

Planning and Environment
Regulations 2015

Form 11

Section 97F

27. (Deleted)

27A. Compliance with the Noise Compliance Test Plan endorsed on 6 April 2018 and Noise Complaints Investigation and Response Plan endorsed on 14 June 2019 must be maintained to the satisfaction of the Minister for Planning until a Noise Management Plan has been prepared and implemented in accordance with the requirements of regulation 131E of the Environment Protection Regulations 2021 (Vic).

DECOMMISSIONING

28. The wind energy facility operator must, no later than one month after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further six months of this date, the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant turbines(s) is/are located, must prepare a decommissioning plan to the satisfaction of the Minister for Planning. When approved, the decommissioning plan will become part of this permit.
29. The decommissioning plan must provide for the following:
- a) The removal of all above ground operational equipment;
 - b) The removal and cleanup of any residual spills or contamination;
 - c) The rehabilitation of all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the subject land;
 - d) A decommissioning traffic management plan; and
 - e) A post decommissioning revegetation management plan.

The decommissioning plan must be implemented to the satisfaction of the Minister for Planning within 24 months of approval of the plan or within such other timeframe as may be specified by the Minister.



Lal Lal Wind Farm

Noise Management Plan

Lal Lal Wind Farms Nom Co Pty Ltd

18 October 2022

Project No.: 0467385

Document details	
Document title	Lal Lal Wind Farm
Document subtitle	Noise Management Plan
Project No.	0467385
Date	18 October 2022
Version	3.0
Author	[out of scope]
Client Name	Lal Lal Wind Farms Nom Co Pty Ltd

Document history						
				ERM approval to issue		
Version	Revision	Author	Reviewed by	Name	Date	Comments
Draft	00	[out of scope]			11/05/2022	Draft for review
Final	01				31/05/2022	Final
Final	02				17/06/2022	Final
Final	03				18/10/2022	Revised against client comments

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (**ERM**) has been engaged by Lal Lal Wind Farms Nom Co Pty Ltd to prepare a Noise Management Plan (**NMP**) for the Lal Lal Wind Farm (**LLWF**). The NMP sits under the overarching LLWF Environmental Management Strategy (EMS) for the project and with the other project related Environmental Management Plans (**EMP**) and sub-plans (Jacobs, 2018a; Jacobs, 2018b) forms the basis for environmental management at LLWF.

LLWF is located in the Moorabool Shire, approximately 25km south of Ballarat, Victoria. It consists of 60 wind turbines generating a maximum of 228 MW.

Recent amendments to Victorian wind farm noise legislation requires a NMP to be submitted to the Environment Protection Authority (EPA) Victoria, upon request, from 1 July 2022. Regulation 131E (5) of the *Environment Protection Regulations 2021* sets out the requirements for the NMP.

The *Environment Protection Act 2017* introduces a 'general environmental duty' and 'unreasonable noise' provisions that apply to wind turbine noise emissions at wind energy facilities. The *Environment Protection Regulations 2021* also set specific requirements for compliance. These requirements address the general environmental duty to minimise harm to human health and the environment, which includes the implementation of this NMP.

Ongoing compliance with the general environmental duty (**GED**) will require that this NMP document is reviewed regularly to reflect changing operating and legal conditions. As a minimum it must be reviewed on a five-yearly basis and must also be reviewed in response to major changes with site conditions or relevant legislation. Five-yearly reviews may benefit from occurring in tandem with the mandatory five-yearly noise compliance testing.

1.1 Organisational Structure

Lal Lal Wind Farms is owned by experienced global infrastructure investors in Northleaf Capital Partners and InfraRed Capital Partners, each holding a 40 per cent interest, with Macquarie Capital having the remaining 20 per cent interest.

This ownership structure follows Macquarie Capital's purchase of Lal Lal Wind Farms from West Wind Energy in 2017.

The project is overseen by global renewable energy company RES, which has a five-year construction and asset management contract with the project, to oversee the works of contractors Zenvion and Vestas through the construction phase and manage the first few years of operations.

The above information is illustrated in the organisational chart below.

LLWF is required to:

- engage an auditor to review the NMP;
- provide a copy of the NMP and auditor's report on request by the Authority; and
- amend the NMP if requested by the Authority.

2.2 Planning and Environment Act 1987

The *Planning and Environment Act 1987* (**P&E Act**) is the legislative framework that governs the use, development and protection of land in Victoria. The P&E Act sets out procedures for, among other matters, obtaining approvals for projects according to controls set out in the planning schemes. Approvals may be provided in the form of a planning permit.

2.2.1 Planning Permit No. PL-SP/05/0461-2

The amended Planning Permit for LLWF was issued in March 2017 (Planning Permit No. PL-SP/05/0461-2).

The key performance requirements for noise applicable to this NMP are Conditions 22 to 27 of the Planning Permit which refer to the control of noise during construction and operation of LLWF, as provided in Table 2. The conditions are reproduced in full in Appendix F.

Table 2: Summary of Planning Permit No. PL-SP/05/0461-2

Condition	Summary of key requirements
22	Defines noise limits which apply to noise associated with construction of the wind farm, based on EPA guidelines.
23	Defines operational noise limits based on the <i>New Zealand Standard NZS 6808:2010 Acoustics – Wind farm noise</i> (NZS 6808:2010) for noise sensitive locations existing as of 20 March 2017. Operational noise levels to be measured and assessed subject to the following project-specific definitions: ■ Noise limits are defined as 40 dB L_{A90} or the background noise level $L_{A90} + 5$dB, whichever is higher; ■ Noise limits and operational noise levels are to be determined separately for all-time periods (i.e. day and night combined) and night-time periods (10 pm to 7 am); and ■ A dwelling may be exempted from the noise limits if a suitable written agreement is established with the landowner of the dwelling (subject to evidence of the agreement being provided to the satisfaction of the responsible authority).
24	Specifies that a Noise Compliance Test Plan (NCTP) must be prepared prior to commencement

3. NOISE COMPLIANCE TEST PLAN

This chapter summarises the procedures to determine compliance of LLWF against the noise limits in the Planning Permit. At the time of writing, Revision 5 of the NCTP has been released in Draft status (Marshall Day Acoustics, 2022). The contents of this chapter shall be superseded by any updated NCTP prepared to satisfy the noise conditions in the Planning Permit.

3.1 Operational Noise Limits

Operational noise limits are applicable to the identified Noise Sensitive Receiver Locations (NSRLs). The coordinates of the identified NSRLs are summarised in Appendix D.

The operational noise limits were previously derived by Marshall Day Acoustics and are documented in the following reports:

- Lal Lal Wind Farm Noise Compliance Test Plan (Marshall Day Acoustics, 2018); and
- Lal Lal Wind Farm Background Noise Monitoring Report (Marshall Day Acoustics, 2018).

The limits were determined in accordance with the Planning Permit (Condition 23) and NZS 6808:2010 and apply at the NSRLs in the vicinity of LLWF as of 20 March, 2017. The limits are presented in Table 3 and Table 4, noting that that transcription errors contained in the NCTP produced by Marshall Day Acoustics have been redressed. The limits are given here in summary, see the complete NCTP for the conditions that apply.

Table 3: All-time period (day and night combined) – non-stakeholder wind farm noise limits, dB LA90

NSRL	Site wind speed (m/s) at 93 m AGL at reference mast locations
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Table 6: Organisations and Responsibilities

Organisation	Responsibility
Lal Lal Wind Farms Nom Co Pty Ltd	■ Commissioning the relevant organisations as follows: – Acoustic consultant; – Wind engineering consultant; and – EPA accredited auditor. ■ Liaising with residents to obtain permission to conduct the compliance monitoring; ■ Supply of the wind farm's operating records for the duration of the compliance surveys.
Acoustic consultant	■ Conducting testing, analysis and reporting in accordance with the planning permit and the EP Regulations; and ■ Preparing supplementary information for submission to the Minister for Planning in any instances where a deviation from the NCTP is found to be required (e.g. in relation to accessible survey locations or the survey duration).
Wind engineering consultant	■ Verify the sources of wind data to be referenced in the compliance monitoring, prior to the commencement of the noise surveys; ■ Supply of preliminary wind speed data sets prior to completion of each stage of measurements (primarily for assessing the adequacy of conditions during the survey period); ■ Supply of the assessment wind speed data sets, comprising hub height wind speed data that is representative of wake-free conditions at the reference mast locations; and ■ Supply of a statement for inclusion in the operational noise compliance reports detailing all measurement and analysis procedures used to synthesise the assessment wind speed data set.
EPA accredited auditor	■ Review of the NMP to determine whether it meets the requirements of the EP Act and EP Regulations; and ■ Review compliance reports to determine whether the testing, analysis and reporting was undertaken in accordance with planning permit and the endorsed NCTP.
Minister for Planning	■ Endorsement of the NCTP; ■ Determine whether the planning permit requirements have been addressed.
EPA Victoria	■ Review this NMP as required ■ Request amendments to the NMP if required ■ Review the annual statement described in Section 3.4 ■ Review five-yearly compliance and auditor's reports

7.6 Cumulative impacts

The Post-Construction Noise Assessment (Revised Report) states that due to the 10 km separation of the Elaine and Yendon sections of the LLWF, that there are no significant cumulative impacts due to the operation of the Yendon section of the LLWF.

The auditor accepts that this conclusion is appropriate, based on this separation distance.

7.7 Risk assessment

The EPA Guidelines identify a number of requirements in the EP Regulations, to monitor, report and respond to noise generated by a WEF, including:

- Post-construction noise assessment (Regulation 131D)
- Noise Management Plan (NMP), verified by an EPA appointed Auditor (Regulation 131E)
- Provision of an annual statement detailing the actions that have been taken to ensure compliance (Regulation 131F)
- Noise monitoring every 5 years (Regulation 131G)

The NMP is to include an evaluation of likelihood and consequence of risk, development of a risk matrix and risk management approach. It also needs to include consideration of control measures to address noise related hazards and determination of residual risks. It is understood that LLWF has prepared an NMP for consideration by an EPA appointed Environmental Auditor.

The implementation of an NMP that includes assessment and management of these elements of risk is considered appropriate.

The EP Act introduced a General Environmental Duty (GED) to take reasonable steps to minimise risks of harm to human health and the environment, as well as “unreasonable noise” provisions. A risk of noncompliance with NZS 6808:2010 is taken to be a risk to the beneficial use of the environment, specifically with respect to the amenity of residents in the noise sensitive locations. Based on the predicted sound levels, it is expected that the risk to this beneficial use will be low due to compliance with NZS 6808:2010.

7.8 Compliance with NZS 6808:2010

From: Anton Ponomarenko Anton.Ponomarenko@epa.vic.gov.au 
Subject: RE: Clarification required_FOI-002-2024
Date: 31 January 2024 at 10:39 am
To: [REDACTED].com, Julia Begley Julia.Begley@epa.vic.gov.au
Cc: [REDACTED], foi foi@epa.vic.gov.au, Hjordi Russell Hjordi.Russell@epa.vic.gov.au

AP

OFFICIAL

Hi Owen,

As requested, list of documents EPA had used to assess compliance of Lal Lal Wind Farm:

- Lal Lal Wind Farm – Elaine verification of Post-construction Noise Assessment 270849-00
- Lal Lal Wind Farm Pre-construction Noise Assessment S5464C11
- Lal Lal Wind Farm – Elaine Post-construction noise assessment Ref No. 640.11872-R04-v1.7
- Lal Lal Wind Farm Noise Management Plan 0467385

Kind regards,

Anton Ponomarenko
Team Leader, Environment Protection
South West Victoria Region



[E Anton.Ponomarenko@epa.vic.gov.au](mailto:Anton.Ponomarenko@epa.vic.gov.au)
P 1300 372 842
A South West Office - Geelong

epa.vic.gov.au



From: [REDACTED] >
Sent: Monday, January 29, 2024 5:25 PM
To: Anton Ponomarenko <Anton.Ponomarenko@epa.vic.gov.au>; Julia Begley <Julia.Begley@epa.vic.gov.au>
Cc: [REDACTED]; foi <foi@epa.vic.gov.au>; Hjordi Russell <Hjordi.Russell@epa.vic.gov.au>
Subject: Re: Clarification required_FOI-002-2024

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Afternoon Anton,

Could you please supply the Title/name's of the Compliance Reports including any details of file/ref no's of each report, that yourself and the EPA have relied upon so I can supply to Julia Begley.
I copied the contents of your email from 22 December 2023 for reference of you

EPA ref: FOI-002-2024



[REDACTED]

By email [REDACTED]

Dear Owen,

FREEDOM OF INFORMATION: NOTICE OF 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).

Your request is for:

*I would like to formally request Compliance Reports for the Lal Lal Wind Farm
Reports requested as follows;*

- EPA Auditor Review of Sonus LLWF Pre-construction Noise Assessment S54664C11 June 2018
- **Lal Lal Wind Farm Noise Management Plan 0467385**
- Marshall Day LLWF Pre-Development Noise Assessment Report No 002 20170649 dated 17 January 2018

By email, on 16 February 2024, you excluded personal affairs information from the scope of your request.

EPA has identified **3** documents relevant to your request that comprise a total of 185 pages. The documents are:

- **Document 1 – 0467385 Lal Lal Wind Farm NMP F03 – Noise Management Plan dated 18 October 2022 – 94 pages – DISCLOSE IN FULL**
- Document 2 – *Lal Lal WEF_Pre construction noise assessment* – Pre-construction noise assessment prepared for Lal Lal Wind Farm by Sonus Pty Ltd dated June 2018 – 40 pages – **DISCLOSE IN FULL**
- Document 3 – *Rp 001 R01 20170649 Lal Lal Wind Farm - MDA, March 2018* – Lal Lal Wind Farm Background Noise Monitoring Report prepared by Marshall Day Acoustics for Lal Lal Wind Farm dated 1 March 2018 – 51 pages – **DISCLOSE IN FULL**

Decision and reasons for decision

I have decided to grant you access in full to 3 documents.

As personal affairs information is excluded from the scope of your request, it has been redacted from the relevant documents.

epa.vic.gov.au

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



Consultation with third parties

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

Three of the 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 (documents 1, 2 and 3) 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 further delayed and dependent on its resolution.

Access charges

In accordance with section 22 of the Act and the provisions of the *Freedom of Information Access Charges Regulation 2014*, 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
\$23.85	1	\$23.85
Total charges		\$23.85

I have decided to waive access charges in this instance.

If you have any questions about this decision, please email me at foi@epa.vic.gov.au, or call me on 03 8613 5499 or through our Contact Centre on 1300 372 842.

Yours sincerely,



Julia Begley
Freedom of Information Officer

4 March 2024

[REDACTED]
By email [REDACTED]

Dear Owen,

FREEDOM OF INFORMATION: NOTICE OF 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).

Your request is for:

I would like to request the EPA Auditor Verification of Lal Lal Wind Farm Noise Management Plan 0467385.

I do not require personal affairs information of other people in the documents requested.

EPA has identified zero documents relevant to your request.

Decision and reasons for decision

To respond to your request, I asked the South West Regional office to search for any relevant documents. The South West Regional office was required to undertake a search because Lal Lal Wind Farm is located in the region for which the South West Regional office is responsible for EPA operations.

The South West Regional office advised that as per regulation 131E of the *Environment Protection Regulations 2021*, wind energy facilities must prepare and implement a Noise Management Plans (NMP) and have it verified by an EPA appointed environmental auditor. **However, the operator is only required to provide the auditor verified NMP to EPA if it is requested by EPA (regulation 131E(4)).** South West have advised that the document you are seeking is not held by EPA.

Based on the searches conducted and information provided by the relevant business area, EPA has discovered no documents relevant to your request. Therefore, I advise that the documents you seek either do not exist or are not held by EPA.

Under section 27(1)(e) of the Act, as the documents do not exist or cannot, after a thorough and diligent search, be located, I am obliged to inform you of your right to complain to the Information Commissioner. A complaint must be made within 60 days of the date of this letter. The Information Commissioner's contact details are:

1300 006 842

enquiries@ovic.vic.gov.au

PO Box 24274, Melbourne Vic 3001

epa.vic.gov.au

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

If you have any questions about this decision, please email me at foi@epa.vic.gov.au.

Yours sincerely,



Julia Begley
Freedom of Information Officer
13 May 2024

From: Anton Ponomarenko Anton.Ponomarenko@epa.vic.gov.au
Subject: RE: Noise Management Plan
Date: 21 June 2024 at 9:33 am
To: [REDACTED]
Cc: Hjordi Russell Hjordi.Russell@epa.vic.gov.au, [REDACTED]



OFFICIAL

Hi Owen,

EPA asked for an auditor verification of the NMP in November 2023.

Kerrod will be providing you a response to the questions you have already sent through to him which are similar in nature to the ones below.

Kind regards,
Anton

-----Original Message-----

From: Simone Lewis <simone.lewis3@bigpond.com>
Sent: Wednesday, June 19, 2024 5:03 PM
To: Anton Ponomarenko <Anton.Ponomarenko@epa.vic.gov.au>
Cc: Hjordi Russell <Hjordi.Russell@epa.vic.gov.au>, [REDACTED]
Subject: Re: Noise Management Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Afternoon Anton,

Thanks for your email, could you please supply more detail.

1. When was the Auditor Report Requested, the date it was requested.
2. Did you receive the Auditor Report you requested, if so the date received.
3. Does the EPA still hold the auditor report.

A timely response would be appreciated.

Regards

Owen

On 19 Jun 2024, at 9:35 AM, Anton Ponomarenko <Anton.Ponomarenko@epa.vic.gov.au> wrote:

OFFICIAL

Hi Owen,

The auditor verification of the NMP was requested.

Kind regards,
Anton

-----Original Message-----

From: [REDACTED]
Sent: Monday, June 17, 2024 8:41 PM
To: Anton Ponomarenko <Anton.Ponomarenko@epa.vic.gov.au>
Cc: [REDACTED], Hjordi Russell <Hjordi.Russell@epa.vic.gov.au>
Subject: Re: Noise Management Plan

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Evening Anton,

I would appreciate a response

Regards

Owen

On 16 May 2024, at 10:25 PM, Simone Lewis <simone.lewis3@bigpond.com> wrote:

Evening Anton,

I note that you have relied upon the LLWF NMP (attached). Did you request the Auditor verification of the NMP?

Regards

Owen

<0467385 Lal Lal Wind Farm NMP F03 Redacted.pdf>

From: Kerrod Moller-Nielsen Kerrod.MollerNielsen@epa.vic.gov.au
Subject: RE: Lal Lal Wind Farm Noise Management Plan and Auditor Review
Date: 5 July 2024 at 3:08 pm
To: [REDACTED]
Cc: [REDACTED]

KM

OFFICIAL

Hi Owen,

Under regulation 131E of the *Environment Protection Regulations 2021* (Vic) (**EP Regulations**), wind energy facility operators are required to prepare and implement a noise management plan for the facility. Once the noise management plan has been prepared, regulation 131E(3) states that as soon as reasonably practicable after the noise management plan has been prepared, the operator must engage an environmental auditor to review and prepare a report under regulation 164(ca)(ii) of the EP Regulations in relation to the noise management plan.

As you have noted in your correspondence dated 30 May 2024, EPA does not hold the noise management plan for Lal Lal Wind Farm and has not requested any revisions to that document. There is no requirement under the EP Regulations for a noise management plan to be provided to EPA within a particular timeframe. Further, an environmental auditor is not required under the EP Regulations to inform EPA when they have been engaged to review or verify reports from wind energy facilities.

There are various requirements placed on operators of wind energy facilities to provide documents to EPA, including post-construction noise assessments under regulation 131D(4), annual statements under regulation 131F(1), and five-yearly reports under regulation 131G(d) of the EP Regulations.

Kind regards,
Kerrod

Kerrod Moller-Nielsen he/him
Senior Environment Protection Officer
South West Victoria Region



E Kerrod.MollerNielsen@epa.vic.gov.au
P 1300 372 842
A South West Office - Geelong

epa.vic.gov.au





From: [33(1)]@erm.com>
Sent: Thursday, July 18, 2024 4:07 PM
To: [33(1)] (DTP) [33(1)]@transport.vic.gov.au>; [33(1)] (DEECA)
[33(1)]@delwp.vic.gov.au>
Cc: Development Approvals (DELWP) <Development.Approvals@delwp.vic.gov.au>; [33(1)] (DEECA)
[33(1)]@delwp.vic.gov.au>; [33(1)]@erm.com>; [33(1)]@erm.com>
Subject: [EXTERNAL] RE: [SEC=OFFICIAL] RE: OFFICIAL: RE: Lal Lal Wind Farm - Permit No. PL-SP/05/0461-2 - Submission of final noise compliance report

Hi [33(1)],

Thank you for your response and advice regarding the pending assessment of the Lal Lal Wind Farm NCTP.

Since then, we have just received further advice that additional areas within the submitted NCTP require revision.

With that, we would like to request to **withdraw** the PL-SP/05/0461-2 application of the revised NCTP (No. 003 R07 20170649) submitted to DTP on 12 October 2023.

The Project team plans to work with Marshall Day, the author of the NCTP, to make the necessary amendments.

The Project would also like to note that in accordance with Condition 25 of the planning permit, its Operational Noise Compliance report is underway and will be based on the endorsed NCTP methodology and is expected to be completed by the end of August and submitted to DTP.

We look forward to your response and are available to discuss any questions you may have.

Kindly,



[33(1)]
Consultant
She/Her/Hers

Melbourne

erm.com

[33(1)]

From: [33(1)] (DTP) [33(1)]@transport.vic.gov.au>
Sent: Monday, July 15, 2024 3:41 PM
To: [33(1)]@erm.com>; [33(1)] (DEECA) [33(1)]@delwp.vic.gov.au>
Cc: Development Approvals (DELWP) <Development.Approvals@delwp.vic.gov.au>; [33(1)] (DEECA)
[33(1)]@delwp.vic.gov.au>; [33(1)]@erm.com>; [33(1)]@erm.com>
Subject: [SEC=OFFICIAL] RE: OFFICIAL: RE: Lal Lal Wind Farm - Permit No. PL-SP/05/0461-2 - Submission of final noise compliance report

You don't often get email from [33(1)]@transport.vic.gov.au. [Learn why this is important](#)

From: Dru Marsh Dru.Marsh@epa.vic.gov.au 
Subject: Regulation of Lal Lal Wind Farm under the Environment Protection Act
Date: 23 January 2025 at 2:14 pm
To: [REDACTED]
Cc: Kerrod Moller-Nielsen Kerrod.MollerNielsen@epa.vic.gov.au, Anton Ponomarenko Anton.Ponomarenko@epa.vic.gov.au

DM

OFFICIAL

Dear Owen

EPA's South West Regional Office referred your request for compliance or enforcement action to EPA's internal review unit.

For administrative purposes we have considered your review against the process EPA has adopted in relation to the third party remedy provisions in the *Environment Protection Act 2017*. You can find more information on those provisions published here:

<https://www.epa.vic.gov.au/about-epa/laws/laws-to-protect-the-environment-and-human-health/your-third-party-civil-remedies>

I have reviewed the correspondence between you and staff members of that office as part of my review. This does not include consideration of the later emails I have received from you regarding the serrated blades (I have referred these to the region to consider first), which I note are being considered as part of ENQ181630.

Compliance requirements for Lal Lal Wind Farm

In terms of EPA's role in regulating wind farm noise, the Lal Lal Wind Farm (**LLWF**) must comply with the general environmental duty (**GED**) (section 25(1)) and the unreasonable noise requirements (section 166) for the purposes of managing noise issues. LLWF may also have additional obligations under its permit. Compliance with the permit is a role for the applicable council.

To meet the GED, LLWF must:

1. Take all applicable actions to manage and review wind farm noise (regulation 131C); and
2. Ensure compliance with the noise limit applicable to LLWF (regulation 131CA).

If LLWF can satisfy compliance with these two regulations, then it has met its GED (regulation 6).

The applicable actions to manage and review windfarm noise under regulation 131C are:

1. Conducting a post-construction noise assessment under regulation 131D;
2. Preparing and implementing a noise management plan under regulation 131E;
3. Providing EPA with an annual statement each year under regulation 131F; and
4. Conducting noise monitoring every five years under regulation 131F.

Current status of LLWF's compliance with regulation 131C

EPA has been provided with a copy of the post-construction noise assessment accompanied by the environmental auditor's report, confirming compliance with regulation 131D.

As you know, LLWF also needs to prepare and implement a noise management plan (**NMP**) for the windfarm. The timing by which this is required is not specified in the regulations and so we would consider that an NMP must be in place within a reasonable time after the facility commences. EPA has not been provided with a completed copy of the final NMP, however, we have seen a copy of a draft NMP for the facility. We propose to contact LLWF and ask that a copy be provided or an explanation as to why an NMP is not in place, if that is the case. The regulations require a wind farm to engage an environmental auditor to review and report on an NMP as soon as reasonably practicable after the NMP has been prepared. The wind farm must



Phone: 1800 187 183

Email: info@lallalwindfarms.com.au

Internet: www.lallalwindfarms.com.au

[out of scope]

(Authorised Officer)

Environment Protection Authority

Victoria GPO Box 4395, Melbourne VIC 3001

VIA EMAIL: [out of scope]@epa.vic.gov.au

3 February 2025

Dear [out of scope]

Thank you for contacting us regarding Lal Lal Wind Farm's compliance with the **Environment Protection Regulations 2021** through the letter dated 20 January 2025, titled '**EPA Vic - Letter to Lal Lal Wind Farm 20 January 2025.**'

We appreciate the opportunity to provide the requested information. Please find our responses below:

- **Date of Commencement of Operation:** Practical Completion was achieved on the 6 April 2022.
- **Date Operational Status from an Environmental Monitoring Perspective:** We kindly request additional context to better understand this query. Could you please clarify if this is specifically related to noise monitoring obligations?
- **Current Noise Management Plan (NMP) – Regulation 131E:** We recognize the importance of the NMP and are pleased to provide an update on its progress:
 1. **Completion of Stage 2 Noise Assessment & Submission** – Completed and submitted. This is also available on the Lal Lal Wind Farms website here: [Post-construction Noise Assessment – Stage 2](#).
 2. **Noise Compliance Test Plan (NCTP):** Currently being updated to address an inconsistency within the previous version, particularly regarding Amplitude Modulation (AM). Refer to Appendix G of the Stage 2 Compliance Report referenced above. As the contents of the NCTP form part of the NMP, the NMP will be revised once this document is finalized.
 3. **Noise Management Plan (NMP):** A draft version has been prepared and will be finalized once the NCTP updates are complete.
 4. **Environmental Auditor Review:**
 - ARUP was initially engaged for the review but is no longer conducting audits.
 - We are currently evaluating alternative auditors, including **EnviroRisk Management Pty Ltd**.

Now that Stage 2 noise monitoring has been completed, we are well-positioned to finalize the NMP. A project timeline will be shared with EPA to outline our next steps and ensure alignment with regulatory expectations.

- **Environmental Auditor's Report on NMP (Regulation 131E):** As noted, the environmental auditor's review will commence once the updated **Noise Compliance Test**



Owen Robert
308 Elaine Mount Mercer Road
ELAINE VIC 3334
By email [REDACTED]

Dear Owen,

FREEDOM OF INFORMATION: NOTICE OF 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).

Your request is for:

The following Documents and/or Correspondence are requested;

- 1 *Pre Construction Predictive Modelling Assessment Report Marshall Day Acoustics Lal Lal Wind Farm Pre-Development Noise Assessment Report No 2, 20170649, date known as "17 January 2018", and*
- 2 *Auditor Report for the above Report, as per previous paragraph (1), and*
- 3 *Auditor Report for the Sonus Pre-Construction Noise Assessment S5464C11, and, for the sake of certainty, this "FOI" request is not for the Sonus Pre-Construction Noise Assessment S5464C11, and not the Sonus Pre-Construction Noise Assessment S5464C6, and not the Auditor Report for Sonus Pre-Construction Noise Assessment S5464C6, and*
- 4 *Lal Lal Wind Farm Draft Noise Management Plan, and*
- 5 *Lal Lal Wind Farm Noise Management Plan, and*
- 6 *Auditor Report for the above Report, as per previous paragraph (5), and*
- 7 *Lal Lal Wind Farm Compliance Baseline Monitoring Report 640.11872-R01, version v1.1 date known as "February 2021", and*
- 8 *Auditor Report for the above Report, as per previous paragraph (5), and*
- 9 *Lal Lal Wind Farm Annual Statement/s and Monitoring for the Years known as "2021", "2022", "2023" and "2024", and*
- 10 *Correspondence and/or Document/s from Lal Lal Wind Farm, in regards to Commencement of Operation, and*
- 11 *The authorising document/s and/or regulation, that alters, "NZS 6808:2010", for background sound level monitoring requirements for deriving noise limits,*

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GPO Box 4395, Melbourne VIC 3001
1300 372 842



"Background sound level *The A-weighted L90 centile measured prior to the installation of any wind turbines in an area",*
and

12 *The authorising document/s and/or regulation, that alters, "NZS 6808:2010" of the notional boundary, for noise monitoring,*

"Notional boundary *A line 20 meters from any side of a dwelling or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building",*
and

13 *Lal Lal Wind Farm Shadow Flicker Assessment date known as "2017", see Annexure "A", and*

In the letter by which you made your request, dated 11 July 2025, you excluded personal affairs information from the scope of your request.

EPA has identified nine documents relevant to your request that comprise a total of 221 pages. In summary, the documents include:

- A noise management and a compliance test plan
- Response to requests for information
- Annual operations reports.

Decision

EPA has decided to grant you access in full to all nine documents.

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

As personal affairs information is excluded from the scope of your request, it has been redacted from the relevant documents.

Consultation with third parties

In accordance with the Act, EPA was required to undertake consultations to obtain the views of affected third parties on the disclosure of document relevant to your request under section 34 of the Act.

One third party consulted either objected to disclosure or did not respond to the consultation, so has not consented to the disclosure of certain documents.

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

The documents subject to review (which, in Appendix A, are indicated by orange shading) cannot be released to you until the affected third party has 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/about-epa/online-payments/pay-an-invoice>

Once at the page:

1. enter the following reference number in the 'Invoice number' field: **01002025**
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.

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

25 September 2025

Appendix A – Schedule of Documents

Doc #	# Pages	File title	Document description	Decision summary
1.	94	0467385 Lal Lal Wind Farm NMP F03.pdf	Noise Management Plan (dated 18 October 2022)	DISCLOSE IN FULL
2.	20	CURRENT-Planning-Permit-PL-SP_05_0461-2.pdf	Planning permit (with most recent amendment date 12 April 2022).	DISCLOSE IN FULL
3.	3	Information Request - Lal Lal Wind Farm - EPA Ref CSE-00026310.pdf	Lal Lal Wind Farm response (dated 28 March 2025) to EPA request for information (dated 20 March 2025).	DISCLOSE IN FULL
4.	13	Lal Lal WEF Response to IGN-00008382.pdf	Lal Lal Wind Farm response to EPA issued Information Gathering Notice (dated 14 April 2025).	DISCLOSE IN FULL
5.	10	Lal Lal Wind Farm - Annual Statement (Noise) 2023-24.pdf	Lal Lal Wind Farm Annual Statement for 2023-2024 (dated 30 October 2024).	DISCLOSE IN FULL
6.	15	LLWF Annual Statement 2022 010323.pdf	Lal Lal Wind Farm Annual Statement for 2021-2022 (dated 1 March 2023).	DISCLOSE IN FULL
7.	13	LLWF Annual Statement 2023 Lal Lal Wind Farms.pdf	Lal Lal Wind Farm Annual Statement for 2022-2023 (dated 24 October 2023).	DISCLOSE IN FULL
8.	2	LLWF- Reply EPA-03022025.pdf	Letter from Lal Lal Wind Farm to EPA (dated 3 February 2025).	DISCLOSE IN FULL
9.	51	Noise-Compliance-Testing-Plan.pdf	Noise Compliance Test Plan (dated 23 January 2018).	DISCLOSE IN FULL