



All correspondence to:

LEWIS TROJAN HORSE PTY LTD (ACN 633 681 509)
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

Governance
Moorabool Shire Council
15 Stead Street
Ballan VIC 3342

22 April 2026

Lal Lal Wind Farm — Administrative Record Clarification
Planning Permit PL-SP/05/0461-2

Dear Governance,

The Trustee writes further to prior correspondence provided for administrative record purposes in relation to the Lal Lal Wind Farm and Planning Permit PL-SP/05/0461-2, including material supplied on 17 March 2026.

This correspondence is provided to ensure that the administrative record held by Council, in its capacity as Responsible Authority, is complete, internally coherent, and capable of supporting the positions previously communicated by Council.

Since that earlier correspondence, further information has become available through requests made under the Freedom of Information Act 1982 (Vic), together with subsequent clarification correspondence directed to relevant Council officers.

For completeness of the administrative record, the Trustee notes the following matters.

Meteorological Monitoring Facility (Elaine)

Prior correspondence from Council identified that two permanent meteorological monitoring facilities are contemplated under the permit framework and referred to potential authorisation pathways, including secondary consent and exemption provisions. However, no specific authorising instrument or concluded administrative determination was identified in that correspondence.

In response to a request under the Freedom of Information Act 1982 (Vic), Council has advised that no documents were identified within scope evidencing a formal approval, consent, or authorising instrument in respect of the meteorological monitoring facility at the Elaine section of the wind farm.

Commissioning (Wind Farm and Last Turbine)

Council correspondence dated 14 December 2022 records that, following consideration of post-construction noise monitoring material and associated correspondence, it was concluded that no breach of the planning permit existed and that the complaint would be closed.

That conclusion necessarily proceeded within the framework of permit conditions governing post-construction operation, including conditions linked to commissioning, operational status, and the timing of post-construction monitoring and related obligations.

Subsequent correspondence during 2024 refers to a commissioning timeframe of approximately mid-2021 in the context of administering permit conditions, and in some instances enquiries regarding commissioning were directed to the wind farm operator.

In response to FOI Request SR.142870, Council has advised that no documents were identified within scope evidencing:

- any commissioning certificate for the wind farm as a whole or for the last turbine;
- any formal notification of commissioning received by Council; or
- any internal milestone register entry or database record recording a commissioning date relied upon by Council.

The Trustee further notes that contemporaneous project communications, including Community Reference Group (CRG) minutes attended by Council officers, record references to turbine construction completion, ongoing commissioning activities, and the timing of obligations linked to the last turbine being commissioned, including landscaping program closure and post-construction noise monitoring.

No formal administrative record or instrument evidencing the commissioning trigger relied upon by Council has been identified within the material disclosed under the Freedom of Information Act 1982 (Vic), and the basis upon which any such timing has been captured, adopted, or applied for the purposes of permit administration is not apparent on the present record.

The Trustee further notes that, notwithstanding Council's reliance on post-construction noise monitoring material, no documentation has been identified within Council's records evidencing the presence or consideration of the background noise information required under the endorsed Noise Compliance Testing Plan, including in respect of K15aa, or the basis upon which such information has been applied within Council's assessment.

The Trustee notes, for completeness of the administrative record, that separate correspondence has been directed to the wind farm operator seeking documentary clarification in relation to commissioning milestones and associated permit triggers, including pursuant to the operator's published Community Engagement Policy and Complaints and Enquiries Procedure. As at the date of this correspondence, no substantive response has been received.

Administrative Record

The Trustee notes that these matters arise within the context of Council's governance and compliance framework, including the requirement that compliance activities be undertaken in a manner that is transparent, consistent, and capable of providing assurance that compliance obligations are being met.

In that context, and for record purposes only, the Trustee seeks confirmation of Council's position as to:

- whether a concluded administrative view has been formed in relation to the authorisation status of the meteorological monitoring facility at Elaine, and the documentary and legal basis upon which that view is held or recorded; and

•whether a concluded administrative view has been formed in relation to the commissioning date of the wind farm or the last turbine, and the documentary and legal basis upon which that view is held or recorded, including where such views have informed or supported prior compliance assessments or decisions.

This correspondence does not assert any breach or wrongdoing. It is provided solely to ensure that the administrative record is complete and that the basis of Council's position is capable of being understood from that record.

The Trustee seeks confirmation that this correspondence is recorded within Council's governance and compliance framework, including as part of the administrative record supporting any position presently held or relied upon in relation to the above matters.

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: 22 / 04 / 2026