



Department of Transport and Planning

Level 5, 60 Denmark Street
Kew, Vic, 3101
T: 9854 1982
E: foistaff@roads.vic.gov.au

Our Ref: CS015466

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your request, lodged on 22 August 2024 with the Department of Transport and Planning (the Department), seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

1. Marshall Day Acoustics- Lal Lal Wind Farm Pre-construction Predictive Modelling Assessment 002 20170649 17 January 2018

2. Verification/Peer review of the Marshall Day Acoustics Assessment 002 20170649 17 January 2019.

3. Verification/Peer review Sonus- Lal Lal Wind Farm Pre-construction Noise Assessment S5464C11 June 2018

4. SLR Lal Lal Wind Farm-Elaine Post-construction Noise Assessment 640.11872-R04-v1.3 September 2021

5. Verification/Peer review of the September 2021 SLR report 640.11872-R04-v1.3 by ARUP

6. ERM- Lal Lal Wind Farm Operational Environmental Management Plan 0691527 23 May 2024

Right of access

The Act establishes a general right of access to documents held by state government agencies and ministers. However, in order to protect essential public interests and the private and business affairs of individuals, this right of access does not apply to documents identified under the Act as exempt.

The Act also provides for documents containing exempt matter to be released in part, after the exempt material has been redacted, and where it is practicable to do so, for applicants who would wish to access such documents.

Document search

The Department's Development Approvals and Design, Renewables Planning Services undertook an extensive search of its records.

Two documents (dot points 3 and 6) relevant to the scope of your request were located.

The other documents (dot points 1, 2, 4 and 5) were not located after conducting thorough and diligent searches. It appears that these documents were not submitted to the Department.

Decision

The two documents located were assessed in accordance with the FOI Act to determine whether they could be released to you in full, released to you in part, or whether they are exempt from release.

Access has been granted in part to one document (Document 3) excluding the personal details of two individuals.

Access has been denied in full to one document (Document 6).

The reasons for the exemptions applied to the documents are explained below.

Section 33(1) – Documents affecting personal information

Section 33(1) exempts from disclosure any document (or part thereof) that would unreasonably disclose information relating to the personal affairs of another person (including a deceased).

For this exemption to apply to a document, two parts must be satisfied:

- The information contained in the document must relate to the personal affairs of a person; and
- The release of the information would be an unreasonable disclosure.

Section 33(9) defines 'information relating to the personal affairs of any person' to include information that identifies any person or discloses their address, location, or information from which any person's identity, address or location can reasonably be determined.

The 'personal affairs' information of individuals listed in the two reports have been exempted under this provision. The reports contain the names of authors/reviewers of the reports and the personal details of a few individuals involved in the operations and management of the wind farm.

Disclosure of the personal details of individuals in both documents is considered an unreasonable disclosure of their 'personal affairs' information.

Section 34(1)(b) – Documents relating to third party trade secrets

Section 34(1)(b) provides that a document is exempt if its release would disclose information that relates to matters (other than trade secrets) of a business, commercial or financial nature of an

undertaking and the disclosure would be likely to expose the undertaking unreasonably to disadvantage.

Document six is the Lal Lal Wind Farm's Operational Environmental Management Plan (EMP). The EMP contains proprietary, commercial, and technical information about the LLFW. The document was provided by the company to the Department earlier this year.

- The EMP report was developed by the LLFW for its own specific purposes.
- The proprietary systems and intellectual property information in the report is specific to the LLWF operations and not intended for public dissemination.
- The report contains technical data regarding turbine specifications, operational procedures, and site-specific performance metrics. Disclosure of the information could provide any LLWF competitors with insight into their operational strategies. Therefore, release of the report would expose the company to commercial disadvantage.
- The report contains a lot of technical information which could lead to misinterpretation by the public or third parties. Disclosure of the information, if taken out of context, may lead to unnecessary concerns based on incomplete or misunderstood data.

Complaint rights

If you are dissatisfied with an aspect of how this request was processed, under section 61A of the Act, you may make a complaint to the Victorian Information Commissioner by submitting the grounds of your complaint in writing within 60 days of the date of the action you are complaining about.

For further information about this process, please visit the Commissioner's website at www.ovic.vic.gov.au or telephone 1300 006 842.

Contact

Please feel free to contact me at foi@transport.vic.gov.au, quoting the reference number above, if you have any queries about this decision.

Yours sincerely



Andrew Weston

Manager, Privacy and Information Access

1 / 10 / 2024

Enc 1. Release document



Department of Transport and Planning

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By email: [REDACTED]

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On 1 October 2024 you were notified of the Department's decision in response to your request. That notice advised that searches had located two of the requested documents, documents 3 and 6, and advised you that document three was released in part and document six was denied in full.

On the same day, you wrote with queries on those two documents.

- You noted that you sought the Verification/Peer review of the document released in response to item 3 of your request, not the item supplied
- You asked for reconsideration of the decision to deny access to document 6 and release the Document Control//Document History page only minus the personal affairs of the author/reviewer. To support your request, you attached previous Environmental Management Plan materials released to you.

Following consultation with the relevant program area in response to your queries, I am writing to remake the 1 October 2024 decision in relation to the materials sought by your email of 1 October 2024.

Document search

The document released to you on 1 October 2024 as item 3 of your request appears to be a noise assessment rather than a peer review of a noise assessment. A further search was undertaken by the program area for the requested document. However, no relevant document was found.

Decision

The requested portion of document 6, the document history page, has been assessed in accordance with the FOI Act to determine whether it could be released to you in full, released to you in part, or whether it is exempt from release.

Access has been granted in full to that excerpt. Please find a copy attached.

Complaint rights

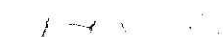
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Contact

Please feel free to contact me at foi@transport.vic.gov.au, quoting the reference number above, if you have any queries about this decision.

Yours sincerely



Andrew Weston

Manager, Privacy and Information Access

28 / 10 / 2024

Enc 1. Release document