



All correspondence to:

LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)
as Trustee of the **Owen Robert Inter Vivos Trust**

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Contact details:

Office of the Executor "OWEN ROBERT LEWIS"
(descriptive style only)
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**NOTICE — REQUEST FOR ADMINISTRATIVE CLARIFICATION AND
RECONCILIATION**

(Lal Lal Wind Farm — Planning Permit PL-SP/05/0461-2)

18 May 2026

James Landy
Department of Transport and Planning
By email: james.landy@transport.vic.gov.au

RE: Transitional Condition 27A and Permit Amendment Reconciliation

Dear Mr Landy,

The Trustee refers to the recently issued amendment to Planning Permit PL-SP/05/0461-2 relating to the Lal Lal Wind Farm.

Following review of the publicly exhibited amendment material and the final permit instrument issued under section 97J of the Planning and Environment Act 1987 (Vic), the Trustee seeks clarification regarding several matters of scope and permit-transition reconciliation arising on the presently disclosed record.

The publicly exhibited amendment material described the amendment principally as:

- amendment of Condition 23;
- deletion of Conditions 24–27; and
- transition of operational wind turbine noise regulation to the Environment Protection Act / Environment Protection Regulations framework.

The Trustee notes that submissions made during exhibition, including submissions provided by the Trustee, were directed toward that represented amendment scope.

However, upon review of the final permit instrument issued by the Department, the Trustee observes that certain aspects of the final permit instrument differ from the publicly exhibited amendment material presently available to the Trustee.

The Trustee seeks clarification so that the relationship between the publicly exhibited amendment material and the final permit instrument may be properly understood on the administrative record.

Transitional Condition 27A and NMP framework reconciliation

The Trustee notes that the final permit instrument now includes transitional Condition 27A, which provides:

“Compliance with the Noise Compliance Test Plan endorsed on 6 April 2018 and Noise Complaints Investigation and Response Plan endorsed on 14 June 2019 must be maintained to the satisfaction of the Minister for Planning until a Noise Management Plan has been prepared and implemented in accordance with the requirements of regulation 131E of the Environment Protection Regulations 2021 (Vic).”

The Trustee further notes that:

- a Lal Lal Wind Farm Noise Management Plan dated 18 October 2022 was released by the Environment Protection Authority Victoria pursuant to FOI-002-2024 by decision dated 4 March 2024;
- the same Noise Management Plan was again released pursuant to FOI-100-2025 by decision dated 25 September 2025;
- the released Noise Management Plan expressly states that it was prepared to address the requirements of regulation 131E of the Environment Protection Regulations 2021 (Vic);
- the released Noise Management Plan expressly states that it incorporates the existing Noise Compliance Test Plan and Noise Complaint Investigation and Response Plan into a single document; and
- prior correspondence from the Environment Protection Authority Victoria referred to reliance upon the Noise Management Plan framework and requested auditor review/verification associated with that framework.

The Trustee further notes that the publicly exhibited amendment material referred to the Project continuing to meet its noise obligations through implementation of the Project's Noise Management Plan and NCTP.

In that context, the Trustee seeks clarification as to how the Department reconciled the transitional operation of Condition 27A within the final endorsed permit framework, including:

- whether the Department considered the status and implementation of the Noise Management Plan framework in settling the final wording of Condition 27A;
- whether material relating to EPA reliance upon the Noise Management Plan formed part of the assessment process;
- whether auditor verification material relating to the Noise Management Plan was considered by the Department; and
- whether the Department regarded the transitional operation of Condition 27A as ongoing, spent, transitional only, or otherwise administratively operative at the date the amendment was endorsed.

Responsible authority wording

The Trustee notes that the publicly exhibited amendment material identified Moorabool Shire Council as the responsible authority for administration and enforcement of the permit, whereas the final amended permit issued under section 97J identifies the Minister for Planning as the responsible authority for administration and enforcement of the permit.

The Trustee has not identified within the publicly exhibited amendment material presently available any express amendment request, explanatory statement, or exhibited rationale directed specifically toward this administrative/governance transition.

Clarification is therefore sought as to:

- whether alteration of the responsible authority wording formed part of the exhibited amendment scope;
- whether this change was considered by the Department to be substantive, consequential, corrective, or administrative in nature; and
- which exhibited or assessment material explains the basis for this transition.

Meteorological monitoring facility wording

The Trustee further notes that earlier permit wording expressly referred to "two permanent meteorological monitoring facilities and associated equipment".

The Trustee has not identified within the publicly exhibited amendment material presently available any express amendment request or explanatory material directed toward alteration or restructuring of that wording within the amended permit.

Clarification is therefore sought as to:

- whether any amendment to the meteorological monitoring facility wording formed part of the exhibited amendment scope; and
- which material explains the basis for any resulting change in wording or permit structure.

Reconciliation between exhibited amendment and final permit instrument

More generally, clarification is sought as to whether the Department prepared:

- a tracked or comparison version of the permit;
- an assessment memorandum;
- a delegate brief; or
- other explanatory material,

reconciling differences between:

- (a) the amendment as publicly exhibited; and
- (b) the final permit instrument issued under section 97J.

The Trustee further notes that these enquiries arise in the context of prior correspondence issued to the Department concerning regulatory reliance and transitional framework reconciliation, including the Trustee's correspondence dated 7 April 2026 regarding departmental reliance position following provision of documentary material and Supporting Record materials to the Department.

Copies of the above referenced Noise Management Plan and the Trustee's correspondence dated 7 April 2026 are enclosed for administrative completeness only.

The Trustee raises these matters for administrative clarification only and does not presently seek to advance conclusions regarding legal effect, validity, or compliance.

The Trustee would appreciate identification of the relevant material, or such clarification as the Department considers appropriate, so that the administrative record may properly reflect the basis upon which the final permit wording was settled.

Yours faithfully,

LEWIS TROJAN HORSE PTY LTD

(ACN 693 680 509)

as Trustee of the **Owen Robert Inter Vivos Trust**

By: 

Name: Owen Lewis

Title: Director

Date: 18 / 05 / 2026