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2 November 2026

The Honourable Kerry Vincent MLC
Minister for Housing and Planning
Level 10, 15 Murray Street
HOBART TAS 7000

Dear Minister

Major Project Declaration - Wesley Vale Advanced Computing Infrastructure - 226 Mill Road, Wesley Vale

We act for Firmus Technologies Pty Ltd, the proponent of the proposed Wesley Vale Advanced Computing Infrastructure (**Wesley Vale Computing Infrastructure**) at 226 Mill Road, Wesley Vale (CT187534/1) (the **Site**).

We refer to your letter dated 16 September 2026. We understand that Latrobe Council (**Council**) has proposed that the Wesley Vale Computing Infrastructure be declared a Major Project pursuant to s. 60C(1) of the *Land Use Planning and Approvals Act 1993* (**LUPAA**).

Our position is that the Wesley Vale Computing Infrastructure does not satisfy the eligibility criteria in s. 60M of LUPAA for declaration as a Major Project and accordingly, should not be declared a Major Project.

We write to set out our submissions in support of that position. These submissions should be read in conjunction with the Major Project Proposal prepared by Pitt & Sherry (Operations) Pty Ltd (**Pitt & Sherry**).

For the reasons below, we respectfully ask that the Wesley Vale Computing Infrastructure not be declared a Major Project.

1 Summary of Our Submissions

The summary of our submissions is as follows:

(a) The Wesley Vale Computing Infrastructure does not satisfy the criteria in s. 60M of LUPAA for declaration as a Major Project as:

(i) It will not have a significant impact on, or make a significant contribution to, the region's economy, environment or social fabric, having regard to the fact that:

(A) its estimated development cost and associated economic benefits are minor when compared with projects previously declared as Major Projects in Tasmania;

(B) any environmental effects are predominantly localised to the Site and its immediate surrounds and are capable of being appropriately managed; and

(C) it does not deliver social infrastructure or regional activation outcomes typically associated with developments assessed under the Major Projects framework;

(ii) It is not of strategic importance to the region as it does not materially advance broader regional development objectives or facilitate the delivery of significant public infrastructure in the manner contemplated by the Major Projects framework; and

(iii) It is not of significant scale or complexity that warrants a Major Project assessment because:

(A) the development footprint is comparatively modest when measured against projects previously declared as Major Projects in Tasmania; and

(B) it does not involve the jurisdictional, regulatory, or statutory complexities typically associated with projects assessed under the Major Projects framework, such as cross-municipal development, multiple approval pathways, or the need for planning scheme amendments.

(b) The Wesley Vale Computing Infrastructure is capable of being assessed through the ordinary development application process as:

(i) it only raises conventional planning considerations that are routinely addressed under the *Tasmanian Planning Scheme – Latrobe* (the **Scheme**); and

(ii) the ordinary development application process has demonstrated a capacity to assess projects of substantially greater scale and complexity, including the Robbins Island Wind Farm, and is therefore well capable of assessing the Wesley Vale Computing Infrastructure.

(c) In fact, the Wesley Vale Computing Infrastructure is more suited to assessment under the ordinary planning assessment as:

(i) it is not of a scale or complexity that warrants assessment under the Major Projects framework, making such an assessment unnecessary and disproportionate;

(ii) the Major Projects framework should be reserved for projects that genuinely has a significant impact on or makes a significant contribution to the region's economy, environment or social fabric and is of strategic importance to the region, which the Wesley Vale Computing Infrastructure is not; and

(iii) interested parties retain the ability to appeal any approval to the Tasmanian Civil and Administrative Tribunal (the **Tribunal**), a specialist tribunal with significant expertise in planning and development matters, making it particularly well suited to any dispute that may arise in relation to the Wesley Vale Computing Infrastructure.

2 Our Submissions

We submit that the Wesley Vale Computing Infrastructure does not satisfy the criteria in s. 60M of LUPAA for declaration as a Major Project as it:

(a) will not have a significant impact or contribution on the region's economy, environment or social fabric;

(b) is not of strategic importance to the region; and

(c) is not of significant scale or complexity that warrants a Major Project assessment.

Accordingly, the Wesley Vale Computing Infrastructure should continue to be assessed under the ordinary development application process. That process is not only capable of addressing the planning issues arising from the Wesley Vale Computing Infrastructure but is well suited to assess developments of this nature.

2.1 The Wesley Vale Computing Infrastructure will not have a significant impact or contribution on the region's economy, environment or social fabric.

In the Second Reading Speech of the *Land Use Planning and Approvals Amendment (Major Projects) Bill 2020* (the **Major Projects Bill**), the Minister explained that the Major Projects Framework was intended to enable "*projects with the potential to make substantial impacts on or contributions to a region [to] be able to be assessed by independent expert panels*".[1]

The Wesley Vale Computing Infrastructure is not such a project.

Economy

The Wesley Vale Computing Infrastructure is not expected to make a significant contribution to the region's economy.

While the Wesley Vale Computing Infrastructure represents a substantial private investment in advanced digital infrastructure, with an estimated development cost of approximately $31.25 million, its scale is modest when compared with previously declared Major Projects.

By way of comparison, the Whaleback Ridge Renewable Energy Project involves approximately $5 billion in capital expenditure, the Cellars Hill Wind Farm up to $1.5 billion, the Bell Bay Wind Farm up to $950 million, and the Bridgewater Bridge $576 million. Against this background, the projected development costs of the Wesley Vale Computing Infrastructure are comparatively modest and does

[1] Tasmania, *Report of Debates*, House of Assembly, 25 August 2020, p. 61 (Roger Jaensch MP).

not support its characterisation as a Major Project.

Additionally, although the Wesley Vale Computing Infrastructure is expected to generate some economic activity, these benefits are relatively modest and largely confined to employment opportunities, with approximately 70 jobs anticipated during the construction phase and around 20 permanent full-time positions once operational. Beyond these direct employment outcomes, the Wesley Vale Computing Infrastructure is not expected to materially alter the economic structure of the region, establish a significant new industry cluster, or drive broader regional economic transformation.

The economic benefits associated with the Wesley Vale Computing Infrastructure do not justify its assessment under the Major Project pathway, particularly when compared with previously declared Major Projects that are expected to deliver substantially greater regional economic outcomes.

For example, the Kangaroo Bay Project is projected to support 443 ongoing jobs during operation, generate approximately $42.7 million in additional annual visitor expenditure for the Southern Region, and create significant opportunities for growth in local hospitality, entertainment, retail and service industries. Similarly, the Cellars Hill Wind Farm is expected to contribute to the development of a renewable energy industry cluster in the Central Highlands through its proximity to the Cattle Hill Wind Farm and its intended co-location with the Weasel Solar Farm and Renewable Energy Business Park, creating further opportunities for regional investment.

By comparison, the economic benefits of the Wesley Vale Computing Infrastructure are considerably more limited in scale and are largely confined to construction activity and a relatively modest number of ongoing jobs. As such, the economic benefits associated with the Wesley Vale Computing Infrastructure does not support its characterisation as a Major Project.

Environment

Further, the Wesley Vale Computing Infrastructure is not expected to have a significant impact on the region’s environment.

As the development footprint of the Wesley Vale Computing Infrastructure is confined to the Site, which forms part of an established industrial precinct, the physical land-use and environmental effects are predominantly confined to the Site and its immediate surrounds. Relevant environmental considerations relate principally to operational noise, stormwater management, wastewater disposal, water demand, vegetation disturbance, traffic movements, bushfire risk, and the operation of standby generators. These effects are site-specific and capable of being appropriately managed.

The Wesley Vale Computing Infrastructure will not result in environmental impacts of a scale, extent or complexity that would affect the broader region or warrant assessment as a Major Project.

Social Fabric

Similarly, the Wesley Vale Computing Infrastructure is not expected to have a significant contribution on the region's social fabric.

The Wesley Vale Computing Infrastructure does not involve the establishment of significant social infrastructure or changes to community services and facilities. Rather, it comprises a contained industrial development within an established industrial precinct. The principal positive social effects of the Wesley Vale Computing Infrastructure are associated with employment, investment, skilled workforce opportunities and the establishment of contemporary digital infrastructure within north-west Tasmania.

By comparison, previously declared Major Projects such as the Kangaroo Bay Project were expected to deliver broader and more substantial social outcomes. The Kangaroo Bay Project was expected to activate the waterfront, create a vibrant community and visitor destination, and provide new opportunities for social interaction, recreation and tourism. It was also expected to support important community infrastructure through increased patronage of the commuter ferry service used by local residents.

In contrast, the social benefits of the Wesley Vale Computing Infrastructure are comparatively modest. Accordingly, the Wesley Vale Computing Infrastructure is not expected to contribute to the social character of the region or give rise to the level of social benefit typically associated with projects assessed under the Major Projects framework.

2.2 The Wesley Vale Computing Infrastructure is not of strategic importance to the region.

The Wesley Vale Computing Infrastructure is not of strategic importance to the region.

We acknowledge that advanced computing and artificial intelligence infrastructure is an emerging sector that attracts significant national and international investment. The Australian Government has also

recognised data centres as critical infrastructure supporting the modern economy. However, the strategic importance of the broader data centre sector should not be conflated with the strategic significance of the Wesley Vale Computing Infrastructure itself.

The Wesley Vale Computing Infrastructure does not materially advance any broader regional development objectives, nor does it deliver infrastructure of strategic significance for the benefit of the wider region. Rather, it is a private industrial development intended to support a specific commercial operation.

Relevantly, the Wesley Vale Computing Infrastructure been deliberately located within an established industrial precinct that is already serviced by suitable infrastructure. The Site adjoins the Wesley Vale substation and existing electricity transmission infrastructure and as such, is capable of accommodating the proposed use without the need for new strategic infrastructure. While the Wesley Vale Computing Infrastructure will be a substantial consumer of electricity, it does not involve the delivery of State-significant infrastructure or other region-shaping public asset.

This position contrasts with previously declared Major Projects that have demonstrated a clear strategic function. For example:

(a) the Kangaroo Bay Project was a catalyst project intended to realise the long-term vision for the Kangaroo Bay Particular Purpose Zone.

(b) the Whaleback Ridge Project, when implemented, was expected to support the Tasmanian Renewable Energy Action Plan and the Tasmanian Renewable Hydrogen Action Plan.

(c) the Bridgewater Bridge, being a critical link in the Region's freight supply chain connecting the Brighton Transport Hub to key metropolitan freight generation and distribution areas in Glenorchy, delivered improved freight efficiency and accessibility for the Southern Region.

By comparison, the Wesley Vale Computing Infrastructure does not perform a comparable strategic regional function in the manner contemplated by the Major Projects framework.

2.3 The Wesley Vale Computing Infrastructure is not of significant scale or complexity that warrants a Major Project assessment.

Scale

The Wesley Vale Computing Infrastructure is not of a scale that would warrant an assessment under the Major Projects framework.

The entire development footprint of the Wesley Vale Computing Infrastructure will be contained within the Site, which is 2.753 ha in size. The proposed development will only occupy a total gross floor area of approximately 3,502 m², comprising a 20 m² guardhouse, 793 m² of administrative floor space and 2,689 m² of technical area, equating to an operational footprint of approximately 0.35 ha.

The Wesley Vale Computing Infrastructure is modest in scale when compared with developments that have previously been declared Major Projects in Tasmania. By way of comparison:

(a) the Whaleback Ridge Renewable Energy Project is located on a project site of approximately 40,500 ha, with an anticipated operational footprint of around 500 ha;

(b) the Cellars Hill Wind Farm is situated within a site area of approximately 8,460 ha; and

(c) the Bell Bay Wind Farm encompasses a project area of approximately 2,780 ha.

These projects occupy significantly larger development areas than the Wesley Vale Computing Infrastructure.

The comparatively limited footprint of the Wesley Vale Computing Infrastructure supports our position that its scale does not justify an assessment under the Major Projects framework.

Complexity

Similarly, the Wesley Vale Computing Infrastructure is not of a complexity that warrants an assessment under the Major Projects framework.

We acknowledge that the Wesley Vale Computing Infrastructure will house highly specialised and technically sophisticated computing equipment that is not commonly available. However, planning assessment is concerned only with the external land use and development rather than the technical capabilities of the equipment housed within a facility. As such, the sophisticated nature of the computing infrastructure does not give rise to any unusual or complex planning issues.

From a planning perspective, the Wesley Vale Computing Infrastructure remains a data centre and is capable of being assessed under the existing provisions of the Scheme. The relevant planning considerations, including land use, built form, traffic, servicing, noise and environmental impacts, are well understood and can be appropriately addressed through the ordinary development assessment process.

Further, the Wesley Vale Computing Infrastructure lacks the types of planning complexities typically associated with projects assessed under the Major Projects framework.

As noted in the Second Reading Speech of the Major Projects Bill, the Major Projects framework is intended to allow "*a range of permits to be sought at the planning stage through a single application process, with coordinated, concurrent assessment undertake by the normal regulators*'.[2] This arises where a proposal requires extensive regulatory coordination across multiple jurisdictions or authorities.

A clear example is the Bridgewater Bridge project, which extended across multiple municipal areas, including Brighton, Derwent Valley and Glenorchy, and also involved land outside any single planning authority's jurisdiction. In those circumstances, assessment under the Major Projects framework was warranted due to the need for coordinated decision-making across multiple authorities and planning regimes.

By contrast, the Wesley Vale Computing Infrastructure is located entirely within a single parcel of land under the jurisdiction of Latrobe Council. The Site is wholly situated within the General Industrial Zone. Accordingly, neither the location nor zoning of the Site gives rise to any planning complexity that would necessitate assessment under the Major Projects framework.

Likewise, the Whaleback Ridge Renewable Energy Project required numerous approvals in addition to planning approval under LUPAA, including approval through the Tasmania Parks and Wildlife Service reserve activity assessment process, and permits under the *Threatened Species Protection Act 1995*, *Aboriginal Heritage Act 1975*, *Nature Conservation Act 2002*, *Crown Lands Act 1976*, and *Environmental Management and Pollution Control Act 1994*. The breadth of those approval requirements contributes to the project's planning complexity and supports assessment under the Major Projects framework.

The position is materially different for the Wesley Vale Computing Infrastructure, which only requires a single planning permit under LUPAA. While this does not mean that the Wesley Vale Computing Infrastructure does not need to comply with other applicable legislative requirements,[3] but rather that no separate statutory approvals are required before development can proceed. For example, an Unanticipated Discovery Plan will be implemented to ensure that any Aboriginal heritage encountered during construction is managed in accordance with the requirements under the *Aboriginal Heritage Act 1975*. Such compliance measures are routine and do not distinguish the Wesley Vale Computing Infrastructure from many other developments assessed through the ordinary planning process.

Further, the Major Project framework may be appropriate where a project cannot be accommodated within the existing planning framework and requires amendment of the applicable planning scheme to facilitate its implementation. [4]

Unlike previously declared Major Projects such as the Bridgewater Bridge and the North East Wind Farm, the Wesley Vale Computing Infrastructure does not require any amendment to the Scheme to enable its implementation. The proposed use is classified as Utilities and is a Permitted use within the General Industrial Zone. The Scheme therefore already provides an established and appropriate framework for assessment of the Project. There is no need to amend the Scheme, establish an alternative planning framework, or use the Major Projects process to overcome a planning prohibition.

Accordingly, the Wesley Vale Computing Infrastructure does not involve the jurisdictional, regulatory or statutory complexities typically associated with projects assessed under the Major Projects framework. Rather, it is a localised development situated wholly within a single municipality and capable of being comprehensively assessed through the ordinary development application process. For these reasons, the Wesley Vale Computing Infrastructure does not possess any features or attributes that render it unusually complex from a planning perspective or justify assessment under the Major Projects framework.

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2 Tasmania, *Report of Debates*, House of Assembly, 25 August 2020, p. 63 (Roger Jaensch MP).

3 See *Gard v Gibsons Limited* 138 LGERA 157.

4 Tasmania, Report of Debates, House of Assembly, 25 August 2020, p. 64 (Roger Jaensch MP).

2.4 The Wesley Vale Computing Infrastructure is both capable of, and appropriately suited to, assessment through the ordinary development application process.

We also submit that the Wesley Vale Computing Infrastructure is not only capable of being assessed through the ordinary development application process but is particularly well suited to that assessment.

The Wesley Vale Computing Infrastructure raises conventional planning considerations that are routinely assessed under the Scheme. These include the siting and design of buildings and infrastructure, access and traffic generation, noise, water and wastewater management, stormwater, bushfire and hazardous materials, electricity infrastructure interfaces, lighting, servicing and construction-related effects.

While certain aspects of the Wesley Vale Computing Infrastructure require specialist technical investigation, this does not indicate that it is unusually complex or beyond the capacity of the ordinary planning assessment process. To the contrary, technical reports and specialist assessments are a common feature of ordinary development applications. In this instance, specialist technical investigations have been undertaken to enable the assessment of the relevant planning and environmental issues against the requirements of the Scheme and other applicable regulatory frameworks.

Importantly, no land-use, environmental or regulatory issue has been identified that cannot be adequately addressed through the Scheme and the legislative regimes that operate alongside it. The existing statutory framework provides a complete and appropriate mechanism for assessing all relevant effects of the Wesley Vale Computing Infrastructure.

The capacity of the ordinary development application process to assess complex developments is well established. By way of example, the Robbins Island Wind Farm[5] was assessed through the ordinary planning approval process notwithstanding that it involved a project area of approximately 10,590 ha and included up to 100 wind turbines, a bridge across Robbins Passage spanning 1,290 m, a substantial wharf of 509 m, an extensive road network (including 33.8 km of main roads and 59.4 km of spur roads), quarry operations and the consideration of significant environmental issues, including potential impacts on migratory bird species and Tasmanian devils. Those matters were ultimately considered through the ordinary development application process and appeal framework, demonstrating that even developments of substantial scale and complexity can be appropriately dealt with outside the Major Projects process.

By comparison, the Wesley Vale Computing Infrastructure is a considerably smaller and more straightforward development. As submitted above, it is neither of a scale nor complexity that warrants assessment under the Major Projects framework. In those circumstances, subjecting the Project to the Major Projects process would be unnecessary and disproportionate.

Further, the Wesley Vale Computing Infrastructure does not have a significant impact on or makes a significant contribution to the region's economy, environment or social fabric. Nor is it of strategic importance to the region. The Major Projects framework should be reserved for projects that genuinely require an assessment under the Major Projects Framework due to their significance or strategic importance. The Wesley Vale Computing Infrastructure does not fall within that category.

Further, the ordinary development application process provides an established avenue for review of any approval granted by the planning authority. Should Council approve the Wesley Vale Computing Infrastructure, interested parties may exercise their appeal rights to the Tribunal. The Tribunal is a specialist tribunal with extensive experience in determining planning disputes and has repeatedly demonstrated its capacity to consider complex technical evidence and planning issues, making it particularly well suited to deal with any planning dispute that may arise in relation to the Wesley Vale Computing Infrastructure.

Accordingly, the ordinary development application process is not merely capable of assessing the Wesley Vale Computing Infrastructure, it is the most appropriate and proportionate assessment pathway.

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[5] See *Ryan v Circular Head Council and Smith v Circular Head Council and Birdlife Tasmania v Circular Head Council* and *ACEN Robbins Island Pty Ltd v Circular Head Council and Bob Brown Foundation v Circular Head Council and Circular Head Coastal Awareness Network Inc v Circular Head Council* (No 4) [2023] TASCAT 217.

3 Additional Matters

Additionally, we wish to express our concern regarding Council's sudden decision to propose that the Wesley Vale Computing Infrastructure be assessed under the Major Projects framework.

The development application for the Wesley Vale Computing Infrastructure was submitted to Council on 28 May 2026. Since that time, Council has accepted the application, reviewed the supporting technical reports, requested further information, considered amended documentation, and progressed the application to public exhibition.

Our Client is deeply disappointed that, after the application has advanced through these stages of assessment, Council has now taken the position that the Wesley Vale Computing Infrastructure should instead be referred for consideration under the Major Projects framework. Had Council genuinely considered that the Wesley Vale Computing Infrastructure should be assessed under the Major Projects framework, it would be reasonable to expect that this issue would have been identified and raised at an earlier stage of the assessment process.

It is also unclear what prompted this change in Council's position at this stage in the assessment process. Our client is particularly concerned that Council elected to pursue the Major Projects pathway without first discussing the matter with our Client or providing any advance notice, notwithstanding our Client's continued willingness to engage constructively with Council.

Please let us know if you have any questions or require any further information. If it would assist, we would be pleased to discuss any aspect of our submission.

Yours faithfully

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