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

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

Contact details:

COMPLAINT — ENVIRONMENT PROTECTION AUTHORITY VICTORIA

Victorian Ombudsman File C/26/3280

Lal Lal Wind Farm — EPA regulatory decision-making and continuing compliance position

Dear Victorian Ombudsman,

I write on behalf of **LEWIS TROJAN HORSE PTY LTD** (ACN 693 680 509), as Trustee of the **Owen Robert Inter Vivos Trust** (Trustee), to make a complaint concerning the administrative and regulatory decision-making of Environment Protection Authority Victoria (EPA) in relation to the Lal Lal Wind Farm.

The Ombudsman already holds the Trustee's Statement of Matters of Public Interest dated 19 February 2026 and the subsequent Supplementary Public Interest Submission — Crystallised Administrative and Evidentiary Record, together with the supporting material provided under File C/26/3280.

Those earlier materials were deliberately provided as a public-interest administrative record and did not ask the Ombudsman to determine compliance, breach, liability or legal rights. The supplementary record likewise expressly stated that it did not itself determine compliance or seek a particular investigation or remedy.

The position has since materially developed.

EPA's own subsequently disclosed administrative record now identifies the decision EPA made, further statutory disclosure has clarified the governing documentary position, the Trustee has expressly put that material back to EPA for reconciliation, and no substantive reconciliation has been provided.

The present complaint is therefore about EPA's own administrative decision-making and its continuing regulatory position.

The central question

The complaint can be reduced to one question:

How did EPA determine, and how can EPA continue to maintain, that Lal Lal Wind Farm demonstrated compliance with Condition 23 — specifically Condition 23(a) of the Planning Permit then in force — when the documentary record now before EPA identifies matters which appear inconsistent with mandatory requirements of NZS 6808:2010 and the endorsed Noise Compliance Testing Plan, the final-turbine commissioning trigger required by that Plan has not been established from the disclosed regulatory record, and no lawful modification of those requirements has been identified?

That is the issue the Trustee now asks the Ombudsman to investigate.

1. EPA made an affirmative Condition 23 compliance finding

EPA's disclosed Desktop Assessment DTA-00029756, prepared following Information Gathering Notice IGN-00008382, records that EPA considered material supplied by Lal Lal Wind Farms Nom Co Pty Ltd, including post-construction noise assessments, environmental-auditor verification reports and associated technical material.

EPA recorded an affirmative administrative conclusion that the material reviewed demonstrated compliance with Planning Permit Condition 23, subject to qualifications recorded in the assessment.

That is important.

The present complaint does not proceed merely from a public statement by the operator or an acoustic consultant. It concerns an EPA administrative determination disclosed from EPA's own regulatory process.

2. What Condition 23(a) actually required

Condition 23 of the permit then in force required operation of the wind energy facility to comply with NZS 6808:2010.

Condition 23(a) was more specific. It required the operator to ensure that wind farm sound levels were:

“determined in accordance with the Standard at noise sensitive locations (**as defined in the Standard**)”

and did not exceed 40 dB LA90,10min or background plus 5 dB, whichever was greater.

Accordingly, the derivation of the background relationship and the location at which the relevant measurements were undertaken were not peripheral matters. They went directly to the noise limit against which compliance was subsequently assessed.

This requirement is also material to EPA's own regulatory framework. Regulation 131B of the Environment Protection Regulations identifies NZS 6808:2010 as the relevant noise standard for a facility subject to an authorising document issued on or after 1 January 2011, or an authorising document amended to require compliance with NZS 6808:2010. Regulation 131BA further provides that the noise limit for a wind energy facility must be determined in accordance with the relevant noise standard for that facility.

The significance is that both the planning-permit framework against which EPA made its historical compliance assessment and EPA's own regulatory framework point back to NZS 6808:2010. The Standard therefore cannot be treated merely as guidance, nor can its relevant requirements and definitions be displaced without an identified lawful basis.

Condition 23 was later amended. This complaint concerns Condition 23(a) of the permit then in force and the EPA assessment made against that historical compliance framework, not the later amended wording.

3. K15aa — the governing requirements

The endorsed Noise Compliance Testing Plan (NCTP) did not replace the relevant NZS requirements.

The NCTP states that background-noise-dependent limits were determined in accordance with Condition 23 and NZS 6808:2010.

For K15aa specifically, the NCTP recorded that the existing background data was unsuitable and required that:

before commencement of operation of the wind farm, an updated background noise report be submitted to the Responsible Authority detailing the monitoring results for K15aa.

The NCTP also expressly provides, in relation to measurement siting:

"The measurements shall occur within 20 m of the dwelling."

EPA was specifically reminded of these requirements in the Trustee's 16 July Notice.

NZS 6808:2010 itself defines Background sound level as:

"The A-frequency-weighted L90 centile level measured **prior to the installation** of any wind turbines in an area."

The Standard defines Notional boundary as:

"A line 20 metres 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."

These were already identified in the Documentary Verification Schedule supplied to the Ombudsman.

They are definitions within the very Standard which Condition 23(a) expressly invokes.

4. The Trustee's position on K15aa is now a substantive documentary position

The earlier material supplied to the Ombudsman deliberately stopped at the proposition that independent documentary verification could not then be achieved.

Further disclosure has since developed the record.

The Trustee's position on the documentary evidence now available is that the K15aa pathway relied upon for the subsequent compliance assessment did not satisfy the governing requirements identified above.

That position rests on three straightforward documentary facts.

Background monitoring after turbine installation and during commissioning

The replacement K15aa Batch 2 monitoring occurred between 22 October and 14 November 2019.

By 1 October 2019, contemporaneous Community Reference Group material recorded that construction of all turbines was complete and reliability testing and commissioning were continuing at Elaine.

SLR's February 2021 report subsequently stated that no wind turbine generators were operating during Batch 2. However, SLR's later September 2024 Appendix H re-analysis records that early commissioning had commenced and wind turbine generators generated power during the same monitoring period.

The background relationship subsequently relied upon therefore came from monitoring undertaken after turbine installation and during a period in which commissioning and generation occurred.

That does not accord with the incorporated NZS definition of background sound level identified above.

Measurement location

The K15aa monitoring location subsequently relied upon was approximately 100 metres from the dwelling.

The relevant NZS framework defines the notional boundary by reference to 20 metres from the dwelling, while the endorsed NCTP goes further and expressly states that measurements "shall occur within 20 m of the dwelling."

The NCTP identifies K15aa as an operational measurement location and expressly records that siting requirement.

The Trustee therefore does not accept that the approximately 100-metre location satisfied the governing K15aa measurement-location requirement.

Submission of the required K15aa report

The NCTP required the updated K15aa background report to be submitted to the Responsible Authority before commencement of operation.

The resulting SLR report is dated 16 February 2021, approximately 15 months after the October–November 2019 monitoring.

The disclosed agency record does not establish that the required updated report was submitted to the Responsible Authority as required.

DTP FOI CS015467 specifically sought the date on which the February 2021 SLR K15aa baseline report was submitted to the Department, Minister or Responsible Authority. DTP advised that its Development Approvals and Design, Renewables Planning Services undertook an extensive search of its records and did not locate any information relevant to the request. DTP further stated that it appeared no documents relevant to the request had been submitted to the Department.

EPA FOI-100-2025 expressly sought the February 2021 K15aa report. EPA's original decision identified nine responsive documents but did not identify that report or separately determine that component of the request. During the subsequent OVIC process EPA advised that no document had been located for Part 7 concerning that report.

Accordingly, on the disclosed regulatory record, there is no evidence that the required updated K15aa background report was submitted to the Responsible Authority before commencement of operation as required by the NCTP. Neither the DTP nor EPA disclosure processes identified a record establishing that the required submission occurred.

5. EPA's own FOI/OVIC pathway does not provide an authorising answer

The Trustee also sought the document or regulation authorising alteration of the NZS background-sound and notional-boundary requirements.

EPA's original FOI decision did not identify an authorising document for the background-sound departure. During the OVIC process EPA advised that no documents had been located for that component.

For the notional-boundary component, OVIC recorded that the document EPA located and released was the NCTP.

But the NCTP does not make the required departure.

It instead carries the NZS framework forward and expressly states that measurements shall occur within 20 metres of the dwelling.

This is particularly significant because EPA itself had previously explained the modification pathway.

On 21 August 2024, EPA Senior Environment Protection Officer Kerrod Moller-Nielsen advised that Regulation 131B enables an authorising document, including an incorporated compliance test plan, to modify NZS procedures. EPA then expressed the proposition conditionally:

"if the Lal Lal Wind Farm Noise Compliance Test Plan is incorporated into the planning permit and modifies where measurements are taken, this will be factored into assessments…"

The condition in that statement matters: the incorporated document must actually make the modification.

The NCTP ultimately identified by EPA through the FOI/OVIC process does not alter the relevant 20-metre requirement. It expressly confirms it.

DTP has subsequently also advised, following enquiries under FOI CS019200, that it was unable to locate any document, instrument or written authority permitting or authorising departure from the NZS definitions of Background sound level and Notional boundary.

The Trustee therefore says that no lawful documentary modification capable of reconciling the K15aa pathway with those governing requirements has been identified.

6. The final-turbine commissioning trigger is a separate and important failure in the compliance pathway

The commissioning issue is not interchangeable with commencement of operation.

Section 4.3 of the endorsed NCTP establishes mandatory timing requirements by reference to a specific event:

- the first stage of monitoring shall commence within two months following **commissioning of the last turbine**; and
- the second stage shall commence between 10 and 12 months following **commissioning of the last turbine**.

The trigger is therefore **commissioning of the last turbine**, not a generic project commissioning date, practical-completion date or commencement-of-operation date.

The auditor nevertheless subsequently concluded:

"Based on the information provided, the auditor and his team are satisfied that the monitoring program was consistent with Sections 4.1–4.3 of the NCTP."

That conclusion requires an identifiable final-turbine commissioning date against which section 4.3 was actually tested.

The disclosed EPA material contains a date of 20 December 2020 supplied by Lal Lal Wind Farm as a commissioning/operational date. It does not establish that 20 December 2020 was the date on which the last turbine was commissioned, which is the event expressly specified by section 4.3 of the NCTP.

The regulatory record has not established that trigger by a final-turbine commissioning certificate or equivalent completion record.

Council FOI SR.142870 sought commissioning-date records and Condition 12 material. Council's decision records no documents found following searches.

DTP FOI CS019200 similarly records that no individual turbine commissioning records, commissioning certificates, practical-completion certificates or handover certificates were located.

At the same time, the contemporaneous Condition 12 landscaping pathway provides a materially earlier commissioning chronology. Condition 12(b) required the off-site landscaping offer to remain open until 12 months after commissioning of the last turbine. The 4 December 2019 Community Reference Group minutes state that the landscaping program would close 12 months after commissioning of the last turbine and identify 18 November 2020 as that closure date, thereby implying 18 November 2019 as the relevant commissioning milestone.

The Trustee does not ask the Ombudsman to select the legally correct commissioning date.

The point is simpler:

EPA's conclusion that the compliance documentation demonstrated satisfaction of the NCTP necessarily depends upon the section 4.3 trigger having been established. The disclosed regulatory record does not show how EPA established that trigger.

7. EPA's own decision-making process is now part of the complaint

This is not simply a disagreement with an acoustic consultant.

EPA's own correspondence demonstrates how it approached the material.

On 30 September 2024, EPA's South West Regional Manager stated that she was satisfied with EPA's assessments but acknowledged that it was beyond her ability to verify each point line by line and that some of EPA's assessment relied upon verified documents rather than EPA re-assessing the detail beyond the auditor review.

That reliance is now significant because the underlying documents and subsequent statutory disclosures expose unresolved matters going directly to the basis upon which compliance was assessed.

The auditor's own correspondence makes that issue particularly important.

In his letter of 21 October 2022, environmental auditor David Spink stated that the post-construction compliance measurements had, in his view, been undertaken in accordance with the NCTP and NZS 6808:2010. He expressly recorded the instruction in clause 2.1 of NZS 6808:2010 that:

"**'shall' refers to requirements that are mandatory for compliance with this Standard**"

whereas "should" identifies practices that are advised or recommended.

However, in the very next substantive point concerning K15aa, the auditor accepted that measurements within the 20 m notional boundary were not used and instead concluded that the location actually used was "reasonably representative of location K15aa".

That distinction matters to EPA's reliance on the verification.

Under regulation 164(ca), the relevant statutory function of an environmental auditor is to "independently verify whether or not" a post-construction noise assessment was conducted in accordance with NZS 6808:2010. The provision does not, on its face, confer upon an auditor a power to amend, replace or dispense with mandatory requirements of the Standard.

The question for this complaint is therefore not whether the auditor considered the alternative location reasonable. It is whether EPA itself had a proper documentary and legal basis for treating the resulting assessment as establishing compliance with the governing requirements, particularly where the matters subsequently raised with EPA concern mandatory requirements, definitions and the approved NCTP itself.

The matter was subsequently referred to EPA's Internal Review unit.

Dru Marsh explained that the process was intended to consider the request independently of the relevant region and against EPA's compliance and enforcement policy, but expressly stated:

"It was not an investigation as such."

He nevertheless concluded that EPA's actions had been appropriate and that the South West Region would continue to monitor compliance.

That conclusion was reached while an important issue remained under internal consideration.

On 28 February 2025, Dru Marsh stated that he was seeking further advice internally on if, and how, the notional boundary constituted a specific consideration for meeting the GED.

Earlier, he had already confirmed his understanding that LLWF needed to determine its noise limits in accordance with NZS 6808:2010 and/or an authorising document that had modified NZS 6808:2010.

The subsequent documentary and FOI record has not identified such a modifying authority.

This is significant because EPA's later compliance position cannot be reconciled merely by pointing back to auditor verification. The auditor himself recognised that "**shall**" denotes a mandatory requirement; EPA's own internal review identified the notional-boundary issue as requiring further advice; and the subsequent documentary record has not identified an authorising instrument modifying the relevant NZS requirements.

Accordingly, the Trustee's concern is with EPA's administrative decision-making: whether EPA had a sufficient evidentiary and legal foundation for maintaining an affirmative compliance position after these matters had been squarely raised with it.

8. Section 19, the GED and EPA's statutory functions

The failure to reconcile this evidence matters because EPA is exercising statutory regulatory functions.

Section 19 of the Environment Protection Act 2017 provides:

"Actions or decisions under this Act should be based on the best available evidence in the circumstances that is relevant and reliable."

EPA's statutory objective under s 357 is to protect human health and the environment by reducing the harmful effects of pollution and waste, and EPA must exercise its powers and perform its duties and functions for the purpose of achieving that objective to the extent practicable.

Its statutory functions include:

- monitoring and assessing environmental quality;
- identifying, assessing and monitoring risks of harm;
- responding to harm and risks of harm;
- identifying and responding to opportunities to eliminate or reduce those risks; and
- promoting, monitoring and enforcing compliance with the Act.

The General Environmental Duty under s 25 requires a person engaging in an activity that may give rise to risks of harm from pollution or waste to minimise those risks so far as reasonably practicable.

EPA itself has expressly identified LLWF's compliance with the applicable noise limit as an ongoing requirement relevant to its consideration of the GED.

Importantly, EPA's own draft Lal Lal WEF Desktop Review demonstrates that EPA was aware that the compliance assessment could not be reduced simply to predicted or measured broadband noise levels.

The review identified the approved NCTP and specifically recorded in relation to K15aa that repeat monitoring had been undertaken but was not included in the material then available to EPA, and that:

"A report to the RA (Council) should have occurred."

The same EPA review then expressly identified Special Audible Characteristics as an unresolved issue. It stated:

"It is still possible that UN may be present due to a turbine fault or due to the presence of Special Audible Characteristics (SACs) that may be present in the noise emissions."

EPA further recorded that, if SACs were present, "this may require a noise limit adjustment", and that this could only be known after completion of the post-construction assessment.

That is significant because the approved NCTP prescribed a specific methodology for identifying SACs. It required three sets of attended observations during each monitoring stage, undertaken while the wind farm was operating, including at least one set during the night, together with informative observations near turbines during at least one set. The compliance reports were also required to include full details of the attended observations and supplementary procedures.

The subsequently available Stage 1 documentary record does not show a night-time attended observation set for the Elaine compliance monitoring locations. The recorded observations for K15aa, H18aa and L18aa were principally undertaken during daytime periods, and the observations dated 11 June 2021 occurred after the unattended Stage 1 monitoring period had concluded on 13 May 2021, leaving no corresponding operational monitoring data from that monitoring period for comparison.

This is not peripheral to the question of compliance.

Condition 23(c) of the permit then in force expressly required that where special audible characteristics including tonality, impulsive sound or excessive amplitude modulation occurred, the measured noise level was to be modified by applying a penalty of up to +6 dB LA90 in accordance with section 5.4 of NZS 6808:2010.

The SAC assessment therefore bears directly upon the noise level against which compliance was determined, just as the K15aa background relationship bears directly upon the background-plus-5 dB noise limit under Condition 23(a).

The matter consequently cannot reasonably be confined to whether an historical consultant methodology was professionally acceptable.

EPA's own records show that it understood:

1. that the K15aa repeat background monitoring and reporting were relevant;
2. that SACs could alter the applicable compliance level;
3. that completion of the post-construction assessment was necessary to resolve those matters; and
4. that compliance with the applicable noise limit remained relevant to the ongoing GED.

The subsequent documentary record has now exposed material questions concerning both components of that compliance assessment: the derivation of the K15aa background relationship under Condition 23(a), NZS 6808:2010 and the NCTP, and the implementation of the mandatory attended-observation methodology used to identify SACs relevant to Condition 23(c).

Those matters have been placed before EPA.

The Trustee's complaint is therefore not that EPA must accept the Trustee's technical opinion. It is that EPA cannot maintain an affirmative regulatory position that the wind farm is compliant while failing to reconcile documentary evidence going directly to the validity of the noise limits and adjustments upon which that compliance position depends.

That issue is particularly acute where EPA continues to receive reports of ongoing harm. Section 19 requires EPA's actions and decisions to be based upon the best available relevant and reliable evidence, while its statutory objective and functions require it to identify, assess and respond to risks of harm and to promote, monitor and enforce compliance.

The question for the Ombudsman is whether EPA has done so.

9. Continuing harm makes the administrative failure consequential

EPA has been repeatedly informed that the matter is not merely historical.

Reports of ongoing turbine noise, sleep disturbance and associated household impacts have continued while EPA maintains its compliance position.

The Trustee's 10 August Governing Board escalation expressly recorded:

“The underlying circumstances are not merely historical. Reported noise impacts and associated harm continue.”

It asked the Governing Board to consider whether EPA's continuing regulatory position had been adequately reconciled with the materially expanded documentary evidence and official administrative outcomes.

This is why EPA's failure to engage with the later evidence matters.

The Trustee is not asking EPA to accept an allegation merely because harm has been reported. The issue is whether EPA can continue affirmatively to maintain regulatory compliance without reconciling the evidence bearing upon the foundation of that conclusion, while the activity and reported impacts continue.

10. EPA has been given a direct opportunity to answer

The Trustee did not proceed directly to the Ombudsman.

On 16 July 2026, the Trustee issued to EPA's Chief Executive Officer, through EPA Legal, the formal Notice — Documentary Reconciliation of EPA's Current Regulatory Position — Lal Lal Wind Farm — K15aa.

That Notice put the governing framework, the NZS definitions, the NCTP requirements and the documentary custody record directly to EPA and requested four specific answers, including:

- the documentary basis reconciling Regulation 131B with the relevant authorising document;
- the basis upon which the NZS background-sound, noise-sensitive-location and notional-boundary requirements had been satisfied or lawfully modified;
- the basis upon which the NCTP requirement for the updated K15aa report was considered satisfied; and
- the material upon which EPA maintained its continuing compliance position.

EPA was subsequently provided with further official material, including the DTP FOI clarification.

As at 7 August 2026, the Trustee had received neither acknowledgment nor a substantive response to the 16 July Notice. EPA was again provided with the EPA/OVIC determination record and EPA's own earlier notional-boundary correspondence.

More than 28 days have now elapsed since the substantive Notice was issued.

11. Governing Board escalation and expiry of the final internal opportunity

On 10 August 2026, the Trustee escalated the unresolved regulatory matter to the Chair of EPA's Governing Board.

That escalation was not a new complaint restarting the response period. It expressly recorded that the matter had already been before EPA for an extended period, that substantial correspondence and documentary material had been supplied, and that no substantive reconciliation had been received.

The escalation asked the Board to consider whether EPA continued to maintain its earlier compliance position, whether the K15aa-derived limits remained accepted, what statutory and documentary basis EPA relied upon for the K15aa timing and location issues, whether the continuing Regulation 131CA obligation was being met, and whether further independent regulatory investigation or assessment was required.

The Trustee requested written acknowledgment within seven days, by 17 August 2026, including identification of the governance or regulatory pathway and the timeframe for EPA's substantive response.

The escalation expressly stated that, absent acknowledgment of an appropriate governance and regulatory pathway by 17 August 2026, the Trustee would regard the administrative and regulatory record as sufficiently mature to proceed to formal complaint and external oversight.

That further opportunity has now expired.

No substantive reconciliation answering the matters above has been received.

12. The failure complained of

The Trustee does not complain merely because EPA disagrees with the Trustee.

EPA is entitled to reach its own regulatory conclusion.

The complaint is that EPA has made and continues to maintain an affirmative compliance position without substantively reconciling that position with material evidence that directly contradicts foundational elements of the pathway upon which the conclusion depends.

In particular:

K15aa background monitoring: the incorporated NZS definition requires background sound to be measured prior to installation of turbines, whereas the relied-upon monitoring occurred after turbine construction and during a period in which commissioning and generation occurred.

K15aa measurement location: the relied-upon location was approximately 100 metres from the dwelling, whereas the governing NZS/NCTP framework identifies the 20-metre dwelling/notional-boundary pathway and the NCTP expressly says measurements shall occur within 20 metres of the dwelling.

K15aa report submission: the NCTP required an updated report to be submitted to the Responsible Authority before operation, yet the EPA, Council and DTP disclosure record has not produced a regulatory record demonstrating that required submission.

Authorising basis: EPA's own FOI/OVIC pathway identified the NCTP in response to the notional-boundary authorisation request, but the NCTP does not make the asserted modification; it confirms the 20-metre requirement. DTP has separately located no authority permitting the identified departures.

Final-turbine commissioning: the NCTP's mandatory monitoring periods run from commissioning of the last turbine. The 20 December 2020 date supplied to EPA does not establish that it was the date on which the last turbine was commissioned. The disclosed Council and DTP records do not establish that trigger through a commissioning certificate or equivalent record, while the contemporaneous Condition 12 landscaping chronology points to a materially earlier milestone.

Auditor reliance: the auditor nevertheless concluded that the monitoring program was consistent with sections 4.1–4.3 of the NCTP, while the disclosed regulatory record does not identify the final-turbine trigger necessary to test section 4.3.

Special Audible Characteristics: EPA's own desktop review recognised that SACs may be present and may require adjustment of the applicable noise level. The endorsed NCTP prescribed attended-observation requirements for identifying SACs, including night-time observations. The subsequently available Stage 1 record does not demonstrate completion of that prescribed night-time observation pathway, yet SACs were capable of attracting a penalty of up to +6 dB under Condition 23(c) and NZS 6808:2010.

EPA assessment process: EPA itself acknowledged reliance upon auditor-verified documents rather than re-assessing all underlying detail, and EPA's Internal Review was expressly not an investigation.

Evidence-based decision-making: materially later FOI outcomes and documentary evidence have since been placed directly before EPA. EPA has not explained how its existing conclusion remains consistent with the best available relevant and reliable evidence required by s 19.

Continuing regulatory consequence: EPA's position concerns ongoing noise-limit compliance and the GED while reported harm continues.

13. What the Trustee asks the Ombudsman to examine

The Trustee does not ask the Ombudsman to conduct an acoustic assessment or substitute itself for an acoustic professional.

Nor does the Trustee ask the Ombudsman to make a judicial declaration that the Planning Permit has been breached.

The Trustee asks the Ombudsman to investigate EPA's administration and determine whether EPA has reasonably and properly:

1. considered the material evidence now before it;
2. reconciled that evidence with DTA-00029756 and its continuing compliance position;
3. applied the evidence-based decision-making principle in s 19 of the Environment Protection Act 2017;
4. discharged its statutory objective and functions under s357 and s358 in light of the continuing regulatory and harm issues;
5. relied appropriately upon environmental-auditor verification where the underlying documentary requirements remain unreconciled; and
6. responded reasonably to the formal opportunities given to EPA to identify the documentary and lawful basis for its position.

Ultimately, the Trustee asks the Ombudsman to examine, and where appropriate seek EPA's answer to, the question that remains unanswered:

What relevant and reliable documentary and lawful basis permitted EPA to determine, and now permits EPA to continue to maintain, that Lal Lal Wind Farm demonstrated compliance with Condition 23(a) and the applicable noise-limit framework when the K15aa pathway relied upon does not satisfy the identified NZS 6808:2010 and endorsed NCTP requirements, and the mandatory final-turbine commissioning trigger has not been established from the disclosed regulatory record?

If EPA has material which answers that question, the Trustee asks that EPA identify it.

If it does not, the Trustee respectfully asks the Ombudsman to investigate how EPA's compliance position was reached, why it has been maintained after the subsequent evidence was supplied, and whether EPA's continuing regulatory approach is consistent with its statutory responsibilities.

The Trustee respectfully asks that this complaint be considered together with the administrative and evidentiary material already held by the Ombudsman under File C/26/3280, rather than requiring that record to be reproduced in full.

Attachment Schedule

The following documents are provided with this complaint. This is a focused documentary bundle comprising the material directly relied upon in the complaint. It supplements, and should be read together with, the administrative and evidentiary material previously provided to the Victorian Ombudsman under File C/26/3280.

Attachment A — EPA Desktop Assessment DTA-00029756

Attachment B — Planning Permit PL-SP/05/0461-2

Attachment C — Endorsed Noise Compliance Testing Plan — 23 January 2018

Attachment D — NZS 6808:2010 — Background Sound Level and Notional Boundary Definitions

Attachment E — SLR background noise monitoring report K15aa - 640.11872-R01-v1.1

Attachment F — ARUP Letter 21/10/22

Attachment G — ARUP Verification of Post-Construction Noise Assessment — Relevant Extracts (2022–2023)

Attachment H — OVIC Determination — EPA FOI-100-2025

Attachment I — DTP FOI — NZS 6808 and K15aa — 4 August 2026

Attachment J — EPA Draft Desktop Review — Lal Lal Wind Farm

Attachment K — EPA Internal Review — Dru Marsh Correspondence

Attachment L — EPA Compliance Correspondence — March 2024

Attachment M — EPA South West Region Correspondence — August–November 2024

Attachment N — EPA Board Escalation — August 2026

Attachment O — Trustee Notice to EPA — Documentary Reconciliation of EPA Current Regulatory Position — K15aa — 16 July 2026

Attachment P — DTP FOI — K15aa Report Submission — CS015467

Attachment Q — DTP FOI — NCTP Revision — CS019241

Attachment R — Council FOI — Final Turbine Commissioning

The Trustee remains available to provide any further information, documents or clarification that the Ombudsman considers necessary or useful in assessing or investigating this complaint. The Trustee will also cooperate with any enquiries the Ombudsman considers appropriate concerning the matters raised above.

Yours faithfully,

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