



All correspondence to:

LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)
as Trustee of the **Owen Robert Inter Vivos Trust**

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Contact details:

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

Crystallised Administrative Position

Lal Lal Wind Farm

Planning Permit PL-SP/05/0461-3

Date: 21 July 2026

Issued by

LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)
as Trustee of the **Owen Robert Inter Vivos Trust**

To

Lal Lal Wind Farms Nom Co Pty Limited
c/- Herbert Smith Freehills Kramer
Attention: Heidi Asten
Email: heidi.asten@hsfkramer.com

1. Purpose

This Notice records the Trustee's completion of a further reconciliation of the statutory framework, planning framework, endorsed planning documents, incorporated technical standards and documentary material presently available concerning the Lal Lal Wind Farm.

Since issuing the Trustee's Notice — Crystallisation of Administrative and Regulatory Record dated 29 June 2026, the Trustee has continued its reconciliation of the governing legislative framework, the documentary record disclosed through statutory processes and the subsequent administrative material now available.

The Trustee considers that this continuing reconciliation has now crystallised the remaining matters requiring explanation.

Accordingly, this Notice records the Trustee's present administrative position before determining its future administrative, regulatory and legal position.

This Notice forms part of the Trustee's continuing administrative and evidentiary record.

2. Administrative Background

Over an extended period, the Trustee has undertaken a comprehensive documentary reconciliation concerning the planning, regulation, operation and compliance framework applicable to the Lal Lal Wind Farm.

That reconciliation has included, amongst other matters:

- review of the governing planning permit;
- review of endorsed planning documents;
- review of the applicable statutory framework;
- review of the Environment Protection legislative scheme;
- review of NZS 6808:2010;
- Freedom of Information processes;
- review of disclosed technical reports;
- review of documentary material provided by public authorities;
- preparation of the Trustee's administrative and evidentiary record; and
- publication of the documentary record within a structured public repository.

The Trustee has undertaken that reconciliation incrementally, progressing from documentary collection, to statutory disclosure, to documentary reconciliation, and thereafter to recipient-specific consideration of the respective statutory, planning, administrative and operational positions disclosed by the record.

The Trustee considers that the general documentary-reconciliation phase has substantially concluded.

The Trustee's attention has therefore progressed to the reconciliation of specific statutory, administrative, governance and operational issues arising from that documentary record.

Consistent with that progression, the Trustee has commenced issuing recipient-specific notices directed to the respective positions and responsibilities identified within the governing framework.

This Notice is directed solely to the Operator's position within that framework.

3. Present Administrative Position

Following completion of the Trustee's continuing reconciliation, the Trustee presently understands the relevant statutory and planning framework to include, amongst other matters:

- the Planning and Environment Act 1987 (Vic);
- Planning Permit PL-SP/05/0461-3;
- the endorsed Noise Compliance Testing Plan;
- the Environment Protection Act 2017 (Vic);
- the Environment Protection Regulations 2021 (Vic); and
- NZS 6808:2010.

The Trustee has sought to reconcile the documentary material presently available against that integrated framework.

Having undertaken that reconciliation, the Trustee has not identified within the presently disclosed documentary record any statutory instrument, planning instrument, permit amendment, endorsed variation, secondary consent, written approval, delegated authority or other identified legal or administrative mechanism authorising, approving or otherwise providing the basis for the differences identified between:

- a) the requirements appearing in the governing and endorsed documents; and
- b) the methodology reflected in the disclosed operational acoustic record.

The Trustee does not assume that no such authority or material exists.

Rather, the Trustee has been unable to identify that authority or material within the presently disclosed administrative record.

The Trustee therefore considers it appropriate to afford the Operator a further opportunity to identify any such authority or material before the Trustee proceeds further.

The Trustee recognises that the Operator may possess documentary material or legal authority not presently available through statutory disclosure or other public processes.

4. Crystallised Issue

The Trustee considers that the principal issue has now crystallised.

The remaining issue is no longer confined to the merits of an acoustic methodology considered in isolation.

Rather, the issue concerns the statutory, planning, administrative or other legal basis upon which the methodology reflected in the disclosed operational acoustic record is reconciled with the governing framework.

On the basis of the documentary material presently available, the Trustee has been unable to reconcile positions previously communicated on behalf of the Operator concerning compliance with the requirements identified in this Notice and Schedule 1.

The Trustee considers that, if reconciliation depends upon a statutory authority, planning authority, permit mechanism, delegated approval, legal interpretation, endorsed variation or other governing document not presently identified within the documentary record, identification of that authority would materially assist completion of the administrative record.

The crystallised question is therefore:

What statutory, planning, administrative or other legal authority does the Operator rely upon to reconcile each matter identified in Schedule 1 with the requirements of Planning Permit PL-SP/05/0461-3, including Condition 27A, the endorsed Noise Compliance Testing Plan, NZS 6808:2010 and the applicable environment-protection framework?

5. Opportunity to Identify Additional Authority

Before completing its consideration of the record, the Trustee invites the Operator to identify any legal authority or documentary material upon which it relies in reconciling the matters identified in Schedule 1 with:

- the Planning and Environment Act 1987 (Vic);
- Planning Permit PL-SP/05/0461-3, including Condition 27A;
- the endorsed Noise Compliance Testing Plan;
- NZS 6808:2010;
- the Environment Protection Act 2017 (Vic); and
- the Environment Protection Regulations 2021 (Vic).

For each matter identified in Schedule 1, the Trustee requests identification of:

- a) the statutory provision, permit mechanism, approval, consent, endorsed variation, delegated authority, legal authority or document relied upon;

- b) its title, date and author, issuing authority or approving body;
- c) the requirement it is said to satisfy, modify, displace, reconcile or otherwise affect;
- d) whether it was operative at the relevant time;
- e) whether it was submitted to, approved by, accepted by or relied upon by any responsible authority, Minister, Department, EPA Victoria, Environmental Auditor or other relevant body; and
- f) where it appears within the presently disclosed administrative record.

The Trustee presently seeks identification of the authority or material relied upon, including sufficient particulars to permit documentary verification.

This request does not require disclosure of legally privileged advice.

Where privilege, confidentiality, personal information or another lawful restriction is asserted, the Trustee requests sufficient non-privileged particulars to identify the nature, date, source and documentary function of the authority or material relied upon.

For clarity, reference to Condition 27A and the current permit does not limit the requested reconciliation to the period following amendment of the permit.

The requested response should identify the documentary basis relied upon for:

- the historical operation of the planning-permit framework;
- the satisfaction, discharge or transition of the earlier permit requirements; and
- the subsequent operation of Condition 27A and the environment-protection framework.

Having regard to the extensive documentary material previously provided to the Operator and its legal representatives, the Trustee requests any substantive response within seven business days of the date of this Notice.

6. Continuing Administrative Record

This Notice forms part of the Trustee's continuing administrative and evidentiary record.

Consistent with the Trustee's established documentary methodology, any substantive response received may likewise be incorporated into that continuing record.

The Trustee's documentary repository is maintained at:

<https://www.lallalwindfarmrecord.com.au>

The repository preserves the documentary chronology, governing statutory framework, planning documents, source material and administrative record developed by the Trustee.

Should the Operator consider that any publicly available document or webpage does not accurately reflect the underlying documentary material, the Trustee will consider any documented correction supported by the relevant source material.

Any substantive response received may be incorporated into the continuing administrative record.

Any public presentation of that response will preserve its documentary substance while taking account of any properly identified legal privilege, confidentiality, personal information or other lawful restriction.

This Notice is intended to preserve procedural fairness by ensuring that the Operator has a reasonable opportunity to identify any additional authority or documentary material before the Trustee proceeds further.

7. Future Position

The Trustee considers that the present stage of documentary reconciliation has concluded.

The Trustee proposes to proceed upon the basis of the administrative record as presently reconciled unless additional documentary material or legal authority is identified.

Nothing contained within this Notice prevents the Operator from corresponding with the Trustee should it consider that further explanation, clarification or documentary material is appropriate.

The Trustee records that the continuing impacts experienced by the Beneficiary remain the practical reason for the Trustee's engagement with the documentary and regulatory record.

Nothing in this Notice diminishes the Trustee's willingness to consider correspondence directed towards a lawful and practical resolution of those impacts.

In the absence of any additional documentary material or identified legal authority, the Trustee will determine its future administrative, regulatory and legal position having regard to the administrative record as presently reconciled.

Nothing contained within this Notice constitutes any waiver of the rights, interests or positions available to the Trustee or the Beneficiary, all of which remain expressly reserved.

Schedule 1

Crystallised Documentary Questions Requiring Reconciliation

The Trustee invites the Operator to identify the authority and documentary basis relied upon in relation to each of the following matters.

1. K15aa updated background monitoring

The documentary basis upon which the monitoring reported in the K15aa Compliance Baseline Noise Monitoring Report is relied upon as satisfying the endorsed Noise Compliance Testing Plan requirement for an updated background noise report prior to commencement of operation.

This includes identification of the operational, commissioning, energisation and generation chronology relied upon when characterising the monitoring as background monitoring.

2. Location of K15aa monitoring

The documentary basis upon which the K15aa monitoring location is reconciled with the applicable requirements concerning:

- the noise-sensitive location;
- the dwelling;
- the notional boundary;
- the monitoring position identified or required by the endorsed Noise Compliance Testing Plan; and
- the definitions and mandatory requirements of NZS 6808:2010.

3. Representative or alternative monitoring methodology

The statutory, planning, endorsed or other legal basis relied upon for any representative, substituted, relocated or alternative monitoring methodology applied in place of monitoring at the location identified by the governing or endorsed documents.

This includes identification of any authority said to permit reliance upon measurements from another property, receiver group, monitoring location or turbine sector.

4. Commencement of operation and commissioning chronology

The documentary basis for the operational milestones relied upon in administering permit obligations, including commencement of operation, commissioning and other operational triggers:

- the updated background-monitoring requirement;
- post-construction monitoring periods;
- reporting periods;
- permit-condition triggers; and
- any subsequent assessment of compliance.

5. Final turbine commissioning chronology

The documentary basis upon which the date of commissioning of the final turbine is reconciled across the presently disclosed administrative record.

The Trustee has identified documentary material referring to differing commissioning dates and timeframes, including material associated with Community Reference Group records, administration of the Off-Site Landscaping Plan, public authority correspondence and subsequent operational documentation.

The Trustee does not assume those references are necessarily inconsistent. Rather, the Trustee has been unable to reconcile the documentary basis upon which those dates relate to one another for the purposes of administering the planning permit and its endorsed documents.

The Operator is invited to identify the documentary basis relied upon and the date upon which it considers the final turbine was commissioned for the purposes of administering the planning permit.

6. Meteorological monitoring

The documentary basis upon which the meteorological mast or other wind-data source relied upon for operational acoustic assessment is reconciled with:

- the governing planning permit;
- the endorsed planning documents;
- the endorsed Noise Compliance Testing Plan; and
- NZS 6808:2010.

The Trustee has been unable to identify within the presently disclosed administrative record any approval, endorsed variation, secondary consent or other documentary authority reconciling the meteorological monitoring arrangement reflected in the disclosed operational methodology with the endorsed planning framework.

The Trustee does not assume that no such authority exists. Rather, the Trustee has been unable to identify it within the presently available documentary record.

The Operator is invited to identify any such authority.

7. Status and effect of the endorsed Noise Compliance Testing Plan

The documentary basis upon which the Operator considers that the relevant requirements of the endorsed Noise Compliance Testing Plan were:

- satisfied;
- discharged;
- varied;
- superseded;
- transitioned; or
- otherwise rendered inapplicable.

This includes any reliance upon Condition 27A or the subsequent environment-protection framework.

8. Relationship between NZS 6808:2010 and the disclosed methodology

The legal or documentary basis upon which any difference between the disclosed operational methodology and the definitions, mandatory requirements or procedures appearing in NZS 6808:2010 is said to be authorised, permissible or otherwise reconciled.

9. Post-construction assessment timing and methodology

The documentary basis upon which the timing and methodology of the disclosed post-construction assessments are reconciled with:

- the endorsed Noise Compliance Testing Plan;
- NZS 6808:2010;
- the applicable permit conditions; and
- any relevant transitional or environment-protection requirements.

10. Auditor, regulator or planning authority reliance

The documentary basis upon which any Environmental Auditor, responsible authority, Department or EPA Victoria reliance is said to authorise, approve or cure any otherwise unreconciled difference between the governing requirements and the disclosed operational methodology.

For clarity, the Trustee does not assume that regulatory or auditor reliance itself constitutes an amendment, approval or legal authority.

The Operator is invited to identify any document by which such reliance is said to have that effect.

11. Condition 27A and historical permit obligations

The documentary basis upon which Condition 27A is said to affect:

- obligations arising before amendment of the permit;
- the continuing status of endorsed documents;
- any incomplete or outstanding historical requirement;
- the legal treatment of the October 2022 Noise Management Plan; and
- the relationship between the prior permit framework and the current regulatory framework.

12. Other authority relied upon

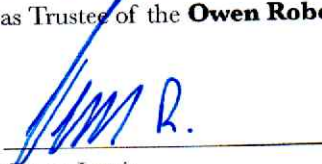
Any other statutory provision, permit mechanism, secondary consent, endorsed variation, delegated approval, ministerial or departmental decision, EPA instrument, Environmental Auditor determination or other legal or administrative authority upon which the Operator relies in reconciling its position with the matters identified above.

Execution

Executed by:

LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)

as Trustee of the **Owen Robert Inter Vivos Trust**



Owen Lewis

Director

Date: 21 / 07 / 2026