

EPA ref: FOI-010-2026



Lewis Trojan Horse Pty Ltd

By email: officeexecutorowenrobertlewis@gmail.com

Dear Lewis Trojan Horse Pty Ltd,

FREEDOM OF INFORMATION: DECISION

This letter is to give you the decision on the request you made for documents under the *Freedom of Information Act 1982* (the Act). A document setting out the terms of your request, including the points of clarification you made on 9 February 2026, is enclosed with this letter.

EPA has identified 19 documents relevant to your request that comprise a total of 419 pages. In summary, the documents include:

- Pollution report and enquiry records, and associated documents
- A statutory notice issued to Lal Lal Wind Farm (LLWF)
- LLWF response to statutory notice, including enclosed consultant reports.

Decision and reasons for decision

I have decided to:

- grant you access in full to 15 documents
- grant you access in part to three documents
- refuse access in full to one document.

A Schedule of Documents is attached to this letter (Appendix A).

As your original request application stated that you did not seek the disclosure of personal information of individuals beyond what is necessary to understand the nature, context, and basis of the documents relevant to your request, all such information has been redacted from the relevant documents and is marked 'out of scope'. The exception is where it appears in correspondence to which you have been a party, or in documents that are publicly available. In all other cases, personal affairs information has been treated within scope and assessed for disclosure, the outcome of which is discussed below.

More detail about the reasons and the grounds for my decision to refuse access in part or in full are given below.

Section 33(1) (Document affecting personal privacy)

Under section 33(1) of the Act a document is an exempt document if its disclosure would involve the unreasonable disclosure of information relating to the personal affairs of any person.

Section 33(9) of the Act, defines information relating to the personal affairs of any person to include 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.

epa.vic.gov.au

Environment Protection Authority Victoria
GPO Box 4395, Melbourne VIC 3001
1300 372 842



Documents or information in documents I have exempted in accordance with section 33(1) includes the encoded location details, contact details, and other location information about the residential properties of certain individuals.

In deciding to exempt the documents, or the information in the documents I had described, I considered such factors as:

- the nature of the information
- the current relevance of the information
- whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person
- the circumstances in which the EPA came to possess the information
- the possible cause for stress, anxiety or harassment that disclosure may cause to a person
- whether disclosure would impair the EPA's ability to obtain similar information in the future
- where known, the identity of the applicant and the purpose for seeking access.

Section 34(1) (Documents relating to trade secrets etc.)

Under section 34(1) of the Act, a document is an exempt document if its disclosure under this Act would disclose information acquired by EPA from a business, commercial or financial undertaking and the information relates to—

- a. trade secrets; or
- b. other matters of a business, commercial or financial nature and the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.

I have exempted documents in accordance with section 34(1)(b), including the document with the file title '06_Arup – Stage 1 Elaine Verification of PCNA (ref 270849-00) dated 28 June 2022' (28 June 2022 PCNA), and encoded location details, contact details, and other location information about the residential properties of certain individuals.

With respect to the 28 June 2022 PCNA

- As discussed in the document with the file title 'Lal Lal WEF Response to IGN-00008382' (IGN Response), it was revised, and the revised version is publicly available on the Lal Lal Wind Farm website, is relevant to this request, and is disclosed by this decision in full.
- The 28 June 2022 PCNA is not a document that would be available to competitors of Lal Lal Wind Farm.
- If EPA or another government agency had generated the 28 June 2022 PCNA, it would be very likely to be exempt from disclosure, noting that a complete and accurate version is public, and that the release of earlier, inaccurate version in the public domain would be likely to cause confusion and misunderstanding.
- The 28 June 2022 PCNA, if disclosed would be unlikely to cause substantial harm to the competitive position of Lal Lal Wind Farm.
- The role of the 28 June 2022 PCNA in EPA consideration of the regulatory compliance of Lal Lal Wind Farm was negligible. This negligible status is a function of the 28 June 2022 PCNA having been superseded and only provided to EPA by Lal Lal Wind Farm as an attachment to the IGN response to serve no other than an illustrative purpose.
- The later, public version discusses the reasons for the revision of the 28 June 2022 PCNA, reproduces the accurate material from it and corrects its errors. At the same time, there is no

way that the potential further distribution of the 28 June 2022 PCNA would be made with the context of the later report, or this decision, so that any confusion and misunderstanding that would result from its content is made particularly unreasonable by its being unnecessary and avoidable.

- The ability for members of the public to be able to evaluate aspects of government regulation of corporate practices or environmental controls would be prejudiced by the disclosure of the 28 June 2022 PCNA because it would create misinformation.

The location details of other people is information about others who LLWF relies upon for current and future compliance needs. It is information that was obtained in confidence. Disclosure of this information is likely to compromise the relationship of LLWF with the individuals who reside at the relevant locations, which would unnecessarily and avoidably disadvantage LLWF when undertaking future activities for ensuring appropriate quality compliance.

Consultation with third parties

In accordance with the Act, I was required to undertake consultations to obtain the views of affected third parties about the disclosure of a documents relevant to your request under section 34 of the Act.

Three third parties consulted either objected to disclosure or did not respond to the consultation, so have not consented to the disclosure of certain documents.

If my decision is contrary to the views of a third party, I am required to notify it about my decision and provide it with the opportunity to seek review of my decision at the Victorian Civil and Administrative Tribunal ('VCAT').

The documents subject to review (which, in Appendix A, are indicated by shading) cannot be released to you until the affected third parties have had the opportunity to exercise review rights under section 50(3A) of the Act.

The statutory time frame for making an application for review under this section is sixty (60) days.

If a review application is made, the release of the documents subject to it will be dependent on its resolution by VCAT.

Access charges

In accordance with section 22 of the Act and the provisions of the *Freedom of Information (Access Charges) Regulations 2025*, EPA is entitled to seek from you charges for access to documents, including for:

Search time		
Rate per hour (1.5 fee units or part thereof)	Hours	Charge
\$25.20	2	\$50.40
Total charges		\$50.40

You can pay the access charges by credit card through the following EPA webpage:

<https://www.epa.vic.gov.au/pay-your-invoice>

Once at the page:

1. enter the following reference number in the 'Invoice number' field: 00102026
2. enter the total amount of access charges owing
3. click the 'Pay now' button.

If you are unable to pay online, please contact the FOI team for alternative arrangements.

Please note that all documents that EPA is disclosing to you by this decision under the Act, and subject to the resolution of any applicable third-party review rights, will only be released once the access charges are paid.

Review rights

If you are not satisfied with my decision, you may seek review from the Victorian Information

Commissioner. Requests for review must be made in writing within 28 days of receiving this decision letter. You can submit a request for review in the following ways:

Email: enquiries@ovic.vic.gov.au

Post: Victorian Information Commissioner
Freedom of Information Reviews
PO Box 24274
MELBOURNE VIC 3001.

If you have any questions about this decision, please email the EPA Freedom of Information unit at foi@epa.vic.gov.au, or call through our Contact Centre on 1300 372 842.

Yours sincerely,

Freedom of Information Officer

30 March 2026

Enclosed:

- All request terms including clarifications_FOI-010-2026.

All request terms including clarifications_FOI-010-2026

Part	Terms
1.	Shadow flicker pollution report PRI-00106789 - EPA assessment records All documents created, received, or held by the EPA in connection with the assessment of the identified shadow flicker pollution report, including: • the pollution report and any attachments; • internal EPA records evidencing receipt, registration, or triage of the report; • internal assessment records, file notes, or case notes; • records evidencing any consultation or communication with the wind farm operator or any third party; and • documents recording any assessment outcome, decision, or closure of the matter, including where no regulatory action was taken.
2.	EPA records relating to a report containing allegations concerning [REDACTED] All documents created, received, or held by the EPA in connection with a report or referral in which allegations were made concerning the conduct or behaviour of [REDACTED], or [REDACTED], including: • the report or referral giving rise to the matter; • internal EPA assessment, investigation, or decision records; • correspondence between the EPA and the wind farm operator or any other party; • documents recording the outcome or disposition of the matter; and • records relating to the referral, handling, or consideration of enquiries associated with this matter by the EPA Southwest Region, including reference ENQ206324. <u>Clarification of Part 2 of request made by email from Applicant on 9 February 2026:</u> Part 2 of the request relates to EPA-held documents arising from a report or referral in which allegations were made concerning the conduct or behaviour of [REDACTED], originating in connection with pollution report PRI-00104992 (CRM:0155357892). This includes EPA records associated with the handling of that matter, including records evidencing notification to, or referral within, the EPA by a third party, and any subsequent handling of that referral by the EPA, including its referral to the South West Region, which EPA correspondence identifies under enquiry reference ENQ202805. Part 2 is intended to capture documents created, received, or held by the EPA in relation to that report or referral, including any internal records, correspondence, notes, recordings, or assessments. Part 2 is not intended to be limited to, nor does it assume, any matter handled by the Victorian Government Solicitor's Office. If EPA considers that more than one distinct matter may fall within the scope of Part 2, the Trustee requests that EPA identify those matters so that appropriate clarification can occur.

All request terms including clarifications_FOI-010-2026

Part	Terms
3.	Pollution report PRI-00120564 -- EPA assessment records All documents created, received, or held by the EPA in connection with the assessment of pollution report PRI-00120564, including: • records evidencing receipt and registration of the report; • internal triage or assessment records; • internal correspondence; and • documents recording any assessment outcome, decision, or regulatory position formed in relation to the report, including where no further regulatory action was taken.
4.	Pollution report PRI-00081554 - EPA assessment records All documents created, received, or held by the EPA in connection with the assessment of pollution report PRI-00081554, including: • records evidencing receipt and registration of the report; • internal triage or assessment records; • internal correspondence; • documents recording any assessment outcome, decision, or regulatory position formed in relation to the report, including where no further regulatory action was taken; • correspondence between the EPA and the wind farm operator, or between the EPA and any other party, relating to the use, placement, consideration, or assessment of an SLR noise logger at dwelling J14aa (308 Elaine Mount Mercer Road); and • correspondence received by the EPA in or about July 2025 from [REDACTED], relating to pollution report PRI-00081554 and associated assessment or regulatory views. <u>Clarification of Part 4 of request made by email from Applicant on 9 February 2026 (note that the corrected PRI number has been incorporated in the above terms):</u> The Trustee confirms that the correct pollution report reference for Part 4 is PRI-00081554. Part 4 relates to EPA-held documents concerning the assessment and handling of pollution report PRI-00081554, being a pollution report concerning Lal Lal Wind Farm and noise impacts at or near 308 Elaine Mount Mercer Road, including EPA records relating to the consideration, use, or assessment of operator-held noise logger information in connection with that pollution report. For completeness, Part 4 also includes EPA-held records evidencing the receipt, circulation, and consideration of further material provided to the EPA in relation to the 15 August 2024 event, including material transmitted by email on or about 17 July 2025 under the subject line "<i>Pollution Report Update – PRI-00106905 (CRM:0155382568)</i>", which included a video recording link and was copied to EPA South West Region and senior EPA officers. The Trustee seeks documents created, received, or held by the EPA recording the receipt and handling of that material as part of EPA's assessment or regulatory consideration relating to the above pollution reports.

All request terms including clarifications_FOI-010-2026

Part	Terms
5.	Pollution report PRI-00105422 - EPA assessment and correspondence records All documents created, received, or held by the EPA in connection with the assessment of pollution report PRI-00105422, including: • records evidencing receipt, registration, or triage of the report; • internal EPA assessment records, file notes, or case notes; • internal correspondence, including correspondence involving senior EPA officers; • correspondence received by the EPA from [REDACTED] relating to this report; and • documents recording any assessment outcome, decision, or regulatory position formed in relation to the report, including where no further regulatory action was taken.
6.	Pollution report PRI-00106459 - EPA assessment, compliance view, and correspondence records All documents created, received, or held by the EPA in connection with the assessment of pollution report PRI-00106459, including: • records evidencing receipt, registration, or triage of the report; • internal EPA assessment records, file notes, or case notes; • documents recording the formation, maintenance, or communication of any regulatory or compliance view in relation to the Lal Lal Wind Farm; • internal correspondence relating to the decision that no further regulatory action would be taken at that time; • correspondence between the EPA and [REDACTED] relating to this report; and • records relating to the referral and handling of enquiries associated with this report by the EPA Southwest Region, including reference ENQ-206324.
7.	Regulation 131D compliance material - post-construction noise assessment All documents created, received, or held by the EPA evidencing compliance with regulation 131D of the Environment Protection Regulations 2021 in relation to the post-construction noise assessment for the Lal Lal Wind Farm, including but not limited to: • any report prepared by an environmental auditor pursuant to regulation 164(ca)(i); • any auditor engagement records, instructions, or scope documents relating to such a report; • any EPA records evidencing receipt, consideration, acceptance, or reliance upon such a report; and • any internal EPA assessment records, file notes, or correspondence recording how compliance with regulation 131(D) was determined.
8.	Documents relied upon to form EPA compliance views All documents created, received, or held by the EPA that were relied upon in forming, maintaining, or communicating any view that the Lal Lal Wind Farm was complying with its obligations under the Environment Protection Act 2017 and Environment Protection Regulations 2021, at the time that view was formed, in circumstances where post-construction noise assessment material was relevant, including but not limited to:

All request terms including clarifications_FOI-010-2026

Part	Terms
	• internal EPA assessment records or file notes; • correspondence with the wind farm operator or any third party; and • documents recording the basis for any decision that no further regulatory action would be taken at the relevant time. <u>Clarification of Part 8 of request made by email from Applicant on 13 February 2026</u> It is not the Trustee's intention to request every document held by EPA concerning Lal Lal Wind Farm. Part 8 is confined to documents that were actually relied upon in forming, maintaining, or communicating a view that Lal Lal Wind Farm was complying with its obligations under the <i>Environment Protection Act 2017</i> and the <i>Environment Protection Regulations 2021</i>, in circumstances where post-construction noise assessment material was relevant. For clarity, Part 8 is limited to: • documents evidencing the basis upon which EPA formed or communicated a compliance view; • internal assessment records or file notes recording that reasoning; • correspondence with the wind farm operator or any third party that was relied upon in forming that view; and • documents recording the basis for any decision that no further regulatory action would be taken at the relevant time. The request does not extend to documents merely held by EPA but not relied upon for those purposes. The Trustee confirms that, for Part 8, the relevant timeframe is: 1 July 2021 to the present. For the avoidance of doubt, if documents created prior to 1 July 2021 were relied upon in forming a compliance view during the above period, those relied-upon documents fall within scope.

Appendix A – Schedule of Documents



Doc #	# Pages	File title	Document description	Decision summary
1.	107	05_SLR Stage 2 Elaine and Yendon PCNA (ref 640.11872-R17-V1.2) dated 20 September 2024.pdf	Report of Post-Construction Noise Assessment for Lal Lal Wind Farm (dated 20 September 2024).	DISCLOSE IN FULL
2.	27	06_Arup – Stage 1 Elaine Verification of PCNA (ref 270849-00) dated 28 June 2022.pdf	Superseded report titled, 'Lal Lal Wind Farm – Elaine: Verification of Post-Construction Noise Assessment (dated 28 June 2022).	REFUSE IN FULL Section 34(1) – Documents relating to trade secrets etc.
3.	33	07_Arup_Stage 1 Elaine Verification of PCNA (Revised) (ref 270849-00) dated 13 November 2023.pdf	Report titled, 'Lal Lal Wind Farm – Elaine: Verification of Post-Construction Noise Assessment (Revised Report)' (dated 13 November 2023).	DISCLOSE IN FULL
4.	26	08_Arup_ Stage 1 Yendon Verification of PCNA (ref 270849-00) dated 7 December 2023.pdf	Report titled, 'Lal Lal Wind Farm – Yendon Verification of Post-Construction Noise Assessment' (dated 7 December 2023).	DISCLOSE IN FULL
5.	31	09_Arup_Stage 2 Elaine and Yendon Verification of PCNA (ref 270849-00-R01) dated 24 September 2024.pdf	Report titled, 'Lal Lal Wind Farm: Verification of Stage 2 Post-Construction Noise Assessment – Wind Turbine Generators' (dated 24 September 2024).	DISCLOSE IN FULL
6.	33	10_SLR_Onoff noise testing (ref 640.11872.00000).pdf	Report titled, 'On / Off Noise Testing: Lal Lal Wind Farm' (dated 17 October 2024).	DISCLOSE IN PART Section 33(1) – Documents affecting personal privacy. Section 34(1) – Documents relating to trade secrets etc.
7.	23	11_SLR_ _ Yendon_Noise Monitoring (ref 640.11872-R19-V1.0) dated 15 January 2024.pdf	Report of noise testing at a property in Yendon (dated 15 January 2024).	DISCLOSE IN PART Section 33(1) – Documents affecting personal privacy. Section 34(1) – Documents relating to trade secrets etc.
8.	7	DTA-00029755.pdf	Screenshots of Desktop Assessment in EPA case management system (closed 23 April 2025).	DISCLOSE IN FULL

Appendix A – Schedule of Documents



Doc #	# Pages	File title	Document description	Decision summary
9.	13	DTA-00029756.pdf	Screenshots of Desktop Assessment in EPA case management system (closed 22 April 2025).	DISCLOSE IN PART Section 33(1) – Documents affecting personal privacy. Section 34(1) – Documents relating to trade secrets etc.
10.	18	ENQ202805.pdf	Screenshots from the EPA case management system record for, and all documents associated with, enquiry from the EPA case management system (dated 16 June 2025).	DISCLOSE IN FULL
11.	12	ENQ206324.pdf	Screenshots from the EPA case management system record for, and all documents associated with, enquiry from the EPA case management system (dated 14 July 2025).	DISCLOSE IN FULL
12.	5	IGN-00008382.pdf	Information Gathering Notice issued by EPA to Lal Lal Wind Farm (dated 21 March 2025).	DISCLOSE IN FULL
13.	6	Lal Lal WEF Response to IGN-00008382.pdf	Lal Lal Wind Farm response to Information Gathering Notice (dated 14 April 2025).	DISCLOSE IN PART Section 33(1) – Documents affecting personal privacy. Section 34(1) – Documents relating to trade secrets etc.
14.	9	PRI-00081554.pdf	Screenshots from the EPA case management system record for, and all documents associated with, pollution report from the EPA case management system (dated 15 August 2024).	DISCLOSE IN FULL
15.	19	PRI-00104992 and ENQ202739.pdf	Screenshots from the EPA case management system record for, and all documents associated with, pollution report and enquiry (both dated 15 June 2025).	DISCLOSE IN FULL
16.	20	PRI-00105422.pdf	Screenshots from the EPA case management system record for, and all documents associated with, pollution report from the	DISCLOSE IN FULL

Appendix A – Schedule of Documents



Doc #	# Pages	File title	Document description	Decision summary
			EPA case management system (dated 22 June 2025).	
17.	11	PRI-00106459.pdf	Screenshots from the EPA case management system record for, and all documents associated with, pollution report from the EPA case management system (dated 10 July 2025).	DISCLOSE IN FULL
18.	9	PRI-00106789.pdf	Screenshots from the EPA case management system record for, and all documents associated with, pollution report from the EPA case management system (dated 15 July 2025).	DISCLOSE IN FULL
19.	10	PRI-00120564.pdf	Screenshots from the EPA case management system record for, and all documents associated with, pollution report from the EPA case management system (dated 10 January 2026).	DISCLOSE IN FULL

From: foi@epa.vic.gov.au
Subject: Documents released_FOI-010-2026
Date: 25 June 2026 at 3:44 pm
To: Owen R. officeexecutorowenrobertlewis@gmail.com
Cc: foi@epa.vic.gov.au

OFFICIAL

Dear Lewis Trojan Horse Pty Ltd,

We refer to the decision on the FOI request that we sent to you on 30 March 2026 (copy attached).

The 60-day period in which the affected third parties had to seek a review of the decision on the request ended on 29 May 2026 and the EPA has not received any notice of an application for a review.

We can now release the six documents that were withheld while the third parties had the opportunity to exercise the review rights.

The six documents for release are attached.

Kind regards,

Freedom of Information Team
Governance and Strategy



E foi@epa.vic.gov.au
P 1300 372 842
A 664 Collins Street, Docklands

epa.vic.gov.au



By preventing harm you're
meeting your environmental duties.

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