclusion of practice cricket wickets in this area—raises doubts as to whether adequate care and consideration have been afforded to the realisation of this zone.

#### 8. Movement

#### Collins Street Active Travel Bridge

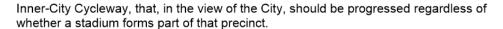
The report states "There is no definitive proposal to deliver a Collins Street footbridge at this time, which is a large cost recognised in the draft IAR, though such a connection may be delivered as part of a program of future pedestrian improvements in future for the City" (p. 47). The City maintains that the Collins Street footbridge is necessary infrastructure for the performance and function of the Stadium. The cost for the provision of this infrastructure should be borne by the proponents, not the City.

#### Recommendation

It is recommended that this infrastructure be provided as part of the Project.

On page 26 of the City's draft IAR submission (attached) the Collins Street pedestrian bridge was identified as an important future pedestrian linkage to improve pedestrian accessibility between the Hobart CBD and the Cenotaph / Macquarie Point precinct and

<sup>&</sup>lt;sup>1</sup> KPMG (2024) Financial Impact Report Macquarie Point Multipurpose Stadium. KPMG



A key constraint faced by the Cenotaph / Macquarie Point precinct is the disconnection between the precinct and the Hobart CBD caused by the key state road network (Davey Street, Macquarie Street, Brooker Highway and Tasman Highway), and the perceived and actual difficulties that crossing these roads cause for pedestrians seeking to move between these zones.

#### Rapid Bus Network

The Report makes references to the 'rapid bus network', as one of the means of achieving the stadium's transport mode targets (p.88 p.98). The City holds significant concerns in respect to the deliverability and benefits of the proposed rapid bus network and urges the Government to apply considerable resources to realising this project and outlining the transport benefits.

#### Recommendation

HCC urges the Government to apply considerable resources to realising the 'rapid bus network' as set out in the Project documentation and its own *Keeping Hobart Moving* strategy.

#### Pedestrian and cycle infrastructure

The report states that "Consideration will be given to co-development with the HCC of pedestrian and cycle infrastructure enhancements that are informed by pedestrian scenario modelling, design investigations and other assessments that identify interventions that would further support the safe movement of people in an around the stadium, the precinct and the other areas adjacent to the precinct such as the Hobart CBD and waterfront". This commitment seems very vague and suggests that the City needs to make investment in pedestrian and cycle infrastructure to support the operation of the Stadium. This is not accepted. Any pedestrian and cycle infrastructure that is required by the stadium should be fully funded by the proponent.

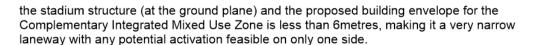
#### Recommendation

Any pedestrian and cycle infrastructure that is required by the Stadium should be fully funded by the Proponent.

#### Pedestrian and cycling movement

The City is encouraged by the Government's holding early discussions with Tasports regarding potential eastern boundary adjustments (*Figure 38 on page 101*). However, the City wishes to stress the delivery of the balance of the precinct will be critical to the viability and vitality of the Macpoint Precinct. As stated in our draft IAR submission, the relation and design of the stadium and proposed adjacent mixed-use development are integral to the success of the precinct (COH p.18).

As shown in the Cox Architects Stadium Egress Drawing (Fig. 38, p. 101) the separation of



Whilst narrow laneways can be very successful, human-scaled spaces, care must be given to safety and appropriate activating uses delivered on the ground level to encourage passive surveillance with due consideration given to pedestrian and cycling movements through these spaces.

The troubled Bent Street Retail Precinct in the Entertainment Quarter in Randwick, Sydney illustrates how best intentions can often create pedestrianised laneways that lack continuous activation outside of event days where streets can often be almost deserted<sup>2</sup>.

#### 10. Environmental quality and hazards

Solid waste and hazardous material management

#### **General Comments**

With respect to the updated advice from MPDC regarding the excavated material estimations the City has prepared the following advice:

- The Hobart City Council maybe in a position to accommodate a portion of the 'historical' fill, less than a level 3 rating, at its landfill facility at McRobies Gully, subject to accommodating the stockpiling of fill on project land in order to defray vehicle movements. We would need to make vehicle numbers a condition of receiving the fill.
- We are also in a position to take the dolerite, assuming it's crushed to coarse scale.
   As well as all the estuarine fill provided its low-level class-2 clean fill that has been pre-mixed with rock.
- We would engage with the Project Manager on any variation to the above, as more information is provided.
- It's worth noting the City can't accept any level 3 waste which will all go to Copping
  as covered in the Report.

<sup>&</sup>lt;sup>2</sup> https://www.commercialrealestate.com.au/news/first-changes-to-sydneys-entertainment-quarter-retail-precinct-unveiled-44813/



#### Part 1 - Preliminary

Clause 3. Interpretation Recommendation

It is suggested that a definition for consultation should include a requirement for both parties to act in good faith to achieve consensus to the greatest possible extent.

#### Part 2 - Permits for proposed development

Clause 8. Permit taken to be issued, etc.

Clause 8 is drafted broadly. While the Report expressly states "the permit does <u>not</u> extend to the issuing of building approvals required under the Building Act 2016. These approvals will still need to be sought by the proponent from HCC" (p.21), Clause 8(1)(b) states:

"notwithstanding any other Act, planning scheme, special planning order or any other instrument, the proposed development may proceed in accordance with, and subject to, the project permit."

It would be preferable to ensure it is made clear that approval under the *Building Act 2016* is required. The *Land Use Planning and Approvals Act 1993* (LUPA) links *Building Act 2016* approval requirements via s53(4) which states:

4) Where any other approvals under this Act or any other Act are required for the proposed use or development to which the permit relates, the permit does not take effect until all those approvals have been granted.

We also note under clause 15(1)(f), the Minister may grant approvals required under any other Act prescribed. We have not seen any regulations nor is there an indication of what might be prescribed but it is not precluded that this could include the *Building Act 2016*.

Clause 8(3) states that unless otherwise specified in the Act, the project permit is not a permit within the meaning of LUPA. However, Clause 17 - Enforcement of compliance with permit conditions, provides that the permit can state the relevant Act, in this case LUPA, applies to the permit or requirement.

The permit, as currently drafted, does not contain a term to which LUPA applies.

#### Clause 8 (3)

We are supportive of clause 8(3). It is worth noting however, the Bill as currently drafted, does not grant any agency enforcement powers for the permit with the exception of Schedule 5 – Environmental Protection Authority (EPA) Conditions.



Council is concerned by the powers granted to the Minister to grant separate permits without the terms and conditions being subject to the same scrutiny as the permit granted under clause 8. All permits granted under the legislation for the proposed development as defined in clause 4 should follow the same approval process including consultation on the draft terms and conditions of any permit and be the subject of consideration by Parliament. Allowing the proposed development to be approved in part and deferring some of the approval to a future time subject to unknown terms and conditions, without appeal rights, undermines transparency, accountability and procedural fairness.

#### Clause 12. Amendment of relevant permits

Council is concerned by the powers granted to the Minister to grant amendments to the permit without being subject to the same scrutiny as the grant of the permit.

#### Recommendation

Amendments to permits granted under the legislation should follow the same approval process including consultation on the proposed amended terms and conditions and be the subject of consideration by Parliament. Allowing the Minister to amend a permit at his complete discretion subject only to consultation with limited parties (noting our concern with consultation being undefined) undermines transparency, accountability and procedural fairness.

#### Clause 14. Amendment of planning schemes, etc.

Clause 14 as currently drafted is very broad and is not limited to the extent of the Project. If the Commission is directed to make amendments to any relevant planning scheme, will it be a scheme amendment so it applies to all future use and development? Or will it be only to the extent of the project? It is our belief, that as currently drafted, a scheme amendment can be required which extends beyond the project and applies generally.

#### Recommendation

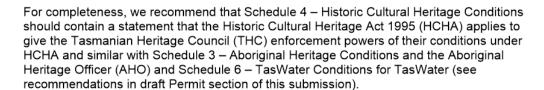
Clause 14 be amended to limit planning scheme amendments to the extent of the *project* land as defined under the Bill.

#### Clause 16. Minister responsible for compliance with permits

Clause 16 states the Minister is responsible for ensuring the terms and conditions of the Permit are being complied with but gives no power to the Minister to ensure this will occur. The Bill does not give the Minister any power to take action if the development is not constructed or operated in accordance with the Permit.

#### Recommendation

We suggest that Schedule 7 - HCC conditions contain a statement in accordance with Clause 17 and similar to Schedule 5 that LUPA applies. This will give Council the enforcement powers under LUPA to enforce, in the event the developer fails to comply with HCC's conditions. For the reasons above, we recommend this be limited only to Schedule 7 – HCC Conditions.



Clause 17. Enforcement of compliance with permit conditions
This clause is not directly concerned with enforcement of compliance with permit
conditions. As mentioned above, the Act contains no powers of enforcement of compliance
with permit conditions.

#### Recommendation

The Bill include provision granting the Minister appropriate enforcement powers in the event of non-compliance with permit conditions, both during construction and for any ongoing use.

#### Part 3 - Access Network

#### Clause 20. Relevant land acquired

The Bill proposes a transfer of assets from the Council to the State Government by compulsory means.

#### Recommendation

The Bill references that the owner of the Land is entitled to compensation under the Land Acquisition Act 1993, and this is deemed a minimum requirement by the City. Equally, any land acquired under the Bill which is not required for the stadium should be returned to the City.

#### General Comments in regards to Clause 20.

It is unclear how the transfer of ownership of subsidiary roads around the Cenotaph to the Government will impact the effective ownership and maintainability of the outfall of the Hobart Rivulet. Ownership of the piped asset will stay with the City – however – the City will need to maintain vehicle access to the outfall area to ensure servicing of the gross pollutant trap can be undertaken as required. We currently access the outfall area from TasPorts side.

#### Clause 30. Exemption from certain fees and charges

With respect to exemptions from certain fees and charges, it needs to be understood that both the POSS process and draft Bill have removed fees and charges for development assessment which would have been received by the City for any other development that occurs within the Municipal Area under the State's planning system.

#### Recommendation

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As such, it is considered reasonable that fair compensation is paid to the City by the State Government for the loss of this fee revenue.

#### Clause 34

The City is concerned with the exclusion of appeal rights against decisions of the Minister, especially when read in conjunction with the broad powers granted to the Minister to amend a permit. The permit, as currently drafted, includes terms and conditions addressing the stormwater design which is necessary to protect both the environment and the City's stormwater system. These conditions have been recommended by the City and will be the subject of consideration by Parliament. To grant the Minister the power to amend the permit, and potentially remove these conditions, without the ability for Council to challenge such an action undermines transparency, accountability and procedural fairness.

#### The draft Permit

Part A and Part B General comments

Documentation and timeframes

#### Recommendation

We suggest that the conditions that require submission of documentation to be approved, such as B3, should condition a requirement that once approved, the documentation must be complied with and include a timeframe for compliance. Whilst we note compliance is implicit, a planning permit condition would ordinarily include this.

#### Part C - Construction Management

#### **General Comments**

We encourage the State to consider highest and best standards for the drafting of this Section and note that HCC will be consulted in the finalisation and endorsement of these critical plans.

#### Condition C5

C5 lists what infrastructure requires dilapidation reports to be prepared and whilst general reference is made to infrastructure, given the uniqueness of the Hobart Rivulet Tunnel we believe it should be explicitly stated.

#### Recommendation

Explicitly include the Hobart Rivulet tunnel structure in the list.

C5 should also include a requirement for copies of dilapidation reports to be provided to relevant owners.

#### Part D - Operational Management and Adaptive Review

#### Condition D1

Condition D1 places a requirement that "the use of the multipurpose stadium for events must not commence until the following requirements have been implemented to the satisfaction of the relevant regulator specified in Schedule 8." This includes requirements D1(i) for the completion of pedestrian and cycling infrastructure improvements identified in the approved Operational Transport Management (OTM) Plan.

#### Recommendation

Given that the City has no role in the development and or approval of this OTM Plan, it needs to be reiterated that any pedestrian and cycling infrastructure improvements must be funded by the proponent, not the Council.



One of the reasons for this condition is "to reduce landfill". To appropriately achieve this, it is important that the conditions seek to focus on 'waste avoidance' in equal measure to the points listed in (a) to (d). There should also be specific requirements relating to the diversion and management of organic/food wastes within the stadium, not just recycling and waste diversion programs.

#### Schedule 1 - Definitions

#### Recommendation

Provide a definition of 'consultation'. Definition should include a requirement for both parties to act in good faith to achieve consensus to the greatest possible extent.

#### Schedule 3 - Aboriginal Heritage Conditions

#### Recommendation

We recommend Schedule 3 contains a statement that the *Aboriginal Heritage Act 1975* applies to give Aboriginal Heritage Tasmania (AHT) power to enforce their conditions.

#### Schedule 4 - Historic Cultural Heritage Conditions

#### Recommendation

We recommend that Schedule 4 contains a statement that the *Historic Cultural Heritage Act 1995* (HCHA) applies to give the Tasmanian Heritage Council (THC) the power to enforce their conditions.

#### Condition 6.

This condition does not state what the applicant is required to do once the report is prepared.

#### Recommendation

Condition 6 should include a requirement for the Statement of Archaeological Potential (SoAP) to be approved by Heritage Tasmania prior to the excavation of land within the subject site. All recommendations of the SoAP must be complied with in full and in accordance with any advice from a suitably qualified archaeologist and Heritage Tasmania.

#### Condition 7.

This condition requires reports to be signed off by Heritage Tasmania but lacks details about what the 'relevant works' are, who does them and at what stage.

#### Recommendation

Condition 7 should be amended to detail the nature and specificity of the relevant works to be undertaken by the proponent and the timing of these works.



This condition relates to condition 7 which requires Heritage Tasmania to provide advice prior to the 'relevant works' being undertaken. This also lacks clarity about who does what and when on the ground.

#### Recommendation

Condition 8 should be revised to detail the nature and specificity of the relevant works to be undertaken by the proponent and the timing of these works.

#### Condition 9.

This condition requires archaeology to be undertaken prior to the commencement of building and excavation work.

#### Recommendation

This condition should be amended to require Heritage Tasmania to provide oversight of the recommendations and processes to be complied with to meet this condition.

#### Condition 10.

This condition relates to preparing policies, but it fails to follow through with meaningful outcomes.

#### Recommendation

The Heritage Conservation Management Plan (HCMP) must also include an interpretation plan for the display of any artefacts and in situ archaeological deposits recovered during archaeological excavations. These management policies, including the interpretation plan, need to be submitted and approved by Heritage Tasmania within 60 days of the preparation of the HCMP. All recommendations for the recovery, recording, display and long-term management must be carried out in full and in accordance with the requirements of Practice Note 7 Conserving Moveable Cultural Heritage and Practice Note 2 Managing Archaeology by the Tasmanian Heritage Council.

#### Condition 11.

This condition is about obtaining comment from Heritage Tasmania on ways to mitigate impacts on heritage values. There does not appear to be any evidence that the advice must be complied with.

#### Recommendation

Condition 11 should be amended to include that any design changes to the Project Proposal should be submitted to Heritage Tasmania for assessment and endorsement within 30 days of the proposed design changes.

#### Condition 12.

This condition is problematic as there needs to be a Conservation Management Plan (CMP) prepared that fully identifies the heritage values of the place as well as recording it fully and a plan on what to do with the Red Shed, not just the preparation of an archival record.



It is recommended that Condition 12 include an additional requirement for the CMP for the Red Shed to include a comprehensive analysis of the heritage values of the place and a plan for its potential future retention / relocation / or demolition during the preparation of the archival record.

The CMP (and archival record) must be submitted to Heritage Tasmania for endorsement within 30 days of completion and all recommendations must be complied with in full.

#### Schedule 6 - TasWater Conditions

#### Recommendation

We recommend that Schedule 6 contains a statement that the *Water and Sewerage Industry Act 2008* applies to give the TasWater enforcement powers of their conditions.

#### Schedule 7 - Hobart City Council Conditions

#### Recommendation

We suggest that Schedule 7 contains a statement (in accordance with Clause 17 in the Bill) that LUPA applies. This will give Council enforcement powers under LUPA to enforce, in the event the developer fails to comply with HCC's conditions. For the reasons above, we recommend this be limited only to Schedule 7.

#### Schedule 8

Schedule 8 prescribes that the City is the Relevant Regulator for Stormwater Design, and that the City of Hobart is to be consulted on:

- Construction Environmental Management plan
- Construction Traffic Management Plan
- Operational Waste Management Plan
- Operational Noise Management Plan
- Final Plan of Subdivision and Schedule of Easements.

As previously outlined the expectation as to what constitute meaningful consultation needs to be adequately defined.

Furthermore, there are several conditions that require 'plans' to be developed which means that there is no line of sight on what the outcomes of the conditions will be. This is not a transparent means of achieving compliance with the draft Bill. This is particularly concerning to the City as it is only afforded a consultation role in most circumstances.



Define 'consult'. It is suggested that a definition for consultation should include a requirement for both parties to act in good faith to achieve consensus to the greatest possible extent.

#### **General Comments**

#### Fees

The draft conditions require assessment by the City in relation to stormwater related issues. For an application assessed under LUPA, any assessment of detailed design would attract a fee, pursuant to the Council's fees and charges. For standard condition endorsements, there is a fee of \$630. However, this fee is lower than the cost of the assessment and assumes a level of understanding of the project following the planning assessment (which has much higher fees).

#### Recommendation

It is proposed that a fee is allowed for the time spent by Council assessing the project which is higher than \$630 to properly compensate for the time which would be required to properly assess the proposal.

Further, a fee of 2% of the cost of a development relating to new or altered public assets is also imposed. Given the uncertainty as to the stormwater arrangements for the proposal, it is not possible to say whether this fee would apply and, if so, adequately compensate the City for the time spent assessing the proposal.

### **Appendix**

City of Hobart Draft Integrated Assessment Report Submission, 2025