

On 23 Jan 2025, at
2:14 pm, Dru Marsh
[REDACTED]@epa.vic.g
ov.au> wrote:

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 also implement the NMP to be compliant with the regulations.

At present one environmental auditor is undertaking wind farm review and verification work. EPA is currently in the process of appointing new industrial facilities auditors, including wind farm auditors. The limitations on

accessing environmental auditors at present may impact on LLWF's ability to comply with some requirements at present. EPA needs to take this into account when assessing compliance.

LLWF is required to provide EPA with an annual statement by the end of October each year. EPA has received the LLWF 2023-2024 Annual Statement.

LLWF will be required to conduct noise monitoring no later than 3 months after the LLWF has reached its 5 year anniversary since commencement, and again every five years. EPA is presently making enquiries of LLWF as to when it will be in a position to make available its 5-year noise monitoring results.

Current status of LLWF's compliance with regulation 131CA

Compliance with the noise limit is an ongoing requirement. A wind energy facility's approach to compliance monitoring should be addressed in its noise monitoring plan, there may also be some aspects of compliance monitoring included within the wind farm's noise compliance testing plan, which is a requirement of their planning permit and enforced by the local council.

EPA will consider LLWF's compliance with regulation 131CA by reference to:

1. Any noise monitoring conducted in relation to the facility
2. The status of any

actions required under
its noise management
plan

From time to time, wind
farms may also undertake
additional noise testing, such
as "on-off noise testing".
Where available, EPA will
also consider such testing as
part of its review of LLWF's
compliance.

EPA will consider what
further steps may be
appropriate in relation to
LLWF upon receiving and
reviewing information in
relation to each of the topics
above.

Yours sincerely

Dru Marsh he/him
Manager, Internal Review
Internal Review

<image013.png>

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EPA acknowledges Aboriginal people
as the first peoples and Traditional
custodians of the land and water on
which we live work and depend. We
pay respect to Aboriginal Elders past
and present and recognise the
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