

Submission to Inquiry on AI Data Centres in Tasmania

Submission contact details:

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Addressing the Terms of Reference:

Inquire into and report upon the construction and operation of AI data centres in Tasmania, including recommending future legislation and regulations necessary to:

1. Protect public resources and the environment

I respectfully submit that:

Any allocated planning assessment pathway for AI Data Centres, whether by Local Council Planning Authority Local Provisions Schedule or by Tasmanian Planning Commission appointment of declared 'Major Project' expert assessment panel - include referral to the Environmental Protection Authority (EPA) as Level 2 activity under the Environmental Management and Pollution Control Act 1994 (EMPCA) - which would enable risk assessment of any on-site diesel generators and require completion of hazardous-materials, bushfire hazard, emergency-management and attenuation documentation prior to determination.

Any planning assessment of AI Data Centre Development Application (DA) be conducted under provisions of Industrial Activity with specific regulations drawn by an expert Tasmanian Planning Panel to address the public resources and environmental impacts of these projects, no matter the scale nor existing Local Provisions Schedule of the site's DA under consideration.

That pre-determined criteria for any planning assessment of all AI Data Centres include appropriate expert consideration of industrial energy production, large-scale mechanical plant, high-voltage electrical systems, hazardous-substances storage, industrial noise emissions, air emissions, cooling-plant discharge or electromagnetic-radiation emissions;

That the planning assessment includes application of the Environmental Values and Attenuation Code (Code C 9.0 - Attenuation Code of the State Planning Provisions) with regard to the substantial electrical and mechanical infrastructure capable of generating environmental effects including electromagnetic radiation (EMF), noise, vibration and hazardous substances impacts;

The planning assessment includes application of the Attenuation Codes - C9.4 (Use Standards and C9.5 (Development Standards) to recognise the AI Data Centre use of electrical and mechanical systems that produce ultra-low frequency electromagnetic fields (EMF), transformer EMF and high-current cabling fields.

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21 September
2026
by email:
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2. Ensure Tasmania's Resource Management and Planning System adequately recognises and addresses the specific impacts of the development and construction of AI and data facilities:

I respectfully submit that:

Any allocated planning assessment pathway for AI Data Centres, under Tasmania's Resource Management and Planning System (RMPS) Local Provisions Schedules (LPS) by Local Council Planning Authority - include referral to the Environmental Protection Authority (EPA) as Level 2 activity under the *Environmental Management and Pollution Control Act 1994* (EMPCA) - which would enable risk assessment of on-site diesel generators and require completion of hazardous-materials, bushfire hazard, emergency-management and attenuation documentation prior to determination;

Any planning assessment of AI Data Centre Development Application (DA) be conducted under provisions of Industrial Activity with specific regulations predetermined by an expert Tasmanian Planning Panel to address the wide-ranging impacts to neighbouring settlements of these projects, no matter the scale of the DA under consideration;

That the pre-determined criteria for any RMPS planning assessment of all AI Data Centres include appropriate expert consideration of industrial energy production, large-scale mechanical plant, high-voltage electrical systems, hazardous-substances storage, industrial noise emissions, air emissions, cooling-plant discharge or electromagnetic-radiation emissions;

That the RMPS planning assessment includes application of the Attenuation Code (Code C 9.0 - Attenuation Code of the State Planning Provisions) with regard to the substantial electrical and mechanical infrastructure capable of generating environmental effects including electromagnetic radiation (EMF), noise, vibration and hazardous substances impacts;

That the RMPS planning assessment includes application of the Attenuation Codes - C9.4 (Use Standards and C9.5 (Development Standards) to recognise the AI Data Centre use of electrical and mechanical systems that produce ultra-low frequency electromagnetic fields, transformer EMF, high-current cabling fields which may be shown to affect ecology and human health impacts.

That a Tasmanian Planning Commission established a Development Assessment Panel, not council officers, nor council, runs the entire assessment, sets assessment criteria and decides whether to grant the major project permit (s60V-60X LUPAA);

That once a project is declared, any pending ordinary permit application for the same use/development is deemed withdrawn (s 60S, 60D), and the council must refund half the fee paid (s60S(4)); that no person may seek an ordinary council permit for the same/substantially the same use or development while the major project process is on foot (s60S(1)); that public participation rights (s60ZZZB-60ZZE LUPAA) be enacted with

minimum 29 days public exhibition period; that the Panel must hold public hearings on representations; that there are no merits appeal to the Tasmanian Civil & Administrative Tribunal (TASCAT) against the panels decision - being a key structural difference from ordinary council permits which do carry TASCAT appeal rights;

I submit under section 60ZZZC (LUPAA) that, automatic Local Provisions Schedule (LPS) planning scheme amendment (s 60ZZZC LUPAA) is conducted by the Tasmanian Commission (TPS) itself; that to remove any inconsistency with the permit - the normal LPS amendment process (Part 3B) does not apply. This happens without a further council-led scheme amendment process.

3. Provide Parliamentary oversight and accountability for new facility construction and resource allocation

Given the high level of current community objections to these unprecedented facilities being built in local communities, and the community-perceived bias of State Parliament in encouraging and fast-tracking these projects, I respectfully submit that:

In order to ensure an unbiased, objective expert panel assessment with full comprehensive Public Hearings to allow community concerns to be heard; along with the calling of expert witness; without the cost burden that would otherwise be incurred by individual or group objectors in their legal representation to the development application through the TASCAT objection pathway - I submit that the declaration of these developments as '**Major Project**' (s60CLUPAA), no matter the scale of each DA, due to the cumulative impact these facilities will have, if built, on the Northern Tasmanian landscape, tourist economy and increased cost of power to our communities;

I submit that it is more appropriate that each DA be assessed on its merits with regard to the impacts on neighbouring communities to enable fair and objective assessment on each project without interference of State politicians;

I submit that it is more appropriate that an independently professional assessment panel such as the Tasmanian Planning Commission provide its final determination without the opportunity for State Parliament to intervene.

I submit that Declaration of Major Project assessment pathway would helpfully circumvent the risk that wealthy proponents of AI Data Centres pursue a costly legal avenue against the State Parliament, at ultimate cost to ratepayers of Tasmania.

I submit that the Major Project assessment pathway is also appropriate to ameliorate the risk to ratepayers of a Local Council as Planning Authority would otherwise be incurred if the wealthy proponent of an AI Data Centre took a Local Council to TASCAT or Supreme Court jurisdiction - at high legal cost to defend their decision to reject the proponent's DA.

4. Ensure transparent public disclosure of resource consumption:

The unprecedented roll-out of at least 8 AI data centres across Northern Tasmania will represent the greatest impact on existing and future power consumption in this state in our history since the Hydro dams were built under guidance of visionary Premier Eric Reece. Yet the TasNetworks and Aurora energy provision agreements by these State-owned Business Enterprise, Hydro, and its corporate customer Aurora, with the AI Data Centre proponents have not been released. Similarly, the Business Case for the proposed Project Marinus power-sharing pipeline with mainland Australia has not been released.

Given the lack of transparency of the central question of power supply to Tasmania's industrial jobs economy, its local population's need for reliable affordable power supply, and the risk to stability of the grid if there is undersupply of Tasmania's renewable hydro power when dam levels are low in a dry year, as predicted under incoming 'super' El Nino event - I submit that the State Parliament provide the transparent full public disclosure of all documentation pertaining to Project Marinus and TasNetworks/Hydro power-sharing agreements and contracts.

5. Provide the Tasmanian community with adequate opportunities for consultation:

I submit that the declaration of Major Project (s 60C LUPAA) assessment pathway for all AI Data Centre or AI Data Factory Development Applications is the best way to ensure adequate and equal opportunity for the Tasmanian community to have their concerns heard and expertly considered without the impost of unaffordable exorbitant legal representation to their case.

6. Ensures the Tasmanian community receive tangible benefits from all AI and data facilities constructed in the state:

I submit that it appears to be too difficult to determine whether the Tasmanian community will receive tangible benefits from all AI and data facilities constructed in the state without a comprehensive independent assessment as '**Declared Major Project**' (s60C LUPAA) for each facility making a planning application to a relevant planning Authority - as proposed for installation in a local area or site.

7. Any other material incidental:

I submit that currently a proponent, planning authority (council) or the Minister for Planning can propose a project as 'Major' under section 60C of the Land Use Planning and Approvals Act (Tas.) 1993 (LUPAA) according to clear **Eligibility Test** under section 60M - 60N of the LUPA Act, requiring two or more criteria to qualify, being -

- Significant impact on, or contribution to, a region's economy, environment or social fabric
- Strategic importance to the region

- Significant scale and complexity (e.g. spans multiple municipal areas, needs 2+ permits, has demanding technical requirements).

I further submit that:

The democratically elected councillors of a Local Council Planning Authority are the closest tier of government in representing their communities.

In their personal capacity as representatives of the health, safety, welfare and best interests of their constituents (section 20 of the Local Government Act 1993), they are best placed to do so by proposing a Major Project (s. 60C LUPAA) to enable Public Hearings and expert advice in assessment of a DA for AI Data Centre located in their local municipality;

Latrobe Council has recently proposed a Major Project under section 60C LUPAA for recent AI Data Centre at Wesley Vale - a site within close proximity to a primary school and local residents in this farming community. This could serve as a test-case for expert assessment criteria to be proposed for this and future AI data centres as proposed to Northern Tasmania, and beyond.

Tasmania is fortunate to have the legislation to provide pathway to declare a project 'Major' even prohibited under the relevant planning scheme (s60M(4)) - and to have an existing Tasmanian Planning Commission Authority well-qualified for drawing up professionally drafted assessment criteria for a Declared Major Project even under section 60M(4) of LUPAA.

I submit that it is of my personal concern that the State Planning Minister has not and will not make such independent declaration of all AI Data centres and facilities as 'Major Project' and I respectfully request that he forthwith publicly declare his objective reasons for not making such declaration, in order to provide the needed transparency our communities have called for. I submit that his transparency is needed because Local Councils as Planning Authority for assessing these unprecedented and major projects are already, perceivably unfairly, bearing the brunt of the people's displeasure.

In conclusion I submit that:

- A major project declaration removes the development from the council's ordinary decision-making and appeal framework - council may lodge a submission during exhibition like any other party in representing their constituents.
- Council's planning scheme can be amended without the usual council-driven process to accommodate an approved major project.
- There is no tribunal appeal against the outcomes - community and council input is effectively limited to the exhibition/representation/hearing stage (which is comprehensive).
- Fees for major project applications go to the Tasmanian Planning Commission, not local council coffers (S60ZZZB, 670ZZR).

The democratically elected representatives closest to the communities most affected are within their Statutory Authority rights to propose Major Project assessment of these unprecedented facilities. They currently have no social license to proceed.

signed by Caroline Larner: 
on date: 21 September 2020