

ANNEX D - CROSS-AGENCY CUSTODY, ADMINISTRATIVE PROGRESSION AND RELIANCE RECORD

(Evidentiary Annex to the Supporting Record and Analytical Memorandum)

Version 1.1

D1. Document Control

D1.1

This Annex is issued as Version 1.1 and supplements Annex D Version 1.0 previously provided to relevant authorities.

D1.2

Annex D Version 1.0 remains unchanged and continues to form part of the Trustee's administrative and evidentiary record as originally executed and issued.

D1.3

Version 1.1 records additional documentary and administrative developments occurring subsequent to Annex D Version 1.0, including:

- (a) completion of additional Moorabool Shire Council Freedom of Information processes concerning baseline documentation, meteorological monitoring infrastructure, complaint handling and commissioning chronology;
- (b) subsequent Council administrative clarification correspondence and governance responses;
- (c) continuing Department of Transport and Planning Freedom of Information progression;
- (d) Office of the Victorian Information Commissioner administrative review processes associated with Department of Transport and Planning Freedom of Information requests;
- (e) completion of Planning Permit administrative clarification correspondence recorded separately within Annex E; and
- (f) associated cross-agency documentary progression occurring subsequent to execution of Annex D Version 1.0.

D1.4

Version 1.1 does not amend, replace or retrospectively alter Annex D Version 1.0 and is to be read together with that Version for completeness of the Trustee's administrative and evidentiary record.

D2. Purpose

D2.1

This Annex records the documentary custody, administrative progression and documentary reliance positions disclosed through:

- (a) Moorabool Shire Council;
- (b) Department of Transport and Planning;
- (c) associated Freedom of Information processes;
- (d) subsequent administrative correspondence;
- (e) Office of the Victorian Information Commissioner review processes; and
- (f) related administrative interactions.

D2.2

This Annex records documentary chronology only.

D2.3

This Annex does not determine:

- (a) compliance;
- (b) breach;
- (c) fault;
- (d) liability;
- (e) maladministration;
- (f) legal rights; or
- (g) regulatory conclusions.

D2.4

References to documents being "not held", "not located", "not identified", "not submitted" or similar expressions record only the relevant agency's disclosed documentary position arising from Freedom of Information processes or associated administrative correspondence.

D2.5

This Annex is to be read together with:

- (a) Supporting Record and Analytical Memorandum Versions 1.0, 1.1, 1.2 and 1.3;
- (b) Annex A — K15aa Record of Baseline Integrity and Regulatory Reliance;
- (c) Annex B Version 1.1 — SAC-01 Record of Special Audible Characteristics;
- (d) Annex C Version 1.2 — EPA Internal Review Correspondence and Regulatory Reliance Record; and
- (e) Annex E — Planning Permit Amendment and Regulatory Transition Record.

D3. Council Administrative Record

D3.1

Subsequent to completion of Annex D Version 1.0, additional Freedom of Information processes and administrative correspondence were undertaken with Moorabool Shire Council.

D3.2

Collectively those matters comprise supplementary components of the Council administrative record concerning:

- (a) baseline documentation;
- (b) meteorological monitoring infrastructure;
- (c) complaint handling records;
- (d) commissioning chronology;
- (e) planning administration; and
- (f) governance correspondence.

D3.3

Version 1.1 records those developments as part of the continuing administrative chronology.

D4. Council Freedom of Information — K15aa Baseline Documentation

D4.1

Annex D Version 1.0 recorded the Freedom of Information process concerning the document described as the SLR 2018 Pre-Construction Baseline Noise Monitoring Report for receptor K15aa.

D4.2

Council advised that following searches of relevant systems and consultation with officers, no document corresponding with that description was identified within Council's records.

D4.3

Council further recorded advice received from Lal Lal Wind Farms Nom Co Pty Ltd that the document reference represented a clerical error and that the intended reference was to the February 2021 Compliance Baseline Noise Monitoring Report.

D4.4

Version 1.1 records no change to the documentary position previously recorded within Annex D Version 1.0.

D5. Council Freedom of Information — Elaine Meteorological Monitoring Facility

D5.1

Subsequent to completion of Annex D Version 1.0, the Trustee lodged Freedom of Information Request SR.139279 concerning the Elaine Meteorological Monitoring Facility.

D5.2

Following consultation with Council, the request was refined to seek only documents evidencing any formal approval, consent, authorisation or endorsement issued or recorded by Council concerning the establishment or operation of the Elaine Meteorological Monitoring Facility under Planning Permit PL-SP/05/0461-2.

D5.3

Council recorded that searches were undertaken of relevant planning records, electronic document management systems and associated administrative records.

D5.4

Council determined that no documents falling within the refined scope of the request had been identified.

D5.5

During those searches Council identified two items of correspondence which were considered to fall outside the refined request.

Those documents were subsequently released administratively to the Trustee.

D5.6

The disclosed correspondence forms part of the Trustee's administrative record and records administrative discussion concerning:

- (a) the temporary meteorological monitoring facility;
- (b) endorsed planning documentation;
- (c) potential secondary consent processes; and
- (d) planning administration.

D5.7

Version 1.1 records:

- (a) Council's documented searches;
- (b) the Freedom of Information outcome;
- (c) the administrative release of correspondence; and
- (d) the documentary chronology arising from that process.

D5.8

Nothing within this section determines:

- (a) whether the meteorological monitoring facility was authorised;
- (b) whether secondary consent was required;
- (c) whether any exemption applied; or
- (d) the legal or regulatory significance of the disclosed correspondence.

D6. Council Freedom of Information — Noise Complaint Handling

D6.1

The Trustee subsequently lodged Freedom of Information Request SR.140441 concerning Council records relating to Lal Lal Wind Farm noise complaints.

D6.2

The request sought structured records, complaint register entries, database records and finalised outcome records while excluding drafts, emails and identifying personal information.

D6.3

Council initially refused access to documents identified within the scope of the request.

D6.4

Following administrative clarification by the Trustee, Council reconsidered the request and issued a fresh decision.

D6.5

The fresh decision recorded:

- (a) one document approved for partial release;
- (b) one document remaining exempt;
- (c) that the exempt document comprised internal deliberative material; and
- (d) Council's understanding of the refined request.

D6.6

The Trustee subsequently confirmed that the Trustee elected not to proceed with purchase of the released correspondence.

D6.7

Council acknowledged that correspondence and confirmed that it had been placed upon the administrative record for Freedom of Information Request SR.140441.

D6.8

Version 1.1 records those matters as documentary and administrative chronology only.

D7. Council Freedom of Information — Commissioning Chronology

D7.1

The Trustee subsequently lodged Freedom of Information Request SR.142870 concerning documentary records evidencing the commissioning date relied upon by Council.

D7.2

The request sought:

- (a) commissioning certificates;
- (b) formal notifications of commissioning;
- (c) documentary records concerning commissioning of the final turbine; and

(d) internal milestone register or database records recording the commissioning date relied upon by Council.

D7.3

Council accepted the request and undertook searches including:

- (a) Community Planning and Development records;
- (b) electronic document management systems;
- (c) archived folders;
- (d) customer request systems; and
- (e) consultation with relevant officers.

D7.4

Council recorded that approximately 6.5 hours were expended undertaking those searches.

D7.5

Council determined that:

- (a) all reasonable steps had been undertaken;
- (b) no documents falling within the scope of the request had been identified; and
- (c) the requested documents did not exist or could not be located within Council's disclosed administrative record.

D7.6

Publicly available documents located during the searches were released separately for information.

D7.7

Version 1.1 records that outcome as part of the documentary chronology only.

D7.8

Nothing within this section determines the legal or regulatory significance of documents not identified through Council's disclosed Freedom of Information process.

D8. Council Administrative Record Status

D8.1

Subsequent to completion of the Freedom of Information processes and associated administrative correspondence recorded within this Annex, the Council administrative record presently disclosed to the Trustee comprises:

- (a) the Freedom of Information process concerning the K15aa baseline documentation;
- (b) Freedom of Information Request SR.139279 concerning the Elaine Meteorological Monitoring Facility;
- (c) Freedom of Information Request SR.140441 concerning noise complaint handling;
- (d) Freedom of Information Request SR.142870 concerning commissioning chronology;
- (e) associated administrative releases of documentary material;

- (f) subsequent administrative clarification correspondence issued by the Trustee; and
- (g) Council governance correspondence recording completion of the relevant administrative processes.

D8.2

Collectively, those documents record the Council documentary and administrative chronology presently disclosed to the Trustee concerning Planning Permit PL-SP/05/0461-2.

D8.3

Version 1.1 records those matters as documentary and administrative chronology only.

D8.4

Nothing within this section determines:

- (a) whether documents exist outside the documentary record disclosed by Council;
- (b) whether any Council administrative position was correct or incorrect;
- (c) whether any planning obligation was satisfied;
- (d) whether any regulatory action was required; or
- (e) the legal significance of documents held, not held, released, withheld or not identified through the disclosed administrative record.

D8.5

The Council administrative record forms one component of the Trustee's broader cross-agency administrative and evidentiary record and is to be read together with the Department of Transport and Planning material recorded in the following sections of this Annex.

D9. Department of Transport and Planning Administrative Record

D9.1

Annex D Version 1.0 recorded the Department of Transport and Planning documentary custody position arising from the Freedom of Information material disclosed to the Trustee at that time.

D9.2

Subsequent to completion of Annex D Version 1.0, additional documentary and administrative developments occurred concerning Department of Transport and Planning records, including:

- (a) continuing Department of Transport and Planning Freedom of Information and associated administrative processes;
- (b) associated administrative correspondence;
- (c) Office of the Victorian Information Commissioner review processes;
- (d) Planning Permit administrative clarification correspondence; and
- (e) subsequent documentary developments concerning Planning Permit PL-SP/05/0461-2.

D9.3

Version 1.1 records those developments as supplementary components of the continuing Department of Transport and Planning administrative record.

D9.4

The Department of Transport and Planning material recorded within this Annex should be read together with:

- (a) Annex A — K15aa Record of Baseline Integrity and Regulatory Reliance;
- (b) Annex C Version 1.2 — EPA Internal Review Correspondence and Regulatory Reliance Record;
- (c) Annex E — Planning Permit Amendment and Regulatory Transition Record; and
- (d) Supporting Record and Analytical Memorandum Version 1.3.

D9.5

The following sections record the Department's documentary chronology, documentary record, document custody and administrative progression as disclosed to the Trustee through Freedom of Information processes, administrative correspondence and associated review processes.

D9.6

Version 1.1 records those matters as documentary and administrative chronology only and does not determine:

- (a) compliance;
- (b) breach;
- (c) liability;
- (d) legal effect; or
- (e) regulatory conclusions.

D10. Department of Transport and Planning Freedom of Information Progression

D10.1

Subsequent to completion of Annex D Version 1.0, the Trustee continued Freedom of Information processes with the Department of Transport and Planning concerning documents associated with the planning, commissioning, operation and regulatory administration of the Lal Lal Wind Farm.

D10.2

Those requests sought documentary material concerning, amongst other matters:

- (a) commissioning chronology;
- (b) operational commencement records;
- (c) incorporated Planning Permit documents;
- (d) the approved Noise Compliance Testing Plan;
- (e) asserted revisions or amendments to Noise Compliance Testing Plan documentation;

- (f) K15aa baseline documentation;
- (g) planning administration; and
- (h) associated documentary records relevant to Planning Permit PL-SP/05/0461-2.

D10.3

The Department acknowledged receipt of the Freedom of Information requests and subsequently advised that additional time was required for determination.

D10.4

The Department subsequently advised the Trustee that additional time was required to determine the requests and the Trustee agreed to the requested extensions.

D10.5

Following expiry of the agreed extensions, no Freedom of Information decision had been issued.

D10.6

The Trustee subsequently sought administrative clarification concerning the outstanding determinations and the continuing administrative status of the requests.

D10.7

As at the execution date of this Annex, the requests remained undetermined notwithstanding expiry of the applicable statutory and agreed administrative timeframes.

D10.8

Version 1.1 records that continuing administrative position as part of the Department's disclosed administrative chronology only.

D11. Office of the Victorian Information Commissioner Administrative Review

D11.1

Following expiry of the applicable statutory determination period, the Trustee referred the continuing delay to the Office of the Victorian Information Commissioner for administrative review.

D11.2

The Trustee's correspondence recorded that:

- (a) the Department had not issued a Freedom of Information determination notwithstanding expiry of the applicable statutory and agreed administrative timeframes;
- (b) the Freedom of Information process remained incomplete;
- (c) the outstanding documentary material continued to form part of the Trustee's administrative record; and
- (d) clarification was sought concerning the continuing administrative position.

D11.3

Correspondence subsequently exchanged with the Office of the Victorian Information Commissioner formed part of the Trustee's continuing administrative chronology.

D11.4

As at the execution date of this Annex:

- (a) the Office of the Victorian Information Commissioner had acknowledged the Trustee's correspondence;
- (b) the Department of Transport and Planning Freedom of Information process remained administratively current; and
- (c) no final determination had been issued.

D11.5

Version 1.1 records that administrative chronology only.

D11.6

Nothing within this section determines:

- (a) the merits of the Freedom of Information request;
- (b) the reasons for delay;
- (c) the correctness of any administrative decision; or
- (d) any legal consequence arising from the continuing administrative position.

D12. Documentary Custody and Cross-Agency Administrative Progression

D12.1

The documentary material disclosed through the respective Freedom of Information processes identifies administrative responsibilities exercised across multiple public authorities in relation to planning administration, planning permit administration and environmental regulation.

D12.2

The documentary record disclosed to the Trustee records that those authorities include:

- (a) Moorabool Shire Council;
- (b) Department of Transport and Planning;
- (c) Environment Protection Authority Victoria.

D12.3

The Freedom of Information processes undertaken by the Trustee were directed toward identifying the documentary record held by each authority concerning matters relevant to the administration of Planning Permit PL-SP/05/0461-2 and the associated regulatory framework.

D12.4

Collectively, those processes disclose the documentary record maintained by each agency at the time of the relevant searches together with the administrative explanations recorded by those agencies concerning documents held, not held, not located or otherwise identified.

D12.5

Version 1.1 records those documentary outcomes as components of the Trustee's consolidated administrative and evidentiary record.

D13. Cross-Agency Documentary Relationship

D13.1

The documentary record disclosed by the respective agencies identifies that a number of administrative processes included consideration of documents prepared by, or received from, other agencies, consultants, environmental auditors or the permit holder.

D13.2

Accordingly, the disclosed record demonstrates documentary interaction between:

- (a) Planning Permit administration;
- (b) incorporated Planning Permit documentation;
- (c) consultant reports;
- (d) Environmental Auditor verification reports;
- (e) Freedom of Information disclosures;
- (f) administrative correspondence; and
- (g) associated documentary material forming part of the disclosed regulatory record.

D13.3

Version 1.1 records the existence of those documentary relationships only.

D13.4

Nothing within this section determines:

- (a) the legal effect of any document;
- (b) whether reliance upon any document was correct or incorrect;
- (c) whether any document should have been provided to another agency;
- (d) whether any document ought to have existed; or
- (e) whether any administrative process was legally sufficient.

D14. Relationship with Annexes A–E

D14.1

This Annex forms one component of the Trustee's consolidated administrative and evidentiary record.

D14.2

The matters recorded within this Annex should be read together with:

- (a) Annex A — K15aa Record of Baseline Integrity and Regulatory Reliance;
- (b) Annex B Version 1.1 — SAC-01 Record of Special Audible Characteristics;
- (c) Annex C Version 1.2 — EPA Internal Review Correspondence and Regulatory Reliance Record;
- (d) Annex E — Planning Permit Amendment and Regulatory Transition Record; and
- (e) Supporting Record and Analytical Memorandum Versions 1.0, 1.1, 1.2 and 1.3.

D14.3

The documents identified above are complementary.

Each records a distinct component of the documentary and administrative chronology.

D14.4

Accordingly:

- (a) this Annex records document custody, administrative progression and cross-agency documentary chronology;
- (b) Annex A records baseline integrity and associated documentary chronology;
- (c) Annex B records Special Audible Characteristics chronology;
- (d) Annex C records the Environment Protection Authority administrative chronology; and
- (e) Annex E records Planning Permit amendment and regulatory transition chronology.

D15. Record Status

D15.1

Version 1.1 records the Council and Department of Transport and Planning administrative record as disclosed to the Trustee at the execution date of this Annex.

D15.2

The documentary record presently includes:

- (a) Council Freedom of Information outcomes concerning K15aa baseline documentation;
- (b) Council Freedom of Information outcomes concerning the Elaine Meteorological Monitoring Facility;
- (c) Council Freedom of Information outcomes concerning noise complaint handling;
- (d) Council Freedom of Information outcomes concerning commissioning chronology;
- (e) administrative releases of documentary material associated with those Freedom of Information processes;
- (f) Council governance correspondence;
- (g) Council administrative clarification correspondence;
- (h) Department of Transport and Planning Freedom of Information progression;
- (i) Department of Transport and Planning administrative correspondence;
- (j) Office of the Victorian Information Commissioner administrative review processes;
- (k) Planning Permit administrative clarification chronology recorded separately within Annex E; and
- (l) associated documentary material comprising the disclosed cross-agency administrative record.

D15.3

Version 1.1 records the documentary chronology arising from those matters only.

D15.4

Version 1.1 does not determine:

- (a) compliance with Planning Permit PL-SP/05/0461-2;
- (b) compliance with the Environment Protection Act 2017 (Vic);
- (c) compliance with the Environment Protection Regulations 2021 (Vic);
- (d) breach;
- (e) fault;
- (f) liability;
- (g) maladministration; or
- (h) the legal significance of documents held, not held, not located or otherwise identified through the disclosed administrative record.

D15.5

Subsequent documentary or administrative developments may be incorporated within a later supplementary version of this Annex where necessary to preserve the continuing integrity, chronology and completeness of the Trustee's administrative and evidentiary record.

D15.6

Nothing within a later supplementary version retrospectively alters the documentary record recorded within Annex D Version 1.0 or Version 1.1, each of which records the documentary position existing at its respective execution date.

Document Status — Executed Record (Version 1.1)

This document constitutes the executed Version 1.1 of Annex D — Cross-Agency Custody, Administrative Progression and Reliance Record.

Version 1.1 is issued to record:

- (a) supplementary Council Freedom of Information outcomes concerning baseline documentation, the Elaine Meteorological Monitoring Facility, noise complaint handling and commissioning chronology;
- (b) subsequent Council governance and administrative clarification correspondence;
- (c) continuing Department of Transport and Planning Freedom of Information progression;
- (d) Office of the Victorian Information Commissioner administrative review processes associated with those Freedom of Information requests;
- (e) integration of the Planning Permit administrative clarification chronology recorded separately within Annex E; and
- (f) the continuing maturation of the Trustee's administrative and evidentiary record.

This document is to be read together with:

- (a) Supporting Record and Analytical Memorandum Version 1.0 (7 March 2026);
- (b) Supporting Record and Analytical Memorandum Version 1.1 (16 March 2026);
- (c) Supporting Record and Analytical Memorandum Version 1.2 (6 June 2026);

- (d) Supporting Record and Analytical Memorandum Version 1.3;
- (e) Annex A — K15aa Record of Baseline Integrity and Regulatory Reliance;
- (f) Annex B Version 1.1 — SAC-01 Record of Special Audible Characteristics;
- (g) Annex C Version 1.2 — EPA Internal Review Correspondence and Regulatory Reliance Record; and
- (h) Annex E — Planning Permit Amendment and Regulatory Transition Record.

Together, these documents comprise the administrative and evidentiary record maintained by the Trustee as at the execution date of Version 1.1.