

Department of Premier and Cabinet
GPO Box 123
Hobart, TAS 7001
Stadium.legislation@dpac.tas.gov.au

16th June 2025

Response to DRAFT Macquarie Point Planning Permit Bill 2025

Dear Sir/Madam,

Master Builders Tasmania (MBT) is the peak industry body representing Tasmania's building and construction sector. We proudly represent hundreds of member businesses across residential, commercial, and civil construction, including builders, subcontractors, consultants, suppliers, and apprentices. Our membership spans from small family-owned companies to some of the state's largest construction firms.

MBT is dedicated to promoting the strength, capability, and sustainability of the industry, actively supporting training, regulatory reform, and fair procurement practices. We are committed to advocating for a thriving building and construction industry that underpins Tasmania's economy and community development.

We have thoroughly reviewed the draft Macquarie Point Planning Permit Bill 2025, the accompanying Draft Project Permit, and the Draft Enabling Legislation Report. These documents propose a new statutory approval framework for the envisioned Macquarie Point Multipurpose Stadium and associated works, including the relocation of the Hobart Railway Goods Shed, concourse, parking, and ancillary facilities. Notably, the Bill intends to replace the existing Project of State Significance process with a single, comprehensive permit for the stadium and its associated infrastructure.

This permit explicitly covers approvals under multiple planning, heritage, and environmental laws (Land Use Planning and Approvals Act, Aboriginal Heritage Act, Historic Cultural Heritage Act, Environmental Management Act, etc.) and crucially, allows the Minister to amend planning schemes to align with the permit. In essence, the Bill's core effect is to issue a single "Macquarie Point Planning Permit" for the stadium (with detailed conditions), to acquire or use land for roads, and to enable any additional essential works via subsequent permits. The draft Enabling Legislation Report, supported by extensive feasibility and impact studies, details the project and explains how concerns raised by the Tasmanian Planning Commission and other stakeholders have been addressed.

We identify the following **opportunities, risks and regulatory implications** for Tasmania's building and construction industry:

Major industry pipeline

The stadium represents an intergenerational infrastructure opportunity that will deliver a significant volume of work. As MBT has consistently highlighted, this project is "a lifeline for our industry and a catalyst for Tasmania's future," promising a substantial number of new jobs and apprenticeships. The Government likewise projects "thousands of jobs and an unrivalled level of economic activity" from the stadium. This aligns seamlessly with Tasmania's unprecedented \$27.3 billion infrastructure pipeline. For builders, a clear and consistent pipeline of work is essential for sustaining businesses and training initiatives. Media reports suggest well over 100 new apprenticeships alone could be created by this project. MBT strongly encourages maximising local industry participation to ensure Tasmanian contractors, suppliers, and trainees directly benefit from this demand surge.

Permit certainty (speed vs oversight)

The Bill's single-permit scheme is designed to provide exceptional certainty that the project can proceed without further planning hurdles. By empowering the Minister to issue the stadium permit and to amend any conflicting local planning scheme, the legislation effectively "locks in" approvals once Parliament agrees. This certainty is vital for reducing project delays and associated costs. As one of our members noted, it is critical the project has planning certainty "within reasonable and precedented limits" or developers will factor in additional costs or opt for other projects.

Concurrently, the Bill significantly curtails ordinary appeal rights. Appeals and judicial review would only be available under stringent conditions ("in good faith" challenges only), and the Act explicitly "prevails over any other existing... planning scheme." In practice, this means community or third parties have very limited recourse to object once the permit is issued. While MBT understands the intent to prevent vexatious delays, our industry recognises that transparency and stakeholder input remain important for overall project confidence. We therefore support clear, published standards for any appeal process and strongly urge the Government to work openly with affected local authorities, such as Hobart City Council, to mitigate concerns about bypassing normal planning checks.

Staging and construction requirements

The project will be delivered in stages (e.g., site remediation, stadium structure, northern access road, public realm works, etc.). The Bill creates a non-reviewable Access Network Permit (primarily for the Northern Access Road) to streamline these critical works. It also allows the Minister to issue one or more subsequent project permits for ancillary infrastructure within the defined "proposed development." This staged approach can help fast-track major elements, but it necessitates careful coordination. MBT stresses that sequencing is crucial: for example, the Northern Access Road permit (which cannot be disallowed) will benefit bus, emergency, and port traffic, but its alignment and timing must precisely align with the stadium schedule. Similarly, future permits for works like the Goods Shed relocation, parking, or utilities should be integrated into an overall staging plan. We recommend the Government and MPDC provide clear guidance on approval timelines and sequencing, enabling contractors to plan effectively.

Regulatory compliance (design and construction)

While the Bill overrides certain planning processes, it does not remove any technical or building standards. The legislation expressly preserves all requirements of the National Construction Code, building regulations, and related standards. Construction will still require normal building and plumbing permits under the Building Act. The draft Project Permit conditions are comprehensive, covering heritage protection (e.g., dismantling/reassembly of the historic goods shed), remediation of contamination (including regulated disposal of soil under the Macquarie Point Act), cultural heritage zones, noise and vibration, and traffic management. For example, the permit requires detailed plans for construction hours, traffic, and noise to be submitted and approved by appropriate agencies. These requirements are standard for a major project, but they underscore that builders must still comply with numerous conditions. Projects on this waterfront site, in particular, must coordinate closely with regulators such as EPA Tasmania, Heritage Tasmania, and TasWater throughout the construction phase.

Taken together, the Bill's approach means permit certainty is greatly increased, albeit at the cost of foregoing usual appeal avenues. MBT notes that the Government has incorporated multiple safeguards, including detailed conditions, independent management plans, and Parliamentary disallowance for subsequent permits. While this helps manage risks, it also places significant responsibility on authorities to enforce the conditions rigorously. Any failure to address key issues, such as traffic impacts or heritage mitigation, could negatively impact the entire staging. MBT therefore emphasises the importance of transparent communication and collaborative planning among government agencies, the City of Hobart, and industry participants throughout the development.



Recommendations

To support a successful delivery of the project and protect the interests of Tasmanian builders, MBT respectfully urges the Government to adopt the following measures:

- **Timely, Transparent Industry Engagement:** Establish regular briefings or working groups with the building industry, MPDC, and relevant agencies. Early engagement on permit conditions and construction planning will empower builders to prepare effectively. For example, Infrastructure Tasmania has held industry briefings on new contract documents – a similar approach for the stadium approvals would build confidence and foster collaboration.
- **Coordinated staging approvals:** Prepare a clear staging plan and approvals roadmap. Ensure that the Northern Access Road and other essential infrastructure permits are approved in time to align with the main works. We recommend a single 'Staging and Delivery Strategy' to clarify how each permit aligns with the overall construction timeline. This will minimise delays and allow construction programmes to align smoothly.
- **Maximise Tasmanian participation:** Actively facilitate local industry involvement in procurement. This could include specifying Tasmanian content targets, apprenticeship requirements, or project labour agreements in tenders. MBT firmly believes Tasmanian firms, along with our training and apprenticeship schemes, possess the capability to deliver the majority of this work. As noted, the project is expected to yield hundreds of new construction jobs and apprenticeships, and we are committed to ensuring these opportunities remain within the state.
- **Fair contracting approach:** MBT formally requests that the Macquarie Point Development Corporation utilise the **unamended AS4000 (1997) General Conditions of Contract** for the head building contract. The AS4000 is Australia's industry-standard contract for major works. By adopting the plain AS4000 (without special modifications), the Government will provide all bidders with confidence that risk allocation is transparent and balanced. Notably, Tasmania has recently moved its major-project tenders onto an AS4000/AS4902-based suite; extending this to the stadium will ensure consistency and reduce legal disputes arising from unusual terms. As legal commentators note, the AS4000 contract is designed to be "easier to use and administer" and allows tailoring of risk to suit each project. Using the standard AS4000 thus aligns with the new Tasmanian procurement framework and minimises unnecessary legal risk.

In conclusion, MBT wholeheartedly supports the Macquarie Point stadium as an important pipeline for Tasmanian builders, and we commend the Government for proactively addressing approval issues. The proposed Bill and Permit establish a clear pathway for the project, although they do represent a departure from conventional processes. We encourage the Department of Premier and Cabinet to adopt the above recommendations so that contractors have clarity, local firms can compete equitably, and all regulatory conditions are met without undue delay. MBT looks forward to continuing to work constructively with Government and other stakeholders as this vital project proceeds.

Thank you for considering our submission. We look forward to continued engagement on this important issue.

Regards



Jessie Fiddymont
Acting Technical Manager
Master Builders Association of Tasmania

