

From: Owen R.
Subject: Technical and documentary clarification – ARUP verification of Lal Lal Wind Farm Elaine Post-Construction Noise Assessment
Date: 11 August 2026 at 3:30 pm
To: kym.burg@arup.com

OR

Dear Ms Bergemeister,

I hope you are well.

I write in relation to ARUP's verification work concerning the Lal Lal Wind Farm – Elaine post-construction noise assessment.

I understand that Mr David Spink, who signed the relevant Auditor Verification Statement and subsequent correspondence, has since retired. As your name appears in ARUP's document-control records as having been involved in and approving the relevant verification documentation, I write seeking clarification of several documentary and technical matters arising from ARUP's own records.

The purpose of this enquiry is not to allege error or professional misconduct. It is to reconcile the documentary record and understand precisely what material was independently verified by ARUP, and on what basis.

There appears firstly to be an unresolved version-control issue.

The October 2021 Community Reference Group record states that:

“The Elaine post construction noise testing report has been completed and EPA auditor reviewed...”

ARUP's NZS 6808:2010 Checklist subsequently identifies its “Information Source” as:

“Lal Lal Wind Farms Nom Co Pty Limited Report Ref 640.11872-R04 Version V1.3, September 2021.”

However, Mr Spink's Auditor Verification Statement identifies the independently verified assessment as SLR Report 640.11872-R04-v1.7, dated June 2022.

I am aware of Mr Spink's subsequent correspondence dated 21 October 2022 explaining that ARUP's 22 June 2022 Verification Report addressed SLR v1.5 dated March 2022, that RES subsequently provided SLR v1.7 dated June 2022, and that Mr Spink reviewed that updated report before issuing ARUP's updated Verification Report on 28 June 2022. I therefore do not seek clarification of that sequence.

The remaining question concerns **SLR v1.3 dated September 2021** and its express identification as the information source for ARUP's NZS 6808:2010 Checklist.

I would therefore appreciate clarification of the following:

1. Was an ARUP verification or review undertaken against SLR Report v1.3 dated September 2021?
2. If so, was that review the basis for the statement recorded in the October 2021 Community Reference Group minutes that the Elaine post-construction noise testing report had been “completed and EPA auditor reviewed”?
3. Was the NZS 6808:2010 Checklist identifying v1.3 as its information source originally prepared as part of that earlier review?
4. When ARUP subsequently verified v1.5 and then v1.7 in June 2022, was the NZS 6808:2010 Checklist independently reconsidered against those later versions?
5. If so, was an updated checklist prepared? If not, could you please explain why the final verification of v1.7 continued to incorporate a checklist expressly identifying v1.3 as its information source?

There is also a related technical issue concerning Receptor K15aa.

ARUP's NZS 6808:2010 Checklist records, against clause 5.2, that the noise limits were based upon measured background noise level analysis and specifically refers to:

“Updated measurements for location K15aa.”

Mr Spink's subsequent letter of 21 October 2022 is particularly relevant to understanding ARUP's interpretation of the Standard. In that correspondence he expressly recorded the distinction made by NZS 6808:2010 between “shall” and “should”, noting that:

“For the purposes of this Standard, the word ‘**shall**’ refers to requirements that are mandatory for compliance with this Standard, while the word ‘**should**’ refers to practices that are advised or recommended.”

Mr Spink also expressly considered the K15aa measurement location. He accepted that measurements within the 20 m notional boundary were affected by local noise sources and relied upon NZS 6808:2010 clause 7.1.5 in concluding that the alternative location used for background and post-construction measurements was reasonably representative of K15aa.

The subsequently available documentary record now raises a separate foundational issue.

NZS 6808:2010 defines “Background sound level” by reference to sound measured prior to the installation of wind turbines, while the endorsed NCTP contains specific requirements concerning K15aa and the applicable measurement locations.

On 4 August 2026, the Department of Transport and Planning subsequently confirmed, following relevant enquiries, that it was unable to locate any document, instrument or written authority permitting or authorising departure from the NZS 6808:2010 definitions of “Background sound level” and “Notional boundary” in relation to the Lal Lal Wind Farm.

I attach that FOI clarification for convenience.

Against that subsequent information, and particularly having regard to Mr Spink's express recognition that NZS 6808:2010 requirements expressed using “**shall**” are mandatory for compliance with the Standard, I would appreciate clarification of the following:

6. When ARUP's Checklist referred to “Updated measurements for location K15aa”, what specific K15aa dataset or report was being relied upon?
7. Did ARUP's verification consider whether those measurements satisfied the NZS 6808:2010 definition of “Background sound level”, including the requirement concerning measurement prior to installation of wind turbines?

o If that question was considered, what documentary or technical basis supported ARUP's conclusion?

9. If that question was considered, what documentary or technical basis supported ARUP's conclusion?
9. If it was not considered, did ARUP's verification proceed on the assumption that the underlying K15aa background dataset already satisfied that mandatory requirement of NZS 6808:2010?
10. In relation to the measurement position itself, was ARUP's reliance upon clause 7.1.5 intended to address the NZS 6808:2010 requirements concerning both "Noise sensitive location" and "Notional boundary", or only the question of whether the alternative position was acoustically representative of K15aa?
11. Having regard to the Department's subsequent confirmation that it has been unable to locate any authority permitting departure from the NZS definitions of "Background sound level" and "Notional boundary", does that information alter, qualify or otherwise have any bearing upon ARUP's verification conclusions concerning K15aa?

I also note that Mr Spink's 21 October 2022 correspondence states that he remained satisfied that the updated post-construction assessment adequately demonstrated that the compliance measurements had been undertaken in accordance with both the NCTP and NZS 6808:2010.

Accordingly, I am not seeking to retrospectively expand the scope of ARUP's verification. Rather, I am seeking to understand the documentary and technical basis upon which the conclusions actually expressed by ARUP were reached, particularly where ARUP itself recognised the mandatory effect of requirements expressed as "**shall**" under NZS 6808:2010.

For completeness, I would also appreciate confirmation of whether ARUP presently holds any earlier verification report, checklist, working document or correspondence associated with SLR v1.3 and the review referred to in the October 2021 Community Reference Group record.

The Trustee's public documentary record concerning these matters is available at:

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

I would be grateful for any clarification ARUP is able to provide.

Thank you for your assistance.

Yours faithfully,

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

Attachment:

Department of Transport and Planning – FOI clarification dated 4 August 2026

**CS019200 FOI Decision letter
clarification 20260804.pdf**
422 KB



On 14 Jul 2026, at 1:38 pm, Owen R.

wrote:

Dr Kym Burgemeister

The Trustee writes for administrative record purposes only.

The Trustee advises that it has now completed the present phase of its continuing administrative and evidentiary record concerning the Lal Lal Wind Farm.

Please find attached, for information only, the Trustee's **Notice — Crystallisation of Administrative and Regulatory Record**, recording completion of the present phase of documentary development and the crystallisation of the Trustee's administrative and evidentiary record.

The Trustee further advises that the continuing administrative and evidentiary record has now been published and is publicly available at:

<https://lallalwindfarmrecord.com.au>

The published record includes documentary material concerning the Lal Lal Wind Farm developed through continuing statutory disclosure, documentary reconciliation, administrative integration and Trustee governance. It also includes material relating to technical reports and reviews concerning the wind farm, including the independent verification reports and associated verification material prepared by ARUP.

This correspondence is provided solely so that ARUP's records may reflect completion of the present phase of the Trustee's continuing administrative and evidentiary record.

No response or action is sought by this email.

Kind regards,

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

<Notice – Crystallisation of Administrative and Regulatory Record.pdf>

