



Macquarie Point Stadium

Draft Enabling Legislation & Permit Bill: Submission

prepared by



Federal Group

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Closing Statement

Opening Statement

16 June 2025

Federal Group provides this submission as a long-standing Tasmanian family business, the restorer and custodian of several heritage buildings within the Sullivans Cove precinct, and a directly affected landholder adjacent to the proposed Macquarie Point Stadium. Our position is grounded not only in physical proximity, but in decades of investment in both the cultural fabric and commercial vitality of Hobart's waterfront. That investment has been shaped by sustained engagement with the statutory planning system and a clear interest in the long-term integrity, functionality, and heritage value of the precinct. Our concern with the proposed stadium reflects both heritage responsibilities and operational realities. The stadium proposal presents a plethora of unresolved and foreseeable impacts on our capacity to maintain access, protect heritage values, and support commercial activity within such an imposed environment.

The Draft Bill that this submission addresses severely elevates those concerns by presenting a legislative model designed not to resolve planning conflict, but to suppress the mechanisms by which it would ordinarily be tested and resolved.

The claim that this Bill is required to ensure the on-time delivery of major infrastructure is an exercise in misdirection. It reframes a failure of project readiness as a failure of planning process, then uses that reframing to justify the removal of procedural safeguards. The Bill does not respond to systemic delay. It responds to the proponent's inability to meet the evidentiary and strategic thresholds set by the very planning framework it now seeks to bypass. What is presented as a pathway to efficiency is, in substance, a legal mechanism for exemption. This is not enabling legislation in any meaningful planning sense. It is a political tool designed to rationalise a proposal that has failed to resolve its conflicts through lawful means. The abandonment of the Project of State Significance (PoSS) assessment process is not a response to dysfunction. It is a retreat from a framework functioning precisely as intended: identifying risks, exposing incompatibilities, and requiring that public power be exercised transparently and with evidence. The Bill does not correct delay. It overrides a system that has, on its own terms, refused to validate a proposal that has not met its planning obligations.

The Bill does not legislate procedural fairness. It removes it. In relation to non-government entities, it contains no requirement for notice, no obligation to exhibit or consult, and no avenue for stakeholders to participate before decisions of significant impact are made. Fairness, where it exists, is left to be inferred by courts after the fact, through costly and uncertain litigation. This is not planning integrity. It is planning risk, transferred wholesale onto affected stakeholders.

Instead of procedural safeguards, the Bill offers parliamentary disallowance as the sole mechanism of oversight. This is not legal accountability. It is political discretion. Where planning decisions would ordinarily be assessed against established criteria applied consistently and independently, under this Bill, they are exposed to the volatility of political will. In the case of

the Macquarie Point stadium, a project that is already socially divisive and growing more politically toxic, the replacement of statutory process with parliamentary veto is not merely inadequate. It is structurally inappropriate. The result is not public oversight. It is politicisation of land use authority.

This risk is illustrated clearly in the treatment of future development approvals. Permissions relating to infrastructure, access, or ancillary works are no longer assessed against planning criteria, but are instead determined unilaterally by the Minister and subject only to parliamentary disallowance. By way of example, Federal Group is gravely concerned that the government [through this Bill] seeks to acquire Evans Street with an ulterior motive. The rationale for acquiring Evans Street under this legislation rather than resolving access through established planning processes is neither substantiated nor logical. Hobart City Council has a proven capacity to manage the road during major events, and no evidence has been presented to suggest that the State would perform this function more effectively. Our concern is that Evans Street is being acquired not to improve access, but to enable the stadium's footprint to expand; this would involve narrowing the street or removing it entirely to accommodate a structure that does not fit the existing precinct. Under the extraordinary powers granted by the Bill, there is no legal test, no requirement for public consultation, and no right of appeal. This is not a planning process. It is executive discretion, shielded from public accountability.

For directly affected parties such as Federal Group, the effect is total exclusion. Throughout the course of the stadium proposal, Federal Group has raised specific, consistent concerns relating to loss of built heritage values, economic disruption, access loss, amenity degradation and land use conflict. These concerns have not been addressed, nor has any process been provided to resolve them. Consultation has been episodic, reactive, and driven by political optics rather than planning substance. This Bill does not correct that pattern. It codifies it. It removes the possibility of consultation before decisions are made and eliminates all procedural options to challenge them once they are.

The deeper issue is that the project is not governed by a public planning rationale. It is governed by a private commercial contract, specifically, a binding agreement with the AFL that demands the stadium be built on this site, irrespective of its strategic constraints or the public consequences of its location. The location was selected without transparent process or expert input, and it has given rise to the very conflicts the planning system is now being dismantled to avoid. The Bill is not designed to reconcile those conflicts. It is designed to silence the process that would expose them.

This is not how lawful planning operates. Planning systems do not legitimise projects by removing scrutiny. They legitimise them by requiring it. This Bill proposes a model in which discretion is virtually unconstrained, fairness is deferred, and legal process is displaced by political will. In that structure, the central aim of planning to balance stakeholder interests through evidence-based decision-making is no longer preserved. It is deferred indefinitely or denied entirely.

Ultimately, the Bill is a political contingency triggered by the draft findings of the PoSS assessment. The Government understood that the fundamental planning issues raised in the Draft Integrated Assessment Report could not be resolved; not because of process inefficiencies, but because of significant site constraints. A negative final recommendation was not just likely; it was inevitable. Rather than address those findings in good faith, or allow the process to conclude on its merits, the Government has chosen to dismantle it. The Bill is not planning reform. It is an instrument designed to manage political risk to government, not risk to place, budget, or public interest.

In doing so, the Government has attempted to reframe the Bill as a substitute for the parliamentary vote that would have followed the completed PoSS process. The justification that a final parliamentary vote is sufficient without this process simply because elected representatives embody the will of the people, conflates political representation with technical judgment. Parliamentarians may determine public policy, but they are not qualified to determine whether a high-impact urban stadium integrates with a waterfront precinct or complies with the principles of orderly land use. That is why the PoSS process exists: to translate political interest into evidence-based decision-making. Parliament's role in the PoSS is final, but not uninformed. The PoSS framework ensures that major decisions reflect both public values, expert advice, and criteria led standards. If that framework is removed, the vote becomes a matter of political alignment rather than public interest.

What remains is not a legitimate conclusion to a planning process but a substitution of process with political theatre. The Bill repositions a technical failure as a democratic choice and, in doing so, relocates accountability from process to perception. This is not merely inadequate procedure; it is a strategic avoidance of accountability. It allows the government to frame the project's future in terms of parliamentary will, while displacing responsibility for any adverse outcomes. If the stadium fails to proceed, it will not be because the project lacked merit or the legislative framework lacked integrity. It will be because Parliamentarians, operating without expert advice, declined to support a narrative. This is not accountability. It is its evasion. The Bill does not empower Parliament to make a decision. It compels Parliament to carry the risk of a decision that the planning system was on track to reject.

For these reasons, Federal Group submits that the Bill should not proceed.

Section One: *Procedural Fairness Not Provided by Statute*

Procedural fairness is not simply a legal formality. It is a democratic guarantee delivered through law. It ensures that those affected by executive power are heard before decisions are made. In the planning system, this principle is realised through clear statutory obligations, such as public notice, formal submissions, independent hearings, and appeal rights. These mechanisms do not accompany discretion. They constrain it.

Administrative tools serve a different function. Complaints registers, operational reviews and post-occupation plans may support implementation, but they operate after decisions are made and are not embedded in the approval process itself. These are not mechanisms of fairness. They are instruments of management. They do not constrain power. They follow it.

The Bill removes the statutory processes that secure procedural fairness and replaces them with administrative responses that take effect only after planning decisions have legal force. It converts fairness from a condition of exercising power into a task of managing its consequences. In doing so, it transforms fairness from a standard that governs how power is exercised into a process that manages how harm is [inevitably] received.

The judiciary may imply a duty of fairness where legislation is silent. But this is not a feature of the Bill. It is a response to its omissions. It is not a safeguard built into the planning process. It is a last resort that arises only if tested through litigation. Reliance on legal challenge to correct legislative silence is not evidence of procedural integrity, it is evidence of its absence. In this framework, fairness is not secured by process but triggered only by dispute.

1.1 – *The Presumption of Procedural Fairness is Contingent and Retrospective*

While the judiciary presume that statutory powers will be exercised fairly, that presumption is neither automatic nor prospective. It applies only after a power has been exercised, and only where the statute does not clearly exclude it. The courts must infer fairness from context; they cannot impose it as a matter of policy.

This means the fairness of executive decisions made under the Bill would only be tested if challenged. This is not a safeguard built into the framework. It is an external remedy available only through litigation.

For adjacent landowners like Federal Group, who will be affected by such powers most directly, the absence of any mandatory notice or representation process creates a direct exposure to unilateral executive decisions without engagement or recourse.

1.2 – *The Planning Protections Removed Are Not Replaced*

Under the existing PoSS framework, proponents are required to:

- Exhibit project documentation for public comment;
- Respond to formal representations;
- Engage in Commission-led hearings and conferencing; and
- Submit to final determination based on an Integrated Assessment Report.



The Bill removes all four of these steps. In their place, it inserts:

- A deemed planning permit; and
- Ministerial discretion to amend, exempt, or add associated permits.

No procedural protections are retained. There is no requirement for further public exhibition. There is no right to respond to project changes. There is no forum for formal third-party input. And, critically, there is no appeal.

The effect is not a shift from one form of procedural oversight to another. It is a shift from procedure to none. For adjacent land users, particularly those operating under established commercial licences and heritage overlays, the effect is to remove access to process at precisely the moment when impact is guaranteed; that is, the Bill passing.

1.3 – *Legislative Good Faith Would Require Substitution, Not Withdrawal*

Where a statute displaces one process with another, is it good faith legislative design that procedural functions (especially those protecting affected parties) are preserved or substituted. That expectation is completely absent here. The Bill withdraws procedural rights that would apply under the PoSS, Heritage, and LUPAA frameworks, but provides no equivalent mechanisms.

No substitute for public exhibition is introduced. No statutory notice requirements are required. No mechanism is provided to secure stakeholder comment prior to permit amendment. This is not legislative streamlining. It is wholesale procedural omission.

1.4 – *Procedural Fairness Removed by Design, Not Omission*

The procedural omissions in the Bill do not leave fairness open to interpretation. They function to exclude it. Ordinarily, where legislation is silent, the judiciary may imply an obligation to afford procedural fairness. But that implication is contingent: it applies only where the statutory context supports it and the Parliament has not indicated otherwise. Here, the Bill does both. It confers broad discretionary powers, makes no provision for procedural protections, and includes no language supporting participatory rights. The effect is not ambiguity, but exclusion.

Parliament's intention appears to be clear. Procedural fairness is to apply only where explicitly provided. Elsewhere, the right to be heard is abrogated. That position removes the presumption of fairness before decisions are made, and limits recourse to legal challenge after they are made — a challenge that must overcome both legislative silence and judicial restraint. Fairness becomes a residual possibility, not a condition of power.

For a proposal of this scale and consequence, particularly one situated within a complex heritage and commercial precinct, that omission is not merely a drafting issue, it is a structural injustice. An injustice that displaces the planning system without affording the protections that system *specifically* exists to provide.

1.5 – Removal of Appeal Rights Enables Discretionary and Ongoing Modification

Section 34 of the Bill removes all rights of appeal under the *Land Use Planning and Approvals Act 1993* in relation to:

- The deemed planning permit;
- Any associated permit; and
- Any subsequent exemption, variation or modification authorised under the Bill.

This is not a temporary suspension to expedite early works or site preparation. It is a permanent exclusion that applies to all planning powers conferred by the Bill, regardless of scope, timing or cumulative effect. It removes not only the right to contest decisions, but the legal capacity to evaluate them.

Once the deemed permit is in place, its terms may be altered, expanded or overridden without notice, without process and without review.

The Minister may:

- exempt the development from any permit condition or planning control; or
- vary the permit or issue new permits without exhibition or consultation.

The permit is taken to be granted, but not fixed in scope. It may be revised post hoc, without reopening the process or restoring third-party rights.

Without a mechanism for appeal or review, no stakeholder has the means to test whether a proposed modification is proportionate, justified or consistent with broader planning objectives.

The implications are not theoretical. Under this structure, it would be lawful for:

- The stadium height to be increased substantially, regardless of overshadowing or view loss.
- Digital signage to be expanded or intensified, even where it affects heritage streetscapes.
- Access routes to be realigned, redirected or closed, with consequences for adjacent operators.
- Ancillary buildings to be introduced as “associated permits” without additional assessment.
- Crowd, traffic or noise impacts to be intensified, without cumulative re-evaluation.

None of these outcomes would be subject to scrutiny or review. That is not an implementation detail. It is a defining feature of the Bill’s legal architecture. It does not limit discretion within a framework of accountability. It removes accountability to preserve discretion.

In most planning systems, appeal rights operate as a structural counterweight, ensuring that discretion is exercised transparently and proportionately. Under this Bill, that counterweight is absent by design. The result is a planning regime where approval is not a conclusion, but an opening point. The Minister’s authority is not bounded by the initial permit, but sustained and expandable without limit, indefinitely and without reasonable recourse.

1.6 – Political Substitution Is Not Procedural Accountability

The removal of statutory appeal rights under section 34 does not eliminate accountability. It reallocates it. In the absence of a structured mechanism for third-party review, and aside from litigation, which is retrospective, costly and uncertain, the only remaining avenue for recourse becomes the political process. Engagement must take the form of correspondence, public commentary or interaction with parliamentarians.

This may appear to retain a form of participation, but it does so without enforceability. What remains is not a process but a channel, not a right but an opportunity. This does not reduce participation. It redefines it. The legal and procedural mechanisms that ordinarily allow decisions to be tested, reviewed or restrained are replaced by political pathways that offer no binding or enforceable outcome. The ability to express concern remains in an administrative capacity, but the right to seek formal determination is removed.

This is not a refinement of planning procedure. It is a reconfiguration of accountability. Material changes in scale, form, use or impact may proceed without scrutiny, and without any obligation to assess their implications for surrounding stakeholders. In such a structure, consultation becomes symbolic rather than functional. Legal constraint is withdrawn and replaced with political discretion, not as a complement to process, but as its substitute.

The planning system is designed to allocate discretion within a framework of accountability. This Bill inverts that structure: it allocates accountability within a framework of discretion. Where planning ordinarily requires decisions to be justified, exhibited and tested before they take effect, this Bill allows them to be made, altered and expanded without reasonable notice or review. Rights that should operate in advance, through participation, appeal and procedural fairness, are instead displaced to uncertain recourse after the fact. The result is a system where authority is front-loaded and accountability is deferred, not to a structured process, but to political discretion. For stakeholders most directly affected, the effect is not just a loss of legal remedy. It is the reclassification of planning as a matter of discretion, rather than law.

1.7 – Administrative Measures Cannot Substitute for Procedural Fairness

The Draft Project Permit includes administrative features such as complaints registers, adaptive management provisions and post-occupation reviews. While these may facilitate post-approval feedback or operational adjustment, they do not provide procedural fairness in the legal sense. They do not allow affected parties to participate in decision-making before impacts occur. For the types of concerns raised by Federal Group, they are procedurally misaligned and substantively inadequate.

Federal Group's objections relate to long-term land use conflict and complete incompatibility with the surrounding area. These issues include the proximity of the stadium to established tourism and hospitality operations, disruption to access and circulation patterns, and irreversible impacts on built heritage that directly affect the identity and functioning of the surrounding precinct. Such



concerns are not resolved through landscaping, traffic plans or technical conditions. They arise from fundamental siting and interface decisions, not minor implementation detail.

Administrative tools like the complaints register and post-occupation review process take effect only after the development is built or operational. At that stage, key planning choices (including spatial configuration and functional adjacencies) have already been enacted. These processes may record concerns, but they cannot prevent or reverse the effects already embedded in the project's design and location.

Similarly, design and staging conditions, while useful for refinement, cannot cure the structural incompatibility. They do not prevent economic displacement, resolve use conflict or adjust the strategic planning context into which the stadium is being inserted.

What is missing is not a management process. It is a legal pathway for strategic review. The framework does not provide third-party merit appeal, public hearing, or any pre-approval mechanism through which affected stakeholders can challenge the underlying or future planning judgments. The absence of these elements means that concerns of significant commercial, spatial and cumulative consequence are excluded from meaningful assessment.

Planning systems provide fairness not simply through the existence of post-approval mechanisms, but through opportunities for early engagement and independent testing. The proposed framework defers all engagement until after critical planning decisions have been made and implemented. This is not a matter of process design. It is a procedural failure of legislative design by intent. For issues involving strategic conflict and land use incompatibility, fairness must be embedded at the point of decision, not after its consequences have taken effect. No administrative measure, however well-intentioned, can serve as a substitute for that threshold.

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Section Two: *Legislating Access to Avoid Integration*

The specific legislative powers to secure access to the stadium site is not a neutral administrative detail. It is a planning signal. In urban precinct development, access is typically resolved through design coordination, statutory compliance and stakeholder negotiation. Where a project cannot achieve access through those mechanisms, the issue is not how to impose access but whether the proposal is appropriate to its location.

The Bill reverses this logic: it treats the project's inability to integrate as the justification for removing the frameworks that reveal its problems. In doing so, it transforms a failure of design coordination into a rationale for legislative override. The powers conferred are not responses to contextual complexity. They are responses to contextual incompatibility.

2.1 – Access as Legislative Objective, Not Planning Outcome

The opening clause of the Bill states it as:

"An Act to give effect to a permit for a stadium at Macquarie Point, Hobart, to make provision for further permits to be issued in respect of access roads to the stadium and related developments, to acquire land for such an access road and for related purposes."

From the outset, access is not treated as a function of integrated design. It is presented as a primary legislative objective. This shift is not symbolic. It indicates that fundamental circulation requirements cannot be resolved within planning norms and must instead be delivered through statutory powers. That is not evidence of good planning. It is confirmation of its failure.

2.2 – Enforcement Replaces Compatibility as the Planning Tool

The Government already possesses land acquisition powers under the *Land Acquisition Act 1993*. Those powers may be exercised under a strict regime that ensures fairness to landowners. However, the Bill sidesteps the ordinary processes and simply confirms the acquisition of some land upon commencement of the legislation, for the purpose of securing access to the stadium. The Bill assumes that it is necessary to bypass the ordinary land acquisition process. It allows acquisition to be carried out under a bespoke legislative regime designed not around existing rights and procedures, but around the access needs of a single project.

Ordinarily, access conflicts within planning systems are resolved through design amendments, stakeholder negotiation and compliance with statutory tests. Under this Bill, those processes are displaced by directive authority. The ordinary checks of compatibility, including how a proposal interacts with its context and whether that interaction is sustainable, are not applied. They are removed. This shift does not reflect an integrated precinct strategy as claimed. It reflects a legislative workaround for a design that cannot coexist with surrounding land uses.

2.3 – Bypassing Process Rather Than Addressing Objections

The consequence of this legislative structure is that unresolved design conflicts become authorised outcomes. The access powers sought by the Bill are not neutral planning tools. They are targeted

instruments designed to override the unresolved consequences of the stadium's own placement. The need for a new legislative framework to secure vehicular and pedestrian access is not the by-product of urban complexity. It is the direct result of situating a high-impact venue in a location that cannot support its own interface requirements.

Rather than resolve disruption to the surrounding heritage precinct, the Bill authorises it. Integration is set aside so that internal project needs can be met, even where that outcome is achieved only by displacing adverse impacts onto adjacent land uses.

In submission to the PoSS process, Federal Group raised specific concerns regarding access constraints, circulation conflicts and the knock-on effects of stadium event activity on neighbouring operations. Rather than address those matters within the planning framework, the Bill seeks powers to proceed in spite of them. It offers no procedural route for resolution. It substitutes that route with authority.

The ongoing operation of Evans Street is of particular concern to Federal Group, yet the Bill does not adequately explain how Evans Street will be managed. The Bill deals with the issue by declaring Evans Street as a "subsidiary road" for the purpose of the *Roads and Jetties Act 1935* (Tas) (**RJA**). The Minister may then close Evans Street under s 16A(1) of the RJA if, amongst other things, the Minister is satisfied that an activity is about to be undertaken on adjacent land and the activity poses a risk to the safety of the road or road users.

Neither the Bill nor the RJA confer any right of compensation for landowners who will be affected by this type of decision.

Neither the Bill nor any of the accompanying information seek to explain the potential breadth of these powers. Nor do they recognise the impact that the closure of Evans Street might have on adjacent businesses. There is no explanation of why it might be necessary to exercise the RJA powers to close Evans Street in its entirety, in a circumstance where the operation of the stadium might not pose a risk to the safety of the road or road users. This is especially the case if a clear management regime is in place, but no such detail is provided in the Bill or the Draft Project Permit.

The result is a statutory scheme in which access is no longer a design challenge to be resolved within the context of a functioning precinct. It becomes a legal problem to be solved through permit exemptions and ministerial discretion, accountable only to political will. Planning ordinarily requires proposals to adapt to their context. Under this Bill, the planning system's role is no longer to test whether the project fits within its context. It is to remove the context as a barrier to the project.

Section Three: *Planning Bypassed, Not Delayed*

The Government has stated that enabling legislation is necessary to expedite a final decision on the Macquarie Point Stadium to meet AFL-related contract timeframes.

In response to the question “Why is the Government moving away from the Project of State Significance process?”, the Government stated:

“The Government’s proposed enabling legislation will mean that this decision is made sooner, giving Macquarie Point Development Corporation the opportunity to commence construction and meet the timeframes required to complete the stadium.”

This rationale does not meet the threshold required to justify extraordinary statutory intervention. Far from supporting the case for such powers, it reveals the underlying deficiencies that those powers are intended to bypass. The enabling legislation does not remedy a delay in the planning system, it overrides that system to accommodate the Government’s inability to meet the procedural and evidentiary obligations it authorised as necessary.

3.1 – The PoSS framework is not the constraint

The current stadium assessment is proceeding under the PoSS provisions of the *State Policies and Projects Act 1993*; a planning framework established precisely to assess substantial proposals with complex environmental, economic, and social implications. Importantly, the timelines for this process were determined by the Government itself to align deliberately with the contractual timeframes of the AFL.

To date, the Tasmanian Planning Commission has operated within those parameters. As it stands, there is no evidence to suggest that the Commission will not deliver the final Integrated Assessment Report (IAR) within the prescribed timeframe. The claimed delays now cited by the Government as justification for legislative intervention have not arisen from inefficiencies in the planning system but from the proponent’s inability to meet the evidentiary and technical thresholds required to support its own proposal.

The PoSS process is fulfilling the role it was designed to perform: independent, orderly assessment. The proponent, by contrast, is not fulfilling its responsibility to progress a proposal capable of meeting deadlines or responding to assessment/public feedback. This is demonstrated by the incomplete and delayed reports submitted by the proponent throughout the PoSS process. The proponent is behind schedule on its own terms, unable to meet the AFL contract milestones.

The project is not being slowed by the PoSS framework; it is being revealed by it. To respond to outcomes by removing the framework is not a correction, it is a circumvention.

Planning Principle: A planning assessment is not considered delayed when the delay results from the proponent’s failure to provide required information. In such cases, the project is properly characterised as unready or unprepared. Where a statutory process has been purpose-built to evaluate substantial proposals, failure to meet its evidentiary or procedural requirements must be addressed through additional project development, not by circumventing the framework through extreme legislative intervention.

3.2 – Legislation does not resolve risk; it transfers it

To legislate approval powers while project defining risks remain unresolved is not a method of planning efficiency. It is a departure from the core purpose of the statutory assessment process, which is to identify, test, and manage those risks before construction begins. A planning framework that is suspended or bypassed precisely at the point where scrutiny is most necessary is not being streamlined. It is being undermined.

The proposed Bill does not address the issues preventing the project from progressing. It enables the project to proceed in spite of them. In effect, it permits construction to begin before the proponent has demonstrated that the proposal is viable, costed, compatible with its context, or capable of meaningful mitigation.

Much of the risk is offloaded to future documents required under the Project Permit. Key elements, including the Events Management Plan, Car Parking Plan, Operational Management Plan and Operational Transport Plan, will remain unresolved at the time of passing. These documents are to be developed post-approval, despite being essential to understanding the project's function and impact.

Conditions requiring these documents to be prepared refer to broad planning objectives, but they are not drafted with sufficient specificity to address the concerns raised in the Commission's Draft Integrated Assessment Report. The issue is not that technical documents remain outstanding. It is that the content of those documents is central to whether the project is workable at all.

By way of example, Conditions C3 and C4 require a Construction Traffic Management Plan. Condition C4(b) refers to the maintenance of access for "essential traffic" during construction. That term is undefined. Yet the practical implication, whether critical access for established hotel operations along Evans Street will be preserved, is determinative for the ongoing function of the precinct.

More significantly, the Operational Management Plan required under Conditions D5 and D6 is silent as to which streets will be closed during stadium events. This is not operational detail. It is core functional information. Its omission from the conditions that form the basis of project approval is not a matter of sequencing. It is a failure to resolve structural conflict.

Choosing not to resolve issues before approval is not an acceleration of planning due diligence. It is a reallocation of accountability from the proponent, who is responsible for resolving the issues, to the public, who will inherit the consequences when they are not. Legislative intervention in this Bill transforms unresolved risk into accepted risk, not because it has been assessed and found manageable, but because the process designed to make that determination has been bypassed.

3.3 – Accommodating failure undermines the system

If failure to meet process obligations becomes the basis for loosening or bypassing those obligations, the system ceases to apply its standards as intended. Instead, it redefines them around



the limitations of the proposal. This is not regulatory flexibility; it is a lowering of thresholds to accommodate non-compliance.

The enabling legislation represents not only a breakdown in procedural integrity; it also constitutes a broader governance failure in which policy expedience, brought on by a third-party contract, is prioritised over independent evaluation. The PoSS assessment process exists to ensure that complex and substantial projects deemed a matter of state significance are assessed transparently, comprehensively, and in accordance with statutory principles. The use of enabling legislation to intervene in this process undermines the very basis on which the project was first declared.

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Closing Statement

The lack of consultation with Federal Group, and the complete absence of any effort to engage with or resolve the issues it has consistently raised, constitutes a failure of procedural integrity and a disregard for public accountability. The process has not reflected the seriousness of the concerns presented, the significance of the business operations affected, or the standard of scrutiny and engagement that should be expected when decisions of this magnitude are made.

At every stage, Federal Group has engaged constructively. It has provided formal submissions, participated in consultation forums, and made itself available to discuss the operational, economic and land use conflicts arising from the project. At no point have these matters been substantively addressed, nor has the proponent sought to engage Federal Group to discuss impacts or solutions. The proponent has treated impacts raised not as matters requiring integration, but as tolerable collateral.

The Henry Jones and MACq01 precincts are not peripheral to the planning context. They are established, high-value operations that form part of the active waterfront economy and heritage landscape. The introduction of a high-volume, high-impact stadium on adjacent land imposes direct constraints on access, amenity, function and identity. These are not speculative effects. They are structural and operational disruptions to a working precinct. The enabling Bill provides no legal pathway through which these impacts can be assessed, moderated or resolved. It is a framework that excludes consequence from the approval logic entirely.

The timing and structure of the Bill confirm this intention. The Bill was introduced before the public consultation period had closed and before the PoSS assessment had concluded. It was not introduced to reflect the findings of that process but to avoid their consequences. The PoSS framework exists to ensure that projects of state significance are assessed against independent, transparent and expert-led criteria. This process was producing findings that the project could not withstand. Rather than respond to those findings, the Bill removes the requirement for a final Integrated Assessment Report and installs parliamentary disallowance as the only remaining control. That is not a planning safeguard. It is a political contingency. It subjects complex land use decisions to the volatility of political will, rather than the consistency of statutory principle. It replaces public scrutiny with political discretion and treats democratic process not as a foundation of decision-making, but as an obstacle to be managed.

Federal Group submits that the Bill is neither procedurally just nor strategically sound. It does not provide for resolution of conflicts. It seeks to override them. It does not address the issues raised. It presumes their irrelevance. In doing so, it fails not only the principles of the planning system, but the businesses, communities and places that system is intended to protect.