

ANNEX E — Planning Permit Amendment and Regulatory Transition Record

(Evidentiary Annex to the Statement of Matters of Public Interest)

Document Control

E0.1

This Annex is issued as the first executed version of Annex E — Planning Permit Amendment and Regulatory Transition Record.

E0.2

This Annex records the documentary and administrative chronology relating to amendment of Planning Permit PL-SP/05/0461-2 and the associated transition of operational wind turbine noise governance to the Environment Protection Regulations 2021 framework.

E0.3

This Annex is to be read together with:

- (a) Supporting Record and Analytical Memorandum Versions 1.0–1.3;
- (b) Annex A;
- (c) Annex B Version 1.1;
- (d) Annex C Version 1.2; and
- (e) Annex D Version 1.1.

E1. Purpose and Scope

E1.1 Purpose

This Annex records material relating to the amendment of Planning Permit PL-SP/05/0461-2 and the transition of operational wind turbine noise governance from the planning permit framework to the Environment Protection Act 2017 (Vic) and Environment Protection Regulations 2021 (Vic) framework.

E1.2 Scope

This Annex is confined to recording:

- (a) the original operational noise governance structure appearing within the planning permit;
- (b) the stated purpose and rationale of the amendment application;
- (c) references within the amendment material to the Environment Protection Regulations 2021 and Noise Management Plan framework;
- (d) the relationship between the amendment process and environmental auditor verification material identified elsewhere within the disclosed record;
- (e) submissions and associated material provided by the Trustee during the amendment process;
- (f) the determination of the amendment application; and

- (g) the relationship between the amendment and the broader documentary and regulatory record recorded within the Supporting Record and associated Annexes.

E1.3 What This Annex Does Not Do

This Annex:

- (a) does not determine compliance or non-compliance;
- (b) does not assert breach, fault, unlawfulness, or maladministration;
- (c) does not determine the legal effect of the amendment;
- (d) does not determine the sufficiency of the Environment Protection Regulations 2021 framework; and
- (e) does not substitute interpretation or opinion for the disclosed documentary record;
- (f) does not retrospectively alter the documentary record recorded elsewhere within the Supporting Record or associated Annexes.

This Annex records chronology, documentary interaction, and regulatory transition material only.

E2. Regulatory and Administrative Context

E2.1 Original Permit Framework

Planning Permit PL-SP/05/0461-2 included operational wind turbine noise conditions comprising Conditions 23–27.

E2.2 Operational Governance Structure

The disclosed permit framework included:

- (a) operational noise limits derived by reference to NZS 6808:2010;
- (b) the endorsed Noise Compliance Test Plan (NCTP);
- (c) post-construction noise assessment obligations;
- (d) environmental auditor verification requirements;
- (e) complaint investigation and response procedures; and
- (f) associated reporting and compliance obligations.

E2.3 Relationship to EPA Framework

The amendment material records that the Environment Protection Regulations 2021 establish a separate operational regulatory framework for wind energy facilities, including requirements relating to Noise Management Plans and environmental auditor review.

E2.4 Relationship to Other Annexes

The matters recorded within this Annex interact 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 D Version 1.1 — Cross-Agency Custody, Administrative Progression and Reliance Record; and
- (e) Supporting Record and Analytical Memorandum Versions 1.0–1.3.

This Annex should be read together with those records for completeness of the disclosed regulatory chronology.

E3. Amendment Application — Stated Purpose and Regulatory Transition

E3.1 Amendment Proposal

The amendment application sought amendment of Planning Permit PL-SP/05/0461-2 including:

- (a) amendment of Condition 23;
- (b) deletion of Conditions 24–27; and
- (c) insertion of a new Condition 27A.

E3.2 Stated Purpose of Amendment

The amendment application records that the purpose of the amendment was to remove operational wind turbine noise conditions from the planning permit framework so those matters could be regulated under the Environment Protection Regulations 2021.

E3.3 Characterisation of Existing Conditions

The amendment material records that the existing operational noise conditions were considered to be duplicative of the Environment Protection Regulations 2021 framework.

E3.4 Reliance upon EPA Framework

The amendment application records that operational wind turbine noise obligations are governed through the Environment Protection Regulations 2021 framework, including requirements relating to Noise Management Plans prepared pursuant to regulation 131E.

E3.5 EPA Consultation

The amendment material records that consultation occurred with Environment Protection Authority Victoria in relation to the proposed amendment and that EPA supported the proposed amendment pathway.

E4. Noise Management Plan and Auditor Verification Context

E4.1 NMP Chronology

The disclosed regulatory record includes a Noise Management Plan dated 18 October 2022.

E4.2 Relationship to Earlier Permit Framework

The disclosed record indicates that the Noise Management Plan incorporates and operates together with earlier operational compliance material including the Noise Compliance Test Plan and Noise Complaints Investigation and Response Plan.

E4.3 EPA Reliance Chronology

Annex C records that:

- (a) EPA identified the Noise Management Plan as material relied upon in assessing compliance;
- (b) EPA requested environmental auditor verification of the Noise Management Plan;
- (c) EPA correspondence later recorded that the Noise Management Plan remained under revision and had not yet been reviewed by an EPA-appointed auditor; and
- (d) no auditor verification document for the Noise Management Plan was identified through disclosed Freedom of Information outcomes.

E4.4 Relationship to Amendment Material

The amendment application records that the Environment Protection Regulations 2021 framework, including the Noise Management Plan framework, would govern operational wind turbine noise matters following amendment of the planning permit conditions.

E4.5 Record Status

This section records the interaction between:

- (a) the amendment application;
- (b) the Noise Management Plan chronology;
- (c) EPA reliance material; and
- (d) environmental auditor verification material,

as appearing on the disclosed record only.

It does not determine the sufficiency, completion, or legal effect of the Noise Management Plan framework.

E5. Trustee Submission Material

E5.1 Trustee Submission

The Trustee provided submission material during the amendment process concerning:

- (a) sequencing of the transition between planning permit and EPA regulatory frameworks;
- (b) the continuing role of the Noise Compliance Test Plan;
- (c) environmental auditor verification chronology;
- (d) document custody and reliance matters; and
- (e) the relationship between the amendment and the broader disclosed regulatory record.

E5.2 Nature of Submission

The Trustee submission material:

- (a) did not assert breach or non-compliance;
- (b) did not seek enforcement action;
- (c) did not oppose the existence of an EPA regulatory framework; and
- (d) recorded concerns relating to sequencing, framework transition, and documentary reconciliation.

E5.3 Addendum Material

Supplementary submission material was subsequently provided by the Trustee for record purposes in relation to the amendment process.

E5.4 Relationship to Existing Record

The Trustee submission material formed part of the broader documentary and chronological record already recorded within the Supporting Record and Annexes A–D.

E6. Amendment Determination and Amended Permit Structure

E6.1 Determination

A determination was issued approving the amendment application relating to Planning Permit PL-SP/05/0461-2.

E6.2 Amended Permit Structure

The amended permit records:

- (a) amendment of Condition 23;
- (b) deletion of Conditions 24–27; and
- (c) insertion of Condition 27A.

E6.3 Condition 23

The amended Condition 23 records that operational wind turbine noise must comply with NZS 6808:2010 in accordance with the Environment Protection Regulations 2021.

E6.4 Condition 27A

Condition 27A records that compliance with the endorsed Noise Compliance Test Plan and Noise Complaints Investigation and Response Plan must continue until a Noise Management Plan has been prepared and implemented in accordance with regulation 131E of the Environment Protection Regulations 2021.

E6.5 Transitional Structure

On the disclosed record, the amended permit establishes a transitional relationship between:

- (a) the earlier planning permit compliance framework; and
- (b) the Environment Protection Regulations 2021 Noise Management Plan framework.

E6.6 Responsible Authority Wording — Documentary Evolution

The disclosed amendment application material records that the existing permit identified:

- (a) “Responsible Authority for Administration and Enforcement of this permit: Moorabool Shire Council”.

The amendment application material further recorded that:

- (b) the amendment proposal was directed toward amendment of operational wind turbine noise conditions and transition to the Environment Protection Regulations 2021 framework; and
- (c) “The proposal does not seek to alter any other conditions of the permit.”

E6.7 Responsible Authority Wording — Amended Permit

The amended Form 11 permit subsequently issued records:

- (a) “Responsible authority: Minister for Planning”.

The disclosed amendment application material does not identify a specific amendment request directed toward alteration of the responsible authority wording itself.

E6.8 Meteorological Monitoring Facility Wording — Documentary Evolution

The disclosed permit material records operative wording authorising:

- (a) “two permanent meteorological monitoring facilities and associated equipment”.

That wording was reproduced within the disclosed amendment application material as part of the description of the existing permit framework.

E6.9 Meteorological Monitoring Wording — Amended Permit

The amended Form 11 permit subsequently issued records broader planning-scheme authorisation wording and does not expressly reproduce the earlier wording referring to:

- (a) “two permanent meteorological monitoring facilities and associated equipment”.

E6.10

The presently disclosed amendment material does not identify:

- (a) a specific amendment request directed toward removal or alteration of the earlier wording concerning meteorological monitoring facilities; or
- (b) a separate explanatory statement concerning the documentary transition between the earlier and amended permit wording.

E6.11 Record Status

This section records documentary evolution and permit wording transition only.

It does not determine:

- (a) whether meteorological monitoring infrastructure remains authorised;
- (b) whether the amended permit substantively alters the approval basis for such infrastructure;
- (c) the legal effect of the amended wording structure; or
- (d) whether the amended permit wording reflects substantive amendment, drafting modernisation, or administrative re-formatting.

E7. Regulatory Transition Context (Record-Based)

E7.1 Relationship to Earlier Regulatory Material

The disclosed record indicates that the amendment process occurred following:

- (a) post-construction noise assessment processes;
- (b) environmental auditor verification processes;
- (c) EPA reliance upon post-construction assessment material;
- (d) Freedom of Information processes; and
- (e) associated OVIC review processes.

E7.2 Relationship to Existing Documentary Record

The amendment and associated determination intersect with matters recorded elsewhere within the disclosed record concerning:

- (a) chronology and commencement sequencing;
- (b) Noise Compliance Test Plan procedural requirements;
- (c) environmental auditor verification wording and scope;
- (d) Noise Management Plan chronology and verification;
- (e) document custody and reliance; and
- (f) regulatory interpretation and framework transition.

E7.3 Administrative Clarification Correspondence

Following determination of the amendment application, the Trustee issued correspondence to the Department of Transport and Planning dated 18 May 2026 titled:

“Notice — Request for Administrative Clarification and Reconciliation”
(Lal Lal Wind Farm — Planning Permit PL-SP/05/0461-2)

The correspondence sought administrative clarification concerning aspects of the transition between the planning permit framework and the Environment Protection Regulations 2021 framework as reflected within the disclosed record.

E7.4 Matters Raised

The correspondence sought clarification concerning:

- (a) transitional Condition 27A and its relationship to the Noise Management Plan framework;
- (b) the relationship between the publicly exhibited amendment material and the final permit structure;
- (c) responsible authority wording appearing within the permit record;
- (d) wording relating to meteorological monitoring facilities appearing within earlier permit material; and
- (e) the existence of any reconciliation, assessment, delegate, comparison, briefing, or explanatory material prepared in connection with the final permit instrument.

E7.5 Follow-Up Correspondence

On 26 May 2026, the Trustee issued follow-up correspondence seeking any updated status information or indicative timeframe concerning the matters raised in the correspondence dated 18 May 2026.

E7.6 Administrative Record Closure

By correspondence dated 26 June 2026, the Trustee recorded that, following the Notice dated 18 May 2026 and follow-up correspondence dated 26 May 2026, no acknowledgement or substantive response had been identified within the Trustee's administrative record as at the date of that correspondence.

The Trustee further recorded that it would proceed on the basis of the administrative record then available, whilst remaining willing to receive and incorporate into the administrative record any future clarification the Department might subsequently provide.

E7.7 Record Status

The correspondence was issued for administrative clarification and record purposes only.

The correspondence:

- (a) did not assert breach, non-compliance, unlawfulness, or maladministration;
- (b) did not seek enforcement action;
- (c) did not seek amendment of the permit determination; and
- (d) did not advance conclusions regarding the legal effect of the matters raised.

E7.8 Record-Based Observation

On the disclosed record, the amendment records the removal of detailed operational noise conditions from the planning permit framework and their replacement with a framework referring to compliance with NZS 6808:2010 in accordance with the Environment Protection Regulations 2021 and implementation of a Noise Management Plan framework.

The administrative clarification correspondence referred to in Sections E7.3–E7.7 forms part of the disclosed administrative and regulatory transition record.

E7.9 No Determination

This section records the disclosed transition context only.

It does not determine:

- (a) whether the transition framework has been completed;
- (b) whether all underlying documentary matters have been reconciled;

- (c) whether the amendment resolves matters recorded elsewhere within the Supporting Record and Annexes; or
- (d) the legal or regulatory effect of the transition.

E8. Record Status

E8.1

This Annex is provided for record purposes only.

E8.2

This Annex:

- (a) does not assert breach;
- (b) does not determine legal effect;
- (c) does not determine compliance outcomes;
- (d) does not seek enforcement action; and
- (e) does not determine the correctness of positions adopted by regulatory agencies, consultants, environmental auditors, or the operator.

E8.3

This Annex records the disclosed documentary, administrative and regulatory chronology concerning the planning permit amendment and associated regulatory transition only.

E8.4

Subsequent documentary or administrative developments may be recorded 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.

E8.5

Nothing within any later supplementary version retrospectively alters the documentary record recorded within this Version.

Document Status — Executed Record

This document constitutes the executed Annex E — Planning Permit Amendment and Regulatory Transition Record.

This Annex is issued to record:

- (a) the documentary chronology relating to amendment of Planning Permit PL-SP/05/0461-2;
- (b) the regulatory transition between the planning permit framework and the Environment Protection Regulations 2021 framework;
- (c) the Trustee's submission material;
- (d) the administrative clarification correspondence concerning the amendment;
- (e) the disclosed amendment determination; and
- (f) the continuing administrative and regulatory transition record.

This document is to be read together with:

- (a) Supporting Record and Analytical Memorandum Versions 1.0–1.3;

- (b) Annex A;
- (c) Annex B Version 1.1;
- (d) Annex C Version 1.2; and
- (e) Annex D Version 1.1.

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