

12 April 2023

Ref: SR 23397

By email: [REDACTED]

Notice of Decision: Freedom of Information request

I refer to your application under the Freedom of Information (FOI) Act received on 6 March 2023 and made valid by payment of the application fee of \$30.60 on 20 March 2023. You requested access to the following:

SLR 2018 Pre-construction Baseline Noise Monitoring Report @ location K15aa

Searches Undertaken

The following steps were taken to locate relevant documents:

- A search through existing files, documents, electronic files undertaken by the following officers within Community Planning and Development:
 - Executive Manager
 - Executive Assistant
 - Special Projects Manager
 - Special Projects Support Officer
- A search of Council's electronic document management system and archive folders
- A review of Council's customer request management system
- Consultation with relevant department managers within Council
- Consultation with Lal Lal Wind Farm Pty Ltd

A total of 20 hours were expended in carrying out the search.

Following a thorough and diligent search, I am satisfied that **the document you have requested does not exist**. As far as it is possible for us to determine, there are no relevant documents in the possession of the Council.

Advice from Lal Lal Wind Farm

Council has consulted with the Lal Lal Wind Farm and have been advised that the reference made in their Interim Report to the "SLR 2018 Pre-construction Baseline Noise Monitoring Report @ location K15aa" **was a clerical error**. The correct reference in the Interim Report should be for "noise limits for K15aa referenced in the SLR background report dated February 2021".

Council has been advised that Lal Lal Wind Farm have communicated this clerical error to you and has committed to obtaining a corrected Interim Report to provide to you outside of the provisions of the FOI Act.

Rights of Complaint

If you are not satisfied with my decision, you have the right under s61(a) to complain to the Victorian Information Commissioner.

You must apply in writing within 60 days after you receive this letter, identifying this agency and the basis of your complaint.

You may lodge your application by:

enquiries@ovic.vic.gov.au
Victorian Information Commissioner
Freedom of Information Complaints
PO Box 24274
MELBOURNE VIC 3001
(03) 8684 7588

More information about complaints to the Victorian Information Commissioner, including a form to assist you in making your complaint, is available at www.ovic.vic.gov.au

If you have any queries regarding this matter or wish to discuss, please contact the Governance Team on 5366 7100.

Yours sincerely,



Celeste Gregory

Executive Manager Democratic Support & Corporate Governance

28 August 2024

Ref: CM:HB
File: 267150

By Email only: [REDACTED]

Enquiries regarding Lal Lal Wind Farm, Planning Permit PL-SP/05/0461-2

Thank you for your emails to Moorabool Shire Council (Council) dated 18 May and 28 May 2024, making enquiries in relation to Planning Permit PL-SP/05/0461-2 (the planning permit) for Lal Lal Wind Farm (LLWF). Council has consolidated your questions into a two-part response below.

1. Number of meteorological monitoring facilities allowed under the planning permit, and whether a permit is required to move/relocate meteorological monitoring facilities.

The planning permit preamble allows two permanent meteorological monitoring facilities. Any relocation of permanent facilities can be sought by the applicant under the secondary consent provisions, which do not include any requirements to notify community members.

Additionally, a temporary anemometer – or ‘wind measuring device’ – is exempt from the need for a planning permit pursuant to clause 62.02-1 (Buildings and works not requiring a permit) of the Victorian Planning Provisions (VPP). The clause states that a temporary anemometer may be located on a site for up to three years to monitor the suitability of the wind resource for a potential wind energy facility, without requiring a planning permit.

Council understands that LLWF obtained secondary consent from the Department of Transporting and Planning (DTP) on 4 April 2024 for an Amended ‘Substation Layout Plan’, which included a meteorological mast. I trust that this answers your query.

2. Potential breach of Condition 12 of the planning permit

In relation to your query regarding a potential breach of Condition 12(b) of the planning permit, a response is provided below on behalf of Council as the responsible authority for Condition 12 for the purposes of this correspondence. Since receiving your letter, Council has made enquiries with LLWF to assess whether a non-compliance has occurred.

This condition relates to implementation of the Off-Site Landscaping Program (the program) that was endorsed by the office of the Minister for Planning on 17 April 2019 and now forms part of the planning permit.

Condition 12(b) provides:

Require[s] for offers referred in (a) to be made available up until 12 months after the commissioning of the last turbine of the development or relevant stage.



Council's understanding is that commissioning of the last turbine occurred in mid-2021 and accordingly, this is the milestone referred to in Condition 12(b). To address your query, Council requested further information on implementation of the program from LLWF and received the following:

1. LLWF opened the program for applications in July 2019 and closed the program on 4 July 2021, a period of two years.
2. The above program dates were utilised by LLWF in error according to the original projected commissioning dates, which did not reflect turbine commissioning being delayed across the two sites due to Covid-19 construction delays.
3. The program was advertised through a range of mediums as required under section 5 of the endorsed plan, including through:
 - a) Information and downloadable application forms on the LLWF website.
 - b) Development of an off-site landscaping fact sheet.
 - c) Application forms and other information relating to the program made available at the Buninyong Information Centre.
 - d) Community bulletins throughout 2019 and 2020.
 - e) Paid advertisements in the *Moorabool News*, *Courier*, and *Buninyong News*.
 - f) Door knocking and letter campaign inviting eligible "owners of all dwellings within 4km of a turbine where a turbine is visible," to access the program, as required under condition 12(a). Door knocking was unable to be completed in some instances due to Covid-19 restrictions.
 - g) Community Reference Group meetings.
4. LLWF has not received or declined any requests to access the program from eligible landowners – as identified under Condition 12(a) – since the program closed in July 2021.
5. A large proportion (75%) of eligible landowners accessed the program, indicating broad take-up through the communication channels utilised by LLWF.

Council reviewed the information provided by LLWF, summarised above, together with the endorsed plans. Council has determined that the program was implemented by LLWF generally in accordance with the plans endorsed under Condition 12, on the basis that all reasonable attempts were made to invite eligible landowners defined under Condition 12(a) to access the program over a period of two years. This is double the timeframe originally provided for under Condition 12(b).

If you have concerns about whether there was sufficient communication about the program in relation to your property specifically, please let me know and Council would be agreeable to investigate further.

Yours sincerely



Henry Bezuidenhout
Executive Manager Community Planning and Development

08 April 2026

██████████
LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)
as Trustee of the Owen Robert Inter Vivos Trust
P.O. Box
7/5234 Midland Highway
Elaine, Victoria 3334
officeexecutorowenrobertlewis@gmail.com

SR.139279

Dear ██████████

Freedom of Information Request

We have completed processing your request.

Please keep this letter. It contains important information about our decision.

Reference number	SR.139279
You requested	Elaine Meteorological Monitoring Facility The request is refined to seek only: any formal approval, consent, authorisation, or endorsement issued or recorded by Council in relation to the establishment or operation of the Elaine Meteorological Monitoring Facility under Planning Permit PL-SP/05/0461-2. The request does not seek correspondence, internal emails, drafts, or general file material.
Date we received your request	03 February 2026
Our decision	No documents found within scope Correspondence has been released administratively, with deletions.
How much it will cost	\$0.00 On this occasion, Council has exercised its discretion to waive the applicable fees.
Who to contact	👤 Heidi Hamilton, Governance Officer ✉ governance@moorabool.vic.gov.au ☎ 03 5366 7100

15 April 2026

██████████
LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)
as Trustee of the Owen Robert Inter Vivos Trust
P.O. Box
7/5234 Midland Highway
Elaine, Victoria 3334
officeexecutorowenrobertlewis@gmail.com

SR.142870

Dear ██████████

Freedom of Information Request

We have completed processing your request.

Please keep this letter. It contains important information about our decision.

Reference number	SR.142870
You requested	Lal Lal Wind Farm – Commissioning Date (Condition 12) The request is confined strictly to: • any formal commissioning certificate (if any) for the wind farm as a whole; • any formal commissioning certificate (if any) for the last turbine; • any formal written notification received by Council of commissioning of the wind farm as a whole or of the last turbine; and • any internal milestone register entry or database record recording the commissioning date relied upon by Council, including as referenced in Council correspondence dated 28 August 2024 (Ref: CM:HB, File: 267150). The timeframe remains 1 June 2019 to 31 December 2022.
Date Council received your request	02 March 2026
Our decision	No Documents Found
Who to contact	 Heidi Hamilton, Governance Officer  governance@moorabool.vic.gov.au  03 5366 7100