

Department of State Growth

Salamanca Building, Parliament Square
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Our Ref: MPR26/55/2

Hon Ruth Forrest MLC
Chair
Public Accounts Committee
E-mail: pac@parliament.tas.gov.au

Dear Ms Forrest

Ruth

I am writing to you in relation to the approval granted by the Director of the Environmental Protection Authority (EPA) regarding preparatory works as defined in the *State Policies and Projects (Macquarie Point Precinct) Order 2025* (the Order).

As I outlined to you in my correspondence on 3 February 2026, following a request from the Macquarie Point Development Corporation (MPDC) on 8 January 2026, the Acting Director of the EPA provided their approval in relation to the Site Environmental Management Plan (SEMP) in line with Condition B1(2)(b) on 19 January 2026. This decision did not require my approval as Secretary of the Department of State Growth and enabled the commencement of preparatory works in relation to the roof test rig.

Given this approval was provided prior to the appointment of an Independent Probity Adviser and before a Probity Plan had been drafted, following the appointment of MODA Consulting as the Independent Probity Adviser on 28 January 2026, I requested a review of the decision-making process in relation to this approval to ensure appropriate standards throughout the EPA's decision-making process had been met.

In line with my commitment to you, and the Committee, I have enclosed a copy of the final report from the Independent Probity Adviser following the completion of their review. MODA have found that the decision to proceed with the roof test rig as preparatory works:

- Is consistent with the requirements and intent of the Order
- Does not compromise the integrity of future statutory approval processes.

If you have any questions, please contact Andrew Johnson, Director – Office of the Secretary by email at andrew.johnson@stategrowth.tas.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read "Craig Limkin".

Craig Limkin
Secretary

6 March 2026

Encl: Probity Report – Roof Test Rig Approval

Probity Assurance Advice – Roof Test Rig (Preparatory Works), Macquarie Point Precinct – Multipurpose Stadium

This Advice has been prepared for the Secretary of the Department of State Growth and provides our formal probity assurance in relation to the construction of a roof test rig as preparatory works under the *State Policies and Projects (Macquarie Point Precinct) Order 2025*, specifically condition B1(h).

Scope of Assurance

Our assurance is limited to consideration of whether the relevant decisions and actions:

- were consistent with the Order
- were made by appropriately authorised decision-makers
- were supported by appropriate records and governance processes
- did not pre-empt, prejudice, or bias future statutory approvals.

This assurance statement does not assess the technical adequacy, engineering merit, or commercial value of the roof test rig.

A Probity Assurance Checklist has been prepared to assess compliance with the required decision-making arrangements under the Order for this matter. Please refer to Attachment A of this Advice.

Documents Reviewed

We have prepared this advice using the following sources documents:

- Current Site Environmental Management Plan (Version 4, dated 3 December 2025)
- Copy of written advice provided by an accredited environmental auditor (dated 6 January 2026) which states that the Site Environment Management Plan Version 4 (3 December 2025) is suitable for application across the site for preparatory and enabling works including the planned bulk excavation works, but not the planned Stadium Construction project for which an updated version will be developed
- MPDC letter (dated January 2026) to the EPA regarding notification of commencing preparatory works
- EPA response (dated 19 January 2026) providing a Compliance Assessment) of the MPDC letter of January 2026
- email titled: 'Fw: P260023 - Mac Point Stadium Test Rig, Hobart' submitted to Hobart City Council for its record by the Test Rig Contractor's Building Surveyor.

EPA Correspondence

The EPA correspondence to the MPDC of 19 January 2026 noted that "if you (i.e., the MPDC) have not already done so, please consider if the preparatory works for the Test Rig will require approval from other agencies with regulatory roles and responsibilities under the Order."

The MPDC confirmed through an email to the Independent Probity Advisor on 27 February 2026 that it has formed a view that as Test Rig activities were described as *preparatory works* no further regulatory agency approvals with respect to other Order conditions were required at this time. The Test Rig Contractor was, however, required to obtain a Temporary Occupancy Permit to allow the test rig to be erected for a specific period. This was obtained and submitted via the portal to the Hobart City Council for its record by the Test Rig Contractor's Building Surveyor.

Approval/Decision Making required by the Secretary, DSG

For completeness, we have considered whether the Order requires the Secretary to make a separate administrative decision in relation to preparatory works involving the construction of a roof test rig.

Condition B1 expressly authorises preparatory works, including the construction of temporary testing rigs. Further Condition B1(2) provides that, notwithstanding other requirements in the Order for documents to be prepared and approved before works commence, preparatory works may occur prior to such approvals provided that two specified tests are satisfied. Those two tests are:

- A draft Site Environmental Management Plan has been reviewed by an accredited environmental auditor¹, and
- A Site Environmental Management Plan, as reviewed, has been prepared to the satisfaction of the Director of the EPA².

Where these conditions are met, the Order does not require the Secretary to grant a standalone approval for preparatory works of this nature. In that context, compliance is achieved through satisfaction of the conditions in B1(2), rather than through the exercise of an approval power by the Secretary. The absence of a separate decision by the

¹ State Policies and Projects (Macquarie Point Precinct) Order 2025 (Tas), condition B1(2)(a)

² State Policies and Projects (Macquarie Point Precinct) Order 2025 (Tas), condition B1(2)(b)

Secretary in relation to the roof test rig is consistent with the structure and operation of the Order.

Opinion

Based on the application of the Attachment A checklist and our review of the supporting material, it is our opinion that the decision to proceed with the roof test rig as preparatory works:

- Is consistent with the requirements and intent of the *State Policies and Projects (Macquarie Point Precinct) Order 2025*
- Does not compromise the integrity of future statutory approval processes.

This assurance is provided for governance and accountability purposes and may also be relied upon by the Oversight Committee and other relevant parties.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Harris', is positioned to the left of a vertical line.

Andrew Harris
Independent Probity Advisor
MODA Consulting

Date: 27 February 2026

Attachment A - Probity Assurance Checklist – Preparatory Works (Roof Test Rig)

A. Lawful Classification as Preparatory Works

- The roof test rig is documented as a temporary testing rig under Order Condition B1(h).
- The purpose of the rig is limited to testing and investigation only.
- The rig does not include permanent or irreversible works.
- Order Conditions B1(h)(i) and (ii) have been satisfied (i.e. any excavations do not extend below the water table and any material excavated remains on site).

B. Environmental and Sequencing Safeguards

- A draft Site Environmental Management Plan was reviewed by an accredited environmental auditor.
- A Site Environmental Management Plan was prepared to the satisfaction of the Director of the Environmental Protection Authority, prior to commencement.
- Written evidence of the Environmental Protection Authority satisfaction with the decision is retained.
- Any related Order Conditions identified by the Environmental Protection Authority in making a decision have been actioned.

C. Non-Prejudicial Decision-Making

- The works do not assume or lock-in a final roof design.
- The rig is temporary and fully removable.
- Sunk-cost and pre-determination risks were identified and managed.

D. Governance and Accountability

- Decisions were taken by appropriately authorised decision-makers.
- Separation was maintained between proponents, designers, and approvers.
- The decision is defensible to Parliament, the Auditor-General, or a court.
- Future statutory approvals remain open and unbiased.