

[out of scope] [out of scope]
Environment Protection Authority
33 Mackey Street
North Geelong VIC 3215

[out of scope] [out of scope] epa.vic.gov.au

14 April 2025

Dear [out of scope]

Lal Lal Wind Farm
Information gathering notice IGN-00008382

We refer to the above information gathering notice issued by the EPA on 21 March 2025 (Notice). Lal Lal Wind Farms Nom Co Pty Ltd (LLWF) provides its responses to the matters set out in the Notice below.

1 Preliminary analysis

Regulation 131D does not apply to Lal Lal Wind Farm

The Lal Lal Wind Farm (Wind Farm) is comprised of two stages, known as the Elaine section and the Yendon section.

We note that the Notice appears based on the proposition that reg 131D of the *Environment Protection Regulations 2021* (EP Regulations) applies to Lal Lal Wind Farm (Wind Farm), or to each of the Elaine and Yendon stages of the Wind Farm separately.

As a preliminary matter, we note that LLWF's understanding is that reg 131D does not apply to the Wind Farm, nor to the Elaine or Yendon stages of the Wind Farm. The basis for this understanding is:

- reg 131D(1) refers to an operator of a wind energy facility 'that commences operation on or after 1 November 2021', where 'commences operation' is not defined and is to be given its ordinary meaning;
- the Wind Farm completed commissioning on 10 December 2020 and commenced operating, in that turbines were generating power following commissioning, from that date: To provide further detail:
 - the Elaine section commenced generating power (pre-completion of commissioning) on 8 April 2020; and
 - the Yendon section commenced generating power (pre-completion of commissioning) on 20 June 2019.
- Constraints were lifted on the Elaine section of the Wind Farm by the Australian Energy Market Operator (AEMO) on 8 September 2020.
- the Yendon section of the Wind Farm was released to full output by the Australian Energy Market Operator (AEMO) on 22 December 2020 which supports LLWF's position that the Wind Farm (that is, the wind energy facility) had 'commenced operating' prior to 1 November 2021.

Noting the purpose of the regime is to protect neighbours from undue operational noise from the time noise commences and during the life of a wind farm, it is considered that the time at which a wind farm 'commences operation' is the time at which commissioning of turbines is complete and the turbines commence generating electricity. It is at this point that they generate the kind of noise that the relevant planning permit, and now the EP Regulations, are seeking to regulate.

The planning permit for the Wind Farm, PL-SP/05/0461/C (**Planning Permit**), required a noise compliance testing plan to be prepared to the satisfaction of the Minister for Planning, and a plan was prepared and endorsed on 6 April 2018. The endorsed plan provides that compliance measurements shall be conducted in two stages of monitoring: the first to commence within two months of commissioning of the Wind Farm; and the second to commence between 10 and 12 months of commissioning of the Wind Farm. As detailed below, post-construction compliance monitoring under the Planning Permit for both Elaine and Yendon commenced in March 2021.

Requested information

In response to item 1 of the Notice, LLWF advises:

- (a) how LLWF has complied with regulation 131D of the *Environment Protection Regulations 2021 (EP Regulations)*, including engaging an EPA appointed environmental auditor to prepare a report under regulation 164(ca)(i) in relation to post-construction noise assessment (PCNA).

As the Wind Farm commenced operation prior to 1 November 2021, reg 131D of the EP Regulations does not apply to the Wind Farm and it was not required to undertake PCNAs and verification by an EPA-appointed auditor for the purposes of the EP Regulations.

However, and for completeness, pursuant to the Planning Permit, LLWF engaged SLR, led by [out of scope] (out of scope) to undertake staged post-construction compliance monitoring and prepare reports, and [out of scope] of Arup, at the relevant times an EPA-appointed auditor, to verify the compliance monitoring reports and prepare associated reports.

Details of the compliance monitoring and auditor verifications, undertaken and prepared pursuant to the Planning Permit are as follows:

- (1) **Stage 1 testing at Elaine:** monitoring was undertaken between March 2021 and May 2021. A report was prepared and finalised on 27 June 2022, which concluded that the compliance monitoring indicated that the Wind Farm complied with the relevant noise limits at all receivers. The report was verified by Mr [out of scope] and an audit report was completed on 28 June 2022.

Following identification of an error (see detail in point (d) below), a correction was made to the compliance monitoring report and a revised version issued on 31 October 2023, which concluded that the compliance monitoring indicated that the Wind Farm complied with the relevant noise limits at all reference receivers. This corrected version was verified by Mr [out of scope] in his report dated 13 November 2023.

- (2) **Stage 1 testing at Yendon:** monitoring was undertaken between March and May 2021. Due to insufficient data points being collected during this period as a result of restrictions in operation during this period, including AEMO constraints and blade repair work, additional noise monitoring was undertaken between September and November

2021 and again between May and August 2022. A report was prepared and finalised on 31 October 2023, which concluded that the Wind Farm complied with the all-time period noise limits at all reference receivers and indicated marginal exceedance of night-time noise limits at two reference receivers, though the report commented that this may have been the result of extraneous noise. The report was verified by Mr [redacted] and an audit report was completed on 13 November 2023.

- (3) **Stage 2 testing at Elaine and Yendon:** a second stage of compliance monitoring was undertaken at Elaine and Yendon between March 2023 and January 2024. A report on this second stage compliance monitoring was prepared and finalised on 20 September 2024, which concluded that the Wind Farm complied with the relevant noise limits at all reference receivers. The report was verified by Mr [redacted] and an audit report was completed on 24 September 2024.

- (b) whether the auditor verification reports titled *Lal Lal Wind Farm – Elaine Verification of Post-construction Noise Assessment* dated 28 June 2022, *Lal Lal Wind Farm - Elaine Verification of Post-Construction Assessment (Revised Report)* dated 13 November 2023, *Lal Lal Wind Farm - Yendon Verification of Post-Construction Noise Assessment* dated 7 December 2023, and *Lal Lal Wind Farm Verification of Stage 2 Post-Construction Noise Assessment - Wind Turbine Generators* dated 24 September 2024 are intended to be all of the auditor verification reports required under Regulation 131D.

As above, reg 131D does not apply to the Wind Farm. However, LLWF advises that the listed reports are the auditor verification reports prepared for staged compliance monitoring undertaken pursuant to the Planning Permit, as described above.

- (c) whether LLWF has engaged any more EPA appointed auditors to undertake further verifications of any PCNAs for the purpose of compliance with the *Environment Protection Act 2017* or the EP Regulations.

LLWF has not engaged any EPA-appointed auditors to undertake verifications of any PCNAs for the purposes of the EP Regulations, noting no requirement has yet arisen. Mr [redacted] is the auditor that has been appointed to undertake verification audits of the compliance monitoring for the purposes of the Planning Permit.

- (d) why there were two auditor verifications undertaken for the Stage 1 Post-construction noise assessment for the Elaine section of the LLWF.

In or about September 2023, SLR identified a transcription error in the Stage 1 Elaine compliance monitoring report, namely that a '-' was entered into an equation used to define the night-time background noise levels at receiver K15aa instead of a '+'. The effect of this was that the baseline equation and the reported 'background + 5 dBA' portion of the night-time noise limit was not correct. Following correction of this transcription error, the results remained that the Wind Farm complied with the night-time noise limit at receiver K15aa by a minimum margin of 3 dBA.

This error was corrected and a revised compliance monitoring report was prepared by SLR, dated 31 October 2023, and LLWF engaged Mr [redacted] to audit and verify the revised report. SLR provided a letter dated 4 September 2023 explaining the error and this letter is included at Appendix A of Mr [redacted] verification report dated 13 November 2023.

- (e) why there was one auditor verification undertaken for the Stage 1 Post-construction noise assessment for the Yendon section of the LLWF.

Only one auditor verification was undertaken for the Stage 1 Yendon compliance monitoring as the second auditor verification for Stage 1 Elaine compliance monitoring only arose as a result of the identified transcription error. This error did not occur in or impact on the Stage 1 Yendon compliance monitoring.

Requested documents

In response to item 2 of the notice, LLWF provides the following comments and documents, **enclosed**:

- (a) the post-construction noise assessment(s) prepared in accordance with reg 131D(3)(a) for the Wind Farm.

As above, reg 131D does not apply to the Wind Farm. However, LLWF provides the following compliance monitoring reports prepared pursuant to the Planning Permit:

(1) **Stage 1 Elaine**

- *SLR Stage 1 Elaine Post-construction Noise Assessment (ref. 640.11872-R04-V1.7) dated 27 June 2022 (superseded by the below, as discussed above)*
- *SLR Stage 1 Elaine Post-construction Noise Assessment (ref. 640.11872-R04-V2.0) dated 31 October 2023 (revised, as discussed above)*

(2) **Stage 1 Yendon**

- *SLR Stage 1 Yendon Post-construction Noise Assessment (ref. 640.11872-R15-V1.7) dated 31 October 2023*

(3) **Stage 2 Elaine and Yendon**

- *SLR Stage 2 Elaine and Yendon Post-construction Noise Assessment (ref. 640.11872-R17-V1.2) dated 20 September 2024*

The above reports, save for the superseded Stage 1 Elaine report, are published on the Wind Farm's website.

- (b) the auditor verification report(s) of the PCNAs prepared by an environmental auditor in accordance with reg 131D(3)(b) for the Wind Farm.

As above, reg 131D does not apply to the Wind Farm. However, LLWF provides the following auditor verification reports of the compliance monitoring reports prepared pursuant to the Planning Permit:

(1) **Stage 1 Elaine**

- *Arup Stage 1 Elaine Verification of Post-construction Noise Assessment (ref. 270849-00) dated 28 June 2022 (superseded by the below, as discussed above)*
- *Arup Stage 1 Elaine Verification of Post-Construction Assessment (Revised) (ref. 270849-00) dated 13 November 2023 (revised, as discussed above)*

(2) **Stage 1 Yendon**

- *Arup Stage 1 Yendon Verification of Post-Construction Noise Assessment (ref. 270849-00) dated 7 December 2023*

(3) **Stage 2 Elaine and Yendon**

- *Arup Stage 2 Elaine and Yendon Verification of Post-Construction Noise Assessment (ref. 270849-00-R01) dated 24 September 2024*

(c) all on-off noise testing reports conducted for the Wind Farm conducted at residential properties or other properties that further reviews compliance with the noise limits, including at property references [out of scope], J14aa and [out of scope].

LLWF has undertaken on-off testing at receivers [out of scope], J14aa and [out of scope], the assessment and results of which are reported on in the following report:

- *SLR On / Off Noise Testing (ref. 640.11872.00000-V1.0) dated 17 October 2024*

The report concludes that the noise levels from the Wind Farm indicate the minimum noise limit of 40 dBA is being met at each of the receivers, noting that this does not consider the alternative limit of 'background plus 5 dB'.

This report has been provided to the occupiers of each of the relevant receivers, with results relating to each other receiver redacted.

This report was also provided to the EPA on 14 March 2025 by email from Phil Hart of RES to [out of scope] [out of scope] with the subject line "RE: EPA Follow Up to Meeting on 18 Feb 2025".

(d) the acoustic investigation report conducted for the Wind Farm at property reference G27.

LLWF has undertaken noise monitoring at receiver [out of scope], the assessment and results of which are reported on in the following report:

- *SLR [out of scope] Yendon – Noise Monitoring (ref. 640.11872-R19-V1.0) dated 15 January 2024*

This report concludes that subjective listening assessments of recorded audio generally identified that no clearly identifiable Wind Farm noise was discernible nor were any clearly identifiable special audible characteristics observed to be present that would be attributable to the Wind Farm. Further, the noise levels during the night-time periods, being the periods which coincided with the receiver's noise log for the monitoring period, were below the minimum noise limit of 40 dBA, noting that this does not consider the alternative limit of 'background plus 5 dB'.

Next steps

We trust that the above and enclosed information satisfies the requirements of the notice. Should the EPA have any further queries, please feel free to contact [out of scope] [out of scope] on [out of scope] or by email at [out of scope]@res-group.com

Yours sincerely

[out of scope]

[out of scope] [out of scope]

Lal Lal Wind Farms Nom Co Pty Ltd

Encl.

- 1 Planning Permit PL-SP/05/0461/C
- 2 SLR – Stage 1 Elaine Post-construction Noise Assessment (ref. 640.11872-R04-V1.7) dated 27 June 2022
- 3 SLR – Stage 1 Elaine Post-construction Noise Assessment (ref. 640.11872-R04-V2.0) dated 31 October 2023
- 4 SLR – Stage 1 Yendon Post-construction Noise Assessment (ref. 640.11872-R15-V1.7) dated 31 October 2023
- 5 SLR – Stage 2 Elaine and Yendon Post-construction Noise Assessment (ref. 640.11872-R17-V1.2) dated 20 September 2024
- 6 Arup – Stage 1 Elaine Verification of Post-construction Noise Assessment (ref. 270849-00) dated 28 June 2022
- 7 Arup – Stage 1 Elaine Verification of Post-Construction Assessment (Revised) (ref. 270849-00) dated 13 November 2023
- 8 Arup – Stage 1 Yendon Verification of Post-Construction Noise Assessment (ref. 270849-00) dated 7 December 2023
- 9 Arup – Stage 2 Elaine and Yendon Verification of Post-Construction Noise Assessment (ref. 270849-00-R01) dated 24 September 2024
- 10 SLR – On/off noise testing (ref. 640.11872.00000) dated 17 October 2024
- 11 SLR – [out of scope] Yendon – Noise Monitoring (ref. 640.11872-R19-V1.0) dated 15 January 2024