



Department of Transport and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Our ref: CS019200

Lewis Trojan Horse Pty Ltd (ACN 693 680 509)
(as Trustee of the Owen Robert Inter Vivos Trust)
PO Box 7 / 5234 Midland Highway
ELAINE VIC 3334

By e-mail: officeexecutorowenrobertlewis@gmail.com

Dear Trustee,

Freedom of Information – Notice of Access Decision clarification

I refer to the Department of Transport and Planning's Freedom of Information decision letter dated 17 July 2026 in response to DTP FOI CS019200.

Part 4 of your FOI request sought:

4. Statutory or instrument-based authority (existence-based request)

The Trustee seeks access to:

Any document, instrument, statutory provision, ministerial determination, approval, delegation, or written authorisation relied upon by DTP as permitting or authorising:

- (a) departure from the NZS 6808:2010 definition of "Background sound level" (being sound measured prior to installation of wind turbines); and/or*
- (b) departure from the NZS 6808:2010 definition of "Notional boundary" (being a position within 20 metres of a dwelling).*

This request is existence-based.

It does not seek interpretive commentary regarding previously released documents.

If DTP does not hold any document answering the above description, the Trustee seeks written confirmation that reasonable searches have been undertaken and that no such document is held.

The Department's Energy and Infrastructure Assessment Branch advised that it does not believe the Department is in possession of any document, instrument or written authority that permits or authorises departure from the NZS 6808:2010 definitions of "Background sound level" and "Notional boundary" in relation to Lal Lal Windfarms.

Following relevant enquiries, the Department was unable to locate any documents in response to part 4 of your request.

This letter is intended to supplement the attached decision letter dated 17 July 2026.

Complaint and review rights

If you are dissatisfied with an aspect of how this request was processed, under section 61A of the FOI 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.

Under section 49A of the FOI Act, you also have the right to make an application to the Victorian Information Commissioner for a review of the Department's decision. Any application for review should be made in writing and submitted within 28 days of receipt of this letter.

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

Contact

Please contact me by e-mail at foi@transport.vic.gov.au if you have any questions about this correspondence.

Yours sincerely,

PP G Mak

Andrew Weston

Manager, Privacy and Information Access

04 / AUG / 2026

Enc Notice of decision dated 17 July 2026 for DTP FOI CS019200.



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Freedom of Information – Notice of Access Decision

I refer to your request received on 25 February 2026 under the *Freedom of Information Act 1982* (the FOI Act), by the Department of Transport and Planning (the Department), seeking access to:

1. Commissioning of turbines (including final turbine)

All documents recording, evidencing, confirming, or referring to:

- the date of commissioning of each wind turbine at Lal Lal Wind Farm, including the final turbine;*
- any date regarded or recorded by DTP as the commissioning date of the final turbine;*
- any commissioning certificate(s), turbine acceptance certificate(s), practical completion certificate(s), handover certificate(s), energisation records, first generation records, commercial operation date references, or equivalent documents evidencing turbine commissioning or acceptance;*
- any schedule, register, spreadsheet, database entry, briefing, or correspondence summarising turbine commissioning dates.*

2. Operational commencement and full operation

All documents identifying, recording, evidencing, or referring to:

- the date regarded by DTP as the commencement of operation of the wind farm;*
- the date regarded by DTP as full operation;*
- the milestone(s), criteria, or trigger(s) relied upon by DTP for determining operational commencement for planning, permit, compliance, or ministerial purposes.*

3. Documentary basis for recorded operational status

Any document evidencing the basis upon which DTP recorded, described, or communicated that the wind farm was operational, fully operational, commissioned, or commenced, including:

- *internal file notes, compliance tracking records, database entries, and briefings;*
- *documents received from the operator, contractor, consultant, auditor, council, regulator, or other third party and relied upon by DTP;*
- *inter-agency correspondence referring to operational status or commencement dates.*

4. Statutory or instrument-Based authority (existence-based request)

The Trustee seeks access to:

Any document, instrument, statutory provision, ministerial determination, approval, delegation, or written authorisation relied upon by DTP as permitting or authorising:

- (a) departure from the NZS 6808:2010 definition of "Background sound level" (being sound measured prior to installation of wind turbines); and/or*
- (b) departure from the NZS 6808:2010 definition of "Notional boundary" (being a position within 20 metres of a dwelling).*

This request is existence-based.

It does not seek interpretive commentary regarding previously released documents.

If DTP does not hold any document answering the above description, the Trustee seeks written confirmation that reasonable searches have been undertaken and that no such document is held.

Clarifications

- *"documents" includes emails (including attachments), file notes, briefings, ministerial submissions, registers, spreadsheets, database entries, and reports;*
- *this request does not seek technical noise assessment reports unless they contain commissioning, operational commencement, or instrument-based authorisation information;*
- *where relevant information appears within a larger document, the Trustee seeks the document as held (subject to lawful redaction);*
- *if no documents are held in relation to any part of this request, the Trustee seeks written confirmation that reasonable searches have been undertaken."*

On 26 March 2026, you confirmed by e-mail that the date range of the request could be "refined to: 1 July 2019 to 31 March 2021 on the basis that this period captures commissioning, export to grid, and early operational status."

Right of access

The FOI 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 FOI Act as exempt.

The FOI Act also provides for documents containing exempt matter to be released in part, after the exempt matter has been redacted, where it is practicable to do so.

Document search

The Department's Energy and Infrastructure Assessment Branch undertook a search of its records and located eight (8) documents relevant to the scope of your request.

The Energy and Infrastructure Assessment Branch was unable to locate any documents that relate to the commissioning of individual turbines, commissioning certificates, acceptance certificates, practical completion certificates, handover certificates, or equivalent documents.

Decision

The documents 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 as summarised in the schedule of documents attached.

Section 25 – Deletion of irrelevant material

Section 25 of the FOI Act permits agencies to delete material in a document that would reasonably be regarded as irrelevant to the scope of the request.

Information in Documents 1 and 3 that are not relevant to Lal Lal Windfarms have been redacted under section 25 as not relevant to the scope of your request.

Section 32(1) – Documents affecting legal privilege

Section 32(1) of the FOI Act exempts from disclosure documents of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege.

Document 1 contains e-mail correspondence and attachments exchanged between the Department's Energy and Infrastructure Assessment Branch and in-house legal team for the purpose of seeking or receiving legal advice in relation to anticipated or pending legal proceedings. Document 1 has been exempted from release in full pursuant to section 32(1) of the FOI Act.

Section 33(1) – Documents affecting personal privacy

Section 33(1) of the FOI Act exempts from disclosure information relating to the personal affairs of a natural person, if the disclosure would be unreasonable in consideration of all relevant circumstances. Under section 33(9) of the FOI Act, information relating to the personal affairs of any person includes information that identifies any person or discloses their address or location, or from which any person's identity, address or location can reasonably be determined.

To determine whether disclosure would be unreasonable, the following factors were considered:

- The nature of the information in the document and the nature of your request;
- The circumstances in which the Department obtained the information;
- Whether the release of the information could lead to the person to whom it relates to suffer stress or anxiety; and
- The extent to which information is well known or 'known to all'.

Section 33(1) of the FOI Act has been applied to exempt:

- The names, contact details and signatures of external individuals and agency staff.
- The property identifiers in Document 4.

The Department considers that the release of this information would be unreasonable in the circumstances.

Access charges

Section 22 of the FOI Act provides for certain charges which may be levied in relation to applications for access to documents. These include 20 cents per A4 size page for photocopying of any documents to which access is granted.

The Department has decided to waive any fees and charges under section 22 of the FOI Act. Please find attached copies of documents to which you have been granted access.

Complaint and review rights

If you are dissatisfied with an aspect of how this request was processed, under section 61A of the FOI 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.

Under section 49A of the FOI Act, you also have the right to make an application to the Victorian Information Commissioner for a review of the Department's decision. Any application for review should be made in writing and submitted within 28 days of receipt of this letter.

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Contact

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Yours sincerely,

PP G Mak

Andrew Weston

Manager, Privacy and Information Access

17 / JUL / 2026

Enc 1. Schedule of documents
 2. Documents released under FOI

Schedule of documents

Freedom of Information request number: CS019200

Document	Description	Access decision
1	E-mail - VCAT Enforcement Proceedings - *** and Lal Lal - Lal Lal docs	Exempt in full under section 32(1), exempt in part under section 33(1) Not relevant information redacted under section 25
2	File Note discussion with *** re Lal Lal wind farm noise testing 26082021	Release in part under section 33(1)
3	E-mail - FW: Lal Lal WF development start date confirmation	Release in part under section 33(1) Not relevant information redacted under section 25
4	LLWF Noise complaints report DELWP 2022, FINAL, July 2022	Release in part under section 33(1)
5	E-mail - FW: OFFICIAL: Noise Monitoring Report Enquiry	Release in part under section 33(1)
6	E-mail - RE: Lal Lal Wind Farm - Permit No. PL-SP/05/0461-2 - Submission of final noise compliance report	Release in part under section 33(1)
7	E-mail - FW: OFFICIAL: RE: LLWF, noise complaints report, 2022	Release in part under section 33(1)
8	E-mail - Lal Lal Wind Farm - Permit No. PL-SP/05/0461-2 - Submission of final noise compliance report	Release in part under section 33(1)