

From: Owen R.
Subject: Follow-up — Lal Lal Wind Farm — MDA Historical Assessment, K15aa, I14aa and NCTP Revision 5
Date: 15 August 2026 at 12:25 pm
To: Christophe Delaire cdelaire@marshallday.com
Cc: melbourne@marshallday.com, glee@marshallday.com

OR

Dear Mr Delaire,

I write further to the Trustee's email of 10 August 2026 seeking technical and documentary clarification concerning Marshall Day Acoustics' professional work for the Lal Lal Wind Farm, including the treatment of I14aa/St Sava Monastery, the pre-construction predictive modelling, K15aa background monitoring and the development of the Noise Compliance Testing Plan (NCTP).

The Trustee's enquiry has been deliberately confined to **Marshall Day Acoustics' own professional work and documentary position**. It does not ask MDA to determine current compliance or to comment upon the correctness or professional conduct of subsequent consultants.

The matters for clarification remain those identified in the 10 August correspondence. The subsequent documentary record, however, provides an additional and relevant point concerning MDA's continuing involvement with the NCTP.

The Lal Lal Wind Farm Noise Management Plan dated 18 October 2022 records at section 3 that, at the time of writing, **Revision 5 of the NCTP had been released in Draft status by Marshall Day Acoustics in 2022**. It further states that the contents of that chapter would be superseded by any updated NCTP prepared to satisfy the noise conditions in the Planning Permit.

That record is relevant because it establishes that MDA's involvement with the NCTP continued beyond the endorsed January 2018 document.

Against that background, the Trustee seeks clarification in three related areas.

First, **I14aa/St Sava and the NCTP**.

MDA's earlier background monitoring record identified I14aa as a monitoring location but subsequently excluded it from the assessment because the then-current predicted level was below 35 dBA. The later documentary record appears to change that factual premise, including MDA's subsequent identification and mapping of St Sava Monastery and later predictive material placing I14aa/St Sava at or around the 35 dB threshold.

The Trustee's earlier enquiry asked whether that treatment was reconsidered when the later predictive modelling and endorsed NCTP were prepared.

The 2022 NMP now establishes an additional point in that chronology: **MDA subsequently prepared and released Revision 5 of the NCTP in draft form in 2022**.

The Trustee therefore also seeks clarification as to whether the earlier treatment and exclusion of I14aa/St Sava was reconsidered during MDA's preparation of Revision 5 and, if so, the resulting professional and documentary basis for its treatment.

Second, **MDA Report No. 002 20170649 dated 17 January 2018**.

ARUP's subsequent verification documentation expressly identifies that *Pre-construction Predictive Modelling Assessment* as material considered in its verification process. The report is dated only six days before the endorsed NCTP, but the Trustee has not presently located it within the disclosed administrative record.

The Trustee therefore maintains its request for clarification concerning the treatment of I14aa within that report, its relationship to selection of the NCTP receiver and monitoring locations, and whether MDA presently holds a copy that can be provided.

Third, **K15aa and NZS 6808:2010**.

MDA's 2017 background monitoring report described the second K15aa monitoring position as:

“the only alternative position for placing the noise monitor in accordance with NZS 6808:2010”

while subsequently concluding that the resulting data could not be relied upon for deriving noise limits or assessing post-construction noise compliance.

The Trustee specifically asked whether MDA's statement that the position was “**in accordance with NZS 6808:2010**” included application of the Standard's requirements concerning **Noise sensitive location** and **Notional boundary**.

MDA's subsequent preparation of **Revision 5 of the NCTP in 2022** now raises a further, discrete question: whether MDA reconsidered the treatment of K15aa, including its earlier background monitoring position and the applicable NZS 6808:2010 requirements, when undertaking that later NCTP work.

For transparency, the Trustee advises that a **formal external professional-conduct complaint has now been lodged with the Association of Australasian Acoustical Consultants concerning SLR Consulting Australia Pty Ltd and its subsequent professional work relating to the Lal Lal Wind Farm**.

That separate complaint does not predetermine any position concerning Marshall Day Acoustics, and the Trustee does not ask MDA to comment upon it.

The Trustee is, however, conscious that **Marshall Day Acoustics Pty Ltd is itself an AAAC member firm**. Consistently with the direct-resolution approach contemplated by AAAC's complaints process, the Trustee would prefer to resolve and accurately record MDA's own professional position directly before determining whether it is necessary to escalate the matter by way of a separate formal external complaint.

Accordingly, the Trustee provides this further opportunity for MDA to respond substantively to the matters raised on 10 August 2026 and the additional Revision 5 issue identified above.

In particular, it would assist if MDA could confirm:

1. whether the earlier treatment and exclusion of **I14aa/St Sava** was reconsidered during preparation of the later predictive modelling, the endorsed NCTP and/or **Revision 5 of the NCTP in 2022**, and the professional and documentary basis for its treatment;
2. the status and relevant contents of **MDA Report No. 002 20170649 dated 17 January 2018**, including whether MDA can provide a

- copy,
3. whether MDA's statement that the second **K15aa** monitoring position was "in accordance with NZS 6808:2010" included consideration of the Standard's requirements concerning **Noise sensitive location** and **Notional boundary**; and
 4. whether the treatment of K15aa and those applicable NZS 6808:2010 requirements was reconsidered during MDA's preparation of **Revision 5 of the NCTP in 2022**, and, if so, the resulting professional and documentary position.

The Trustee would also welcome identification of any contemporaneous report, memorandum, working paper, Revision 5 material or other professional record capable of resolving these matters.

The Trustee is not asking MDA to adopt the Trustee's interpretation, nor is this correspondence intended to retrospectively expand the scope of work MDA performed.

The purpose is to establish accurately **what MDA considered at the relevant times, what professional basis supported the resulting decisions, and what the contemporaneous documentary record shows.**

The Trustee would appreciate a substantive response **within seven days of this email**, or, if additional time is reasonably required to retrieve or review historical project records, confirmation within that period of when a substantive response can be expected.

If these matters can be satisfactorily reconciled from MDA's professional record, the Trustee would prefer that outcome. This further opportunity is provided for that purpose before the Trustee determines whether any formal escalation is necessary.

Thank you for your attention to this matter.

Yours faithfully,

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

On 10 Aug 2026, at 7:23 am, Owen R.

wrote:

Dear Mr Delaire,

I refer to my earlier correspondence to Marshall Day Acoustics providing, for information only, the Trustee's Notice — Crystallisation of Administrative and Regulatory Record and advising of the publication of the continuing documentary record.

That correspondence expressly sought no response or action.

Following further documentary reconciliation, I now write separately to seek specific technical and documentary clarification concerning Marshall Day Acoustics' own historical assessment of the Lal Lal Wind Farm, particularly the treatment of receptor I14aa, being St Sava Monastery, in the development of the endorsed Noise Compliance Testing Plan (NCTP).

The historical sequence presently available to the Trustee appears important.

Marshall Day's earlier assessment records that I14aa was one of the properties selected for background noise monitoring using the preliminary wind farm layout. Monitoring was undertaken, but Marshall Day subsequently recorded that I14aa would not be included in the noise assessment because noise levels were predicted below 35 dBA using the proposed layout.

Accordingly, the reason recorded at that time for excluding I14aa was not that the location was unsuitable for monitoring or was not a relevant receptor, but that the then-current predicted level was below the applicable 35 dBA threshold.

The subsequent documentary record appears to change that factual premise.

In 2016, following peer-review identification of St Sava Monastery as an additional noise-sensitive location, Marshall Day expressly identified and mapped St Sava Monastery together with the predicted 35 and 40 dB noise contours.

The later Sonus pre-construction assessment records I14aa/St Sava at 35 dB.

Marshall Day's subsequently endorsed NCTP also contains a predicted-noise-contour figure which geographically places I14aa/St Sava at or within the disclosed 35 dB contour. However, despite the location having previously been identified by Marshall Day, I14aa/St Sava is not identified by receptor number or name on that NCTP figure.

This raises a specific historical question which I would appreciate Marshall Day clarifying:

Once the predictive position concerning I14aa/St Sava had changed from the earlier "below 35 dBA" basis upon which it had been excluded, was the earlier decision not to include I14aa revisited when the later predictive modelling and NCTP were prepared?

If it was revisited, I would be grateful if you could identify the relevant assessment or documentary basis.

If it was not revisited, could you please explain why the earlier exclusion continued to be applied notwithstanding the later predicted-noise information?

This issue appears particularly relevant to NZS 6808:2010 clause 7.1.4, concerning background sound level measurements where wind farm sound levels of 35 dB LA90(10 min) or higher are predicted at noise sensitive locations, and clause 7.1.5, concerning circumstances in which one location may be used as representative of a group of noise sensitive locations.

There is also an important documentary gap immediately preceding preparation of the NCTP.

ARUP's subsequent verification reports expressly identify the following Marshall Day document as having been reviewed:

"Lal Lal Wind Farm, Pre-construction Predictive Modelling Assessment (Marshall Day Acoustics Pty Ltd, Report No 002 20170649, dated 17 January 2018)."

The NCTP is dated 23 January 2018, only six days later.

ARUP expressly identifies Report No. 002 20170649 amongst the documents relied upon in its subsequent verification process.

However, despite Freedom of Information enquiries to relevant public authorities, the Trustee has not presently located that report within the disclosed administrative record.

Given its date and subject matter, Report No. 002 20170649 appears potentially important to understanding the final predictive position immediately before preparation of the NCTP, including the treatment of I14aa/St Sava.

I would therefore appreciate clarification of the following:

1. Did Report No. 002 20170649 dated 17 January 2018 include a predicted wind farm sound level for I14aa/St Sava Monastery?
2. If so, what predicted level was identified for I14aa/St Sava?
3. Did that report identify I14aa/St Sava as a noise sensitive location for the purposes of NZS 6808:2010?
4. Did Report No. 002 form part of the technical basis upon which the receiver and monitoring locations subsequently identified in the NCTP dated 23 January 2018 were selected?
5. Given that Marshall Day's earlier reason for excluding I14aa was a predicted level below 35 dBA, was that decision reconsidered once subsequent predictive material placed I14aa/St Sava at the 35 dB threshold?
6. Why was I14aa/St Sava not identified by receptor number or name on the NCTP predicted-noise-contour figure, notwithstanding Marshall Day's prior identification and mapping of St Sava Monastery?
7. Was I14aa/St Sava considered for inclusion as a background or operational monitoring location when the NCTP was prepared?
8. If it was considered but not selected, what was the technical basis for that decision?
9. Was I14aa/St Sava considered to be represented by another monitoring location pursuant to NZS 6808:2010 clause 7.1.5? If so, could you please identify that location and the technical basis upon which the sound-generating features at the representative location were considered similar in proximity and character to those at I14aa/St Sava?

There is also a related representative-monitoring issue concerning J14aa and K15aa.

The subsequent operational record shows K15aa being used as the representative background location for J14aa. However, I have not presently identified an express assessment comparing I14aa, J14aa and K15aa against the clause 7.1.5 requirement that the sound-generating features at a representative location be similar in proximity and character to those at the locations being represented.

That question appears particularly relevant given the geographic relationship between I14aa and J14aa, Marshall Day's historical monitoring of I14aa, and the later absence of a formal measurement point south of the turbine area.

A subsequent EPA desktop review records that no measurement point was located south of the turbines and that northerly wind conditions may therefore not have been adequately represented.

A later independent review by L Huson & Associates also questioned the use of K15aa background data for J14aa.

I am not asking Marshall Day to comment upon the correctness or professional conduct of subsequent consultants. Rather, these later documents make Marshall Day's own historical position important.

Did Marshall Day undertake any assessment comparing I14aa with J14aa or K15aa for representative-monitoring purposes, or otherwise consider whether I14aa could provide a representative background location for receptors in the southern Elaine area?

If such an assessment exists, I would be grateful if you could identify the relevant report, memorandum, working paper or other record.

I also seek one limited clarification concerning Marshall Day's 2017 K15aa background monitoring.

In relation to the second K15aa survey, Marshall Day recorded:

“This location was identified as the only alternative position for placing the noise monitor in accordance with NZS 6808:2010, at a location representative of the noise environment around the dwelling.”

Marshall Day subsequently concluded that the resulting data was not suitable for representing typical background noise levels and could not be relied upon for deriving noise limits or assessing post-construction noise compliance.

Could you please confirm whether Marshall Day's reference to placement “in accordance with NZS 6808:2010” included application of the Standard's requirements concerning a “Noise sensitive location” and “Notional boundary”?

Finally, could Marshall Day please confirm whether it presently holds a copy of:

Lal Lal Wind Farm, Pre-construction Predictive Modelling Assessment — Report No. 002 20170649, dated 17 January 2018

and, if so, whether a copy can be provided for incorporation into the continuing documentary record?

I emphasise that the purpose of this enquiry is not to ask Marshall Day retrospectively to determine compliance or to comment upon another consultant. It is to clarify Marshall Day's own historical technical position and the documentary pathway between:

the original monitoring and exclusion of I14aa;

Marshall Day's subsequent identification of St Sava Monastery;

the later predictive position at approximately 35 dB;

Report No. 002 dated 17 January 2018; and

the final receiver and monitoring network contained in the NCTP dated 23 January 2018.

For convenience, the relevant documentary sequence is collated on the Trustee's public record:

<https://lallalwindfarmrecord.com.au/representative-monitoring.html>

The page expressly does not determine that I14aa was legally or technically required to be monitored. It records the historical sequence and the presently unidentified documentary step explaining how I14aa moved from a monitored receptor excluded because it was predicted below 35

dBA, to a subsequently identified noise-sensitive location at or around the 35 dB threshold, but without identification as 114aa in the final NC1P monitoring framework.

I would appreciate any clarification Marshall Day is able to provide, including identification or provision of documentary material addressing these matters.

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**

On 14 Jul 2026, at 8:45 am, Owen R.

wrote:

Dear Sir/Madam,

The Trustee writes for administrative record purposes only, following the previous correspondence exchanged between the parties concerning the Lal Lal Wind Farm.

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 previously provided to Marshall Day Acoustics together with the supplementary administrative and evidentiary record developed through continuing statutory disclosure, documentary reconciliation, administrative integration and Trustee governance.

This correspondence is provided solely so that Marshall Day Acoustics' 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>

