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STATEMENT OF MATTERS OF PUBLIC INTEREST

Lal Lal Wind Farm — Noise Regulation, Compliance, and Regulatory Oversight

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

Issue date: 19 February 2026

1. Purpose of this Statement

1.1

This Statement is issued to identify matters of public interest arising from the regulation, assessment, verification, and ongoing regulatory reliance upon wind farm noise compliance material for the Lal Lal Wind Farm in Victoria.

1.2

This Statement is provided to assist oversight and review bodies in assessing whether the applicable statutory and regulatory framework has been applied and administered as intended.

1.3

The matters identified are not confined to the circumstances of a single affected household or to a site-specific dispute. They concern the integrity, consistency, and evidentiary reliability of the regulatory framework governing wind energy facilities more broadly, including the application and interpretation of:

- the Environment Protection Act 2017 (Vic);
- the Environment Protection Regulations 2021;
- planning permit conditions applicable to the Lal Lal Wind Farm;
- endorsed Noise Compliance Test Plans (NCTPs); and
- NZS 6808:2010 — Acoustics: Wind Farm Noise.

1.3A

Scope Limitation
Any broader implications identified in this Statement are limited to the administration and verification of the instruments and materials relied upon in relation to the Lal Lal Wind Farm and are not advanced as findings beyond that context.

1.4
This Statement does not seek findings of fact or law, does not assert breach or wrongdoing, and does not seek enforcement action. It identifies matters warranting independent consideration in the public interest.

1.5
This Statement relies only upon material already on the regulatory or public record, including planning permit instruments and incorporated documents, regulatory correspondence, consultant and auditor reports, Freedom of Information outcomes, and publicly available operational and generation information. Where matters are identified, they are framed by reference to what the regulatory record states, does not state, or does not reconcile.

1.5A

Clarification of Record-Based References
References in this Statement to matters that "do not reconcile" or are "not demonstrated" are confined strictly to apparent inconsistencies or omissions within the disclosed documentary record. Such references do not assert motive, intent, legal breach, or wrongdoing.

1.6
Supporting Record
A supporting record and analytical memorandum is held by the Trustee which collates the relevant chronology, document references, and record-reconciliation issues underpinning the matters identified in this Statement, and may be provided to oversight and review bodies upon request.

1.7
Evidentiary Annexes
This Statement is supported by the following evidentiary annexes, which together constitute the factual and procedural record relied upon for the purposes of public-interest review:

- Annex A — K15aa: Record of Baseline Integrity and Regulatory Reliance
- Annex B — SAC-01: Record of Special Audible Characteristics (SACs): Procedural Integrity and Regulatory Reliance
- Annex C — EPA Internal Review Correspondence and Regulatory Reliance Record

Each annex is factual, document-based, and confined to procedural integrity, evidentiary sufficiency, and regulatory reliance. No annex asserts liability, compliance outcomes, or enforcement conclusions.

Additional FOI-derived material exists concerning document custody and reliance positions at local government and planning authority level, and may be provided separately if of assistance.

2. Why This Is a Public Interest Matter

2.1
These matters engage the public interest because:

(a) the regulatory standards relied upon are of general application and govern current and future wind farm developments across Victoria;
(b) regulatory positions have been maintained following notice of identified procedural, methodological, and evidentiary inconsistencies; and
(c) public confidence in environmental regulation depends upon statutory frameworks being applied lawfully, transparently, and on a sound evidentiary footing capable of independent assurance.

2.2
If the matters identified are not examined, similar regulatory approaches may be relied upon elsewhere, with limited assurance that mandatory statutory protections are being meaningfully applied.

3. Regulatory Framework Engaged

3.1
The regulatory framework engaged in relation to wind farm noise regulation at the Lal Lal Wind Farm includes:

- the Environment Protection Act 2017 (Vic), including section 19 (evidence-based decision-making);
- the Environment Protection Regulations 2021;
- Planning Permit PL-SP/05/0461-2 (as amended);
- endorsed Noise Compliance Test Plans (NCTPs);
- NZS 6808:2010 — Acoustics: Wind Farm Noise; and
- relevant EPA noise regulation guidance and environmental auditor processes.

3.2
EPA correspondence, internal review material, and Freedom of Information decisions relevant to the application of this framework are recorded and cross-referenced in Annex C.

4. Core Matters of Public Interest Identified

Matter 1 — Continued Regulatory Reliance After Identified Deficiencies

4.1
The regulatory record demonstrates continued reliance on post-construction noise assessment material as evidencing compliance after specific and credible procedural and methodological issues were identified and placed on the record.

4.2
Those issues include, without limitation:

- integrity of background noise baselines;
- representativeness and location of monitoring points;
- timing of monitoring relative to commencement of operation;
- Special Audible Characteristic (SAC) methodology and attended listening requirements; and
- mandatory reporting and sequencing requirements.

4.3
The technical and procedural aspects of these issues are documented in Annex A (K15aa) and Annex B (SAC-01).
The regulatory correspondence, internal review responses, and FOI outcomes evidencing awareness of these issues and continued reliance are recorded in Annex C.

4.4
Continued regulatory reliance on compliance material without documented reconciliation of identified deficiencies raises a public-interest question as to evidentiary sufficiency and regulatory diligence.

Matter 2 — Commencement of Operation and Triggering of Mandatory Obligations

4.5 The regulatory framework engages mandatory post-construction and verification obligations by reference to the commencement of operation and commissioning of the last turbine of the development.

4.6 The regulatory record contains multiple representations as to when the Lal Lal Wind Farm commenced operation, including reference to electricity generation and export activity at Yendon (20 June 2019) and Elaine (8 April 2020), commissioning completion of the last turbine on 10 December 2020, and formal correspondence asserting that the facility had "commenced operation" prior to 1 November 2021. In that correspondence, the operator states that the phrase "commences operation" is undefined and should be given its ordinary meaning.

4.7 The endorsed Noise Compliance Testing Plan (NCTP) expressly ties Stage 1 and Stage 2 monitoring to the commissioning of the last turbine of the development. The monitoring campaigns recorded on the regulatory record do not transparently reconcile with that commissioning trigger if applied on a facility-wide basis.

4.8 The regulatory record does not demonstrate how these differing operational milestone indicators have been reconciled for the purpose of engaging and enforcing timing-based compliance obligations.

4.9 The absence of documented reconciliation gives rise to a public-interest question as to whether commencement-based obligations have been applied consistently with the endorsed trigger language.

Matter 3 — Background Noise Baseline Integrity (Reference Receptor K15aa)

4.10
Background-dependent noise limits derived from reference receptor K15aa underpin the compliance framework relied upon for post-construction noise assessment.

4.11
NZS 6808:2010 defines "background sound" as the A-frequency-weighted L90 centile sound level measured prior to the installation of any wind turbines.

4.12 Material on the regulatory record indicates that background monitoring at reference receptor K15aa was undertaken in 2019 and subsequently relied upon in post-construction compliance assessments.

4.13 Subsequent consultant material acknowledges that turbine operation occurred during part of the monitoring period and applies modelling adjustments to account for potential turbine influence within the baseline dataset.

4.14 The regulatory record does not transparently demonstrate how reliance placed upon the K15aa baseline dataset reconciles with the NZS 6808:2010 definition of "background sound" as measured prior to the installation of any wind turbines.

4.15 These matters raise a public-interest question as to whether background-dependent noise limits relied upon for compliance are demonstrated on the disclosed record to have been derived consistently with the governing standard.

Matter 4 — Scope of Audit Verification and Regulatory Reliance

4.16
Environmental auditor verification material expressly limits its scope to planning permit and NCTP compliance and excludes assessment of certain statutory obligations, including Noise Management Plan requirements under the Environment Protection Regulations 2021.

4.17
Regulatory correspondence nonetheless indicates reliance upon verified material as supporting compliance more broadly.

4.18
The audit scope limitations, and regulatory correspondence acknowledging reliance despite those limitations, are recorded in Annex C.

4.19
The public-interest question arising is whether regulatory reliance has been placed upon verification that did not assess the full suite of applicable statutory obligations, without transparent reconciliation of that scope limitation on the regulatory record.

Matter 5 — Regulatory Authority and Reliance

4.20
Correspondence indicates that compliance has been assessed by reference to NZS 6808:2010 and/or authorising documents modifying that standard.

4.21
Despite repeated requests and Freedom of Information processes, no authorising instrument modifying the core requirements of NZS 6808:2010 has been identified or produced on the regulatory record.

4.22
The requests, EPA responses, FOI decisions, and absence of identified authority are documented in Annex C.

4.23
Where no authorising instrument has been identified on the disclosed regulatory record, regulatory reliance appears to rest on consultant methodology and audit acceptance, notwithstanding acknowledged uncertainties recorded elsewhere on the regulatory record.

Matter 6 — Regulatory Reliance and Evidentiary Record (Shadow Flicker)

4.24
Shadow flicker impacts have been reported through regulatory channels during periods of operation.

4.25
The operator has asserted reliance upon a predictive shadow flicker assessment undertaken in or about 2017.

4.26
Freedom of Information decisions seeking documents evidencing EPA assessment or reliance upon shadow flicker impacts did not identify or produce that assessment, nor any contemporaneous EPA evaluation record.

4.27
The FOI outcomes and correspondence evidencing continued reliance without a discoverable evidentiary chain are recorded in Annex C.

4.28
The absence of a disclosed assessment record raises a public-interest question as to the basis upon which regulatory reliance has been sustained where operational impacts were reported.

Matter 7 Evidence-Based Decision-Making and Duties-Based Regulation

4.29
Section 19 of the Environment Protection Act 2017 (Vic) provides that decisions should be based on relevant and reliable evidence.

4.30
Auditor material acknowledges that NZS 6808:2010 does not provide absolute protection from audible wind farm sound.

4.31
Where regulatory reliance is maintained despite unresolved evidentiary gaps, scope limitations, or definitional inconsistencies identified on the regulatory record, a public-interest question arises as to whether duties-based regulation has been applied consistently with the evidentiary threshold contemplated by the Act.

5. Why These Matters Extend Beyond Lal Lal Wind Farm

5.1
The matters identified are structural rather than site-specific. They concern:

- how commencement triggers are identified and applied;
- how prerequisite and timing-based obligations are enforced;
- how evidentiary deficiencies are addressed once identified; and
- how audit scope limitations are reconciled in regulatory reliance.

5.2
If the approach reflected on the regulatory record in this instance is accepted as sufficient, similar practices may be relied upon elsewhere, with limited assurance that statutory noise regulation is being administered as intended.

6. Nature of Consideration Sought

6.1
This Statement does not seek to determine liability, to compel enforcement action, or to substitute for statutory decision-making.

6.2
It seeks independent scrutiny of:

(a) how statutory noise standards have been interpreted and applied;

(b) how regulatory reliance has been formed and maintained on the disclosed record; and

(c) whether clarification, correction, or guidance is warranted in the public interest.

7. Reservation of Rights

7.1

Nothing in this Statement is intended to waive, compromise, limit, or prejudice any private rights or remedies available to the Beneficiary, whether in equity, statute, or at common law.

8. Closing Statement

8.1

This matter concerns regulatory governance, not personal grievance.

8.2

The public interest lies in ensuring that:

- what the law requires is what is done;
- what is mandatory is not treated as optional; and
- what is defective is not treated as compliant merely because it has been reported.

Annex Index

- Annex A — K15aa: Record of Baseline Integrity and Regulatory Reliance
- Annex B — SAC-01: Record of Special Audible Characteristics (SACs): Procedural Integrity and Regulatory Reliance
- Annex C — EPA Internal Review Correspondence and Regulatory Reliance Record

Execution

Executed by

LEWIS TROJAN HORSE PTY LTD (ACN 693 680 509)

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

By: Owen R.

Name: Owen Lewis

Title: Director

Date: 19 / 02 / 2026

Seal:

Office of the Executor "OWEN ROBERT LEWIS"

(descriptive style only)

Office of the Executor

"OWEN ROBERT LEWIS"