



Department of Transport
and Planning

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www.transport.vic.gov.au

Our ref: CS019241

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Lewis Trojan Horse Pty Ltd
PO Box 7 / 5234 Midland Highway
ELAINE VIC 3334

By e-mail: officeexecutorowenrobertlewis@gmail.com

Dear [REDACTED]

Freedom of Information – Notice of Access Decision

I refer to your request received on 27 February 2026 under the *Freedom of Information Act 1982* (the FOI Act), by the Department of Transport and Planning (the Department), seeking access to:

The Trustee seeks access to the following documents held by the department of Transport and Planning (DTP), in relation to Lal Lal Wind Farm (Planning permit PI SP/05/0461 and any amendments, variations, or related instruments), including documents held by relevant planning, compliance, ministerial permit, or regulatory liaison business units.

This request concerns the asserted revision of amendment of the Noise Compliance Test Plan (NCTP), as referenced in:

Lal Lal Wind Farm - Noise Management Plan (0467385, dated 18 October 2022), which states in Chapter 3 that "Revision 5 of the NCTP has been released in Draft status (Marshall Day Acoustics, 2022)"; and

Email correspondence from Michael Juttner dated 8 July 2024, stating:

"The proposed changes to the Noise Compliance Test Plan (NCTP) are under consideration as part of a secondary consent amendment. Once endorsed, the revised NCTP will be made publicly available in accordance with condition 25(e) of Planning Permit PL-SP/05/0461-2."

1. Revision of the Noise Compliance Test Plan (NCTP)

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

- Revision 5 of the NCTP (Marshall Day Acoustics, 2022), in any version provided to or held by DTP;
- any revised, amended, draft, tracked-change, superseded, or final version of the NCTP submitted to DTP for secondary consent consideration;
- any covering letter, explanatory memorandum, comparison schedule, or technical note accompanying a revised NCTP;
- any schedule, register, database entry, or internal record summarising receipt of a



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revised NCTP.

2. Secondary Consent Consideration

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

- DTP's consideration of proposed changes to the NCTP under secondary consent;
- any briefing, recommendation, ministerial submission, or delegate decision record concerning endorsement, refusal, deferral, withdrawal, or noting of the revised NCTP;
- correspondence between DTP and the operator regarding the revision, amendment, endorsement, refusal, or status of the revised NCTP;
- any inter-agency correspondence referring specifically to the revised NCTP.

3. Status of Endorsement or Approval

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

- whether the revised or amended NCTP has been endorsed, approved, refused, withdrawn, suspended, or remains under consideration;
- any written instrument, endorsement record, or decision document relating to that status;
- any endorsement pursuant to Condition 23-27 of Planning Permit PL-SP/05/0461-2

4. Relationship to proposed permit Amendment

All documents recording, evidencing, or referring to:

- consideration of the status of the revised NCTP in connection with the proposed deletion of Conditions 24-27 of Planning Permit PL-SP/05/0461-2
- any internal assessment, sequencing advice, or briefing addressing whether deletion of conditions 24-27 was considered prior to endorsement of finalisation of revised NCTP.

Timeframe

11 May 2022 to present.

If DTP records indicate that the asserted Revision 5 process commenced earlier, the Trustee requests that searches extend to the earliest relevant date of that revision pathway

Clarifications

- "documents" includes emails (including attachments), file notes, briefings, ministerial submissions, registers, spreadsheets, database entries, and reports;
- this request does not seek interpretive commentary or creation of new documents;
- 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.

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 twenty-seven (27) documents relevant to the scope of your request.

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 30(1) – Internal working documents

Section 30(1) of the FOI Act exempts from disclosure information in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers and/or Ministers, in the course of, or for the purpose of, the deliberative processes of an agency, the Minister or government. Disclosure of this material also needs to be contrary to the public interest.

"Officer" is defined under section 5 of the FOI Act to include a member of the agency, a member of the staff of the agency, and any person employed by or for the agency, whether that person is one to whom the provisions of the *Public Administration Act 2004* (Vic) apply or not.

Documents 26 and 27 are draft reports prepared by Departmental Officers that contains commentary in relation to the revised Noise Compliance Test Plan (NCTP). The revised NCTP was formally withdrawn by the proponent in July 2024 and never endorsed. Release of certain information contained in these draft reports would be contrary to the public interest as it may prejudice any current or future regulatory activities associated with the operation of Lal Lal Windfarm.

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'.

This exemption has been applied to the names, contact details and signatures of third-party individuals and agency staff. The Department considers that the release of this information would be unreasonable in the circumstances.

Section 34(1)(b) - Documents relating to third party trade secrets etc.

Under section 34(1)(b) of the FOI Act, a document is an exempt document if:

1. the document or information was acquired from a business, commercial, or financial undertaking; and
2. the information relates to matters of a business, commercial or financial nature; and
3. disclosure of the information is likely to expose the undertaking unreasonably to disadvantage.

Before making a decision, the Department is required to consult the third-party undertakings concerned to seek their views on disclosure.

Following consultation with ERM and RES-Group, the Department has decided to exempt various material concerning the revised Noise Compliance Test Plan (NCTP) from release under section 34(1)(b) of the FOI Act. As the revised NCTP was formally withdrawn by the proponent in July 2024 and never endorsed, the Department considers that the release of this material would be likely to expose RES-Group and/or the operators of the Lal Lal Windfarm unreasonably to disadvantage.

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.

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

03 / JUL / 2026

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

Schedule of documents

Freedom of Information request number: CS019241

Document	Description	Access decision
1	Email from *** 8 July 2024	Em
2	Amended NCTP Rev7	Exempt in full under section 34(1)(b), exempt in part under section 33(1)
3	Amended NCTP Rev7 track change	Exempt in full under section 34(1)(b), exempt in part under section 33(1)
4	Database entry for request to amend NCTP	Release in part, exemptions under section 33(1)
5	Lal Lal wind farm meeting request	Release in part, exemptions under section 33(1)
6	Lal Lal Wind Farm - Review of proposed Noise Control Test Plan	Release in part, exemptions under section 33(1)
7	Lal Lal Wind Farm - PL-SP_05_0461-2 - Final noise compliance report	Release in part, exemptions under section 33(1)
8	Lal Lal Wind Farm - PL-SP_05_0461-2 - Final noise compliance report2	Release in part, exemptions under section 33(1)
9	Lal Lal Wind Farm - Review of proposed Noise Control Test Plan	Release in part, exemptions under section 33(1)
10	0691527 Lal Lal Wind Farm NCTP Cover Letter 12102023	Release in part, exemptions under sections 33(1) and 34(1)(b)
11	PL-SP_05_0461-2-Lal Lal Wind Farm-CoverLetter-Revised NCTP	Exempt in full under section 34(1)(b), exempt in part under section 33(1)
12	PL-SP_05_0461-2-Lal Lal Wind Farm-Revised NCTP-Att A Planning Permit	Release in part, exemptions under section 33(1)
13	PL-SP_05_0461-2-Lal Lal Wind Farm-Revised NCTP-Attachment B Endorsed NCPT 2018	Release in part, exemptions under section 33(1)
14	PL-SP_05_0461-2-Lal Lal Wind Farm-Revised NCTP-Attachment C Amended NCPT	Exempt in full under section 34(1)(b), exempt in part under section 33(1)

Document	Description	Access decision
15	PL-SP_05_0461-2-Lal Lal Wind Farm-Revised NCTP-Att D Auditor Review	Exempt in full under section 34(1)(b), exempt in part under section 33(1)
16	PL-SP050461-2-Lal Lal Wind Farm-Cover Letter & Revised NCTP For Endorsement-121023	Exempt in full under section 34(1)(b), exempt in part under section 33(1)
17	0691527 Lal Lal Wind Farm NCTP Cover Letter 12102023	Release in part, exemptions under sections 33(1) and 34(1)(b)
18	Email from *** 15 July 2024	Release in part, exemptions under section 33(1)
19	Withdrawal of request to amend NCTP	Release in part, exemptions under section 33(1)
20	Email request to amend NCTP	Release in part, exemptions under section 33(1)
21	Endorsed NCTP	Release in part, exemptions under section 33(1)
22	Evidence of withdrawal of request to amend NCTP	Release in full
23	Lal Lal Wind Farm - Permit No. PL-SP_05_0461-2 - Final noise compliance report	Release in part, exemptions under section 33(1)
24	Officer Report - Assessment of docs for endorsement (Conditions 1, 7, 11, 14, 16, 17, 20, 24, 25)	Release in full
25	PL-SP050461-2-Lal Lal Wind Farm-Determination Letter	Release in part, exemptions under section 33(1)
26	PL-SP050461-2-Lal Lal Wind Farm-SC Officer report	Release in part, exemptions under sections 30(1), 33(1), 34(1)(b)
27	PL-SP050461-2-Lal Lal Wind Farm-SC Officer report-track changes	Release in part, exemptions under sections 30(1), 33(1), 34(1)(b)