



All correspondence to:

LEWIS TROJAN HORSE PTY LTD (ACN 693 680 309)
as Trustee of the **Owen Robert Inter Vivos Trust**

P.O. Box 7/5234 Midland Hwy
Elaine, Victoria 3334

Contact details:

Office of the Executor "OWEN ROBERT LEWIS"
(descriptive style only)
officeexecutorowenrobertlewis@gmail.com

FORMAL SUBMISSION

Proposed Amendment to Planning Permit PL-SP:05:0461
Lal Lal Wind Farm

1. Introduction

This submission concerns the proposed amendment to Planning Permit PL-SP:05:0461, which seeks to amend Condition 23 and delete Conditions 24–27 relating to wind turbine noise compliance.

The amendment is framed as administrative alignment, on the basis that operational wind turbine noise is now regulated under the Environment Protection Act 2017 and the Environment Protection Regulations 2021.

This submission does not assert non-compliance.

It addresses regulatory sequencing, statutory coherence, and orderly transition between planning-based and EPA-based frameworks.

2. Effect of the Proposed Amendment

The amendment proposes to:

- Amend Condition 23 to reference compliance to the satisfaction of EPA rather than the Minister; and
- Delete Conditions 24–27 in their entirety.

Conditions 24–27 currently provide for:

- An endorsed Noise Compliance Testing Plan (NCTP);
- Staged Post-Construction Noise Assessment;
- Environmental auditor review;
- Ministerial satisfaction mechanism;
- Ministerial authority to require independent peer review and shutdown testing;

- Complaint investigation and response plan;
- Reporting and publication requirements.

The amendment therefore removes the planning-permit-based compliance architecture in favour of exclusive reliance on the EPA regulatory framework.

3. Statutory Context

Part 5.3, Division 5 of the Environment Protection Regulations 2021 regulates wind energy facility noise.

However, the Regulations do not extinguish authorising documents. They operate alongside them.

The planning permit remains an authorising instrument.

Deletion of permit safeguards is discretionary.

It requires justification beyond mere existence of parallel regulation.

The question is not whether EPA regulates wind turbine noise.

The question is whether it is appropriate to remove the existing permit-based compliance structure at this time.

4. Ministerial Satisfaction — Formal Closure

It is understood that Stage 1 and Stage 2 Post-Construction Noise Assessment (PCNA) reports have been completed.

However, it is not apparent from publicly available documentation that the Minister has formally recorded satisfaction as contemplated by the permit, nor that Conditions 23–27 have been formally discharged.

Ministerial satisfaction is the closure mechanism embedded in the permit architecture.

Conditions 23–27 established a structured pathway through which compliance was to be demonstrated and formally acquitted under the planning framework.

Deletion of those conditions in the absence of recorded acquittal would remove the mechanism by which compliance closure was to be formally documented under the authorising instrument.

This is a sequencing issue.

It is not an allegation.

5. Transitional Substitution — Noise Management Plan

The amendment materials state that operational wind turbine noise is now regulated through the Environment Protection Act 2017 and associated Regulations.

Regulation 131E requires preparation and implementation of a Noise Management Plan (NMP), including review by an EPA-appointed environmental auditor.

Correspondence from the operator dated 3 February 2025 indicates:

- The NCTP is being updated;

- The NMP will be revised once those updates are complete;
- A draft NMP has been prepared;
- Environmental auditor review has not yet commenced and an auditor is still being identified.

EPA has confirmed under Freedom of Information that it does not hold an auditor-verified NMP for Lal Lal Wind Farm.

Accordingly, the EPA-based compliance framework is not demonstrably crystallised through auditor verification.

Deletion of Conditions 24-27 would therefore remove the permit-based compliance architecture prior to confirmation that the substitute regulatory instrument is complete and verified.

Orderly regulatory transition requires:

1. Formal acquittal of the permit-based framework; and
2. Demonstrable finalisation and verification of the Regulation 131E NMP.

Absent that sequencing clarity, deletion is premature.

6. Oversight Structure

Under the current permit, the Minister retains:

- A formal satisfaction mechanism;
- Authority to require independent peer review;
- Authority to require shutdown testing;
- Structured reporting and transparency obligations.

The amendment removes those planning-based oversight mechanisms.

This submission does not question EPA's role.

It observes that removal of one oversight layer should not precede confirmation that the substitute layer is fully settled and verified.

7. Determination Requested

The proposed amendment is presented as administrative alignment.

However:

- Formal discharge of the permit-based compliance architecture has not been publicly documented; and
- The Noise Management Plan required under Regulation 131E has not been demonstrated to be finalised and auditor-verified.

In those circumstances, deletion of Conditions 24-27 would remove the existing planning compliance structure before confirmation that the substitute framework is fully operational.

This submission respectfully requests that the responsible authority:

- Confirm whether Ministerial satisfaction under Conditions 23–27 has been formally recorded;
- Confirm whether an auditor-verified NMP exists and is in force under Regulation 131E; and
- Defer deletion of Conditions 24–27 unless and until both matters are clarified.

The amendment proceeds on the basis that Conditions 23–27 are now redundant. However, the material does not demonstrate that the substitute regulatory instrument required under Regulation 131E — namely an auditor-verified Noise Management Plan — is currently in force. Until both formal permit acquittal and verified operation of the Regulation 131E framework are confirmed, deletion of the existing compliance architecture is premature.

This is a matter of regulatory sequencing and statutory coherence.

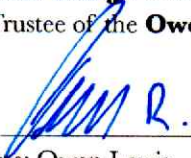
It is not a technical dispute.

It is not an allegation of breach.

It is a request for orderly transition between regulatory regimes.

Executed by

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: 25 / 02 / 2026

Seal: Office of the Executor "OWEN ROBERT LEWIS"
(descriptive style only)

