philbest313@gmail.com

From:	philbest313@gmail.com
Sent:	Saturday, 23 January 2021 10:28 AM
То:	CEO Office (CEOOffice.BCC@brisbane.qld.gov.au);
	'james.langham@brisbane.qld.gov.au'; 'Geoff Evans'; 'Leanne O'Brien';
	'City.Legal@brisbane.qld.gov.au'; 'Maiwar Electorate Office';
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Cc:	andrea kenafake (andrea.kenafake@brisbane.qld.gov.au); bill lyon
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	tash tobias (tash.tobias@brisbane.qld.gov.au); 'Terry Bird'; 'Robert Bell'; 'CAG-CCLO-
	HumanRights'; 'shakira.fraser@jlta.com.au'
Subject:	THE MCLR SPENT 7-DAYS COMPILING THIS EMAIL, WE EXPECT THAT YOU WILL
	HAVE THE DECENCY TO READ AND RESPOND.
Attachments:	MattKarleQuarryBlastingLicenseConditionsFebruary2017.pdf;
	181015AdviceLetterEDOQtoPhilBestReMtCoot-thaQuarryNo-1(FINAL).pdf;
	181016AdviceLetterEDOQtoPhilBestReMtCoot-thaQuarryNo-2(FINAL).pdf;
	TerrockEngineersDefinedMaximumBlastLevels.jpg; EP-Act-2016-Section-440ZB-
	Blasting.jpg; Ltr to Philip Best.pdf; MCQ-Blasting-Activity-2001-2020.jpg; DES-
	NoiseSensitivePlaceDefinition.pdf;
	AndrewConnorToBccMcqAboutReducingBlastingLevels.jpg; TitleSearchImage.jpg

Importance:

Dear Mr Jensen, Mr Langham, Ms O'Brien & Mr Evans,

High

Thank you for your response letter of the 28th September 2020 - PLEASE ALLOCATE A BCC COMPLAINT REFERENCE NUMBER.

Subject: Mt Coot-tha Local Residents (MCLR) Complaint to the BCC CEO regarding their Mt Coot-tha Quarry (MCQ).

Details: Total EA Schedule-F Noncompliance, plus Unmeasured Unfunded non-ICMM-compliant Extreme Rehabilitation Costs.

Title Deed: Noncompliance with "A SITE FOR A PUBLIC PARK AND FOR NO OTHER PURPOSE WHATSOEVER".

We note the following from Mr Langham's letter to Philip Best (MCLR Chairperson & Engineer):

- A. "Council does not accept your assertions that Council is not complying with its environmental authority."
- B. "Council does not accept the quarry operations are causing damage to adjacent privately owned properties."
- *C. "Council does not accept that members of the MCLR are entitled to compensation for any alleged damage."*
- D. "We are of the view that we cannot take the matter about general compliance with the environmental authority any further." (They refuse to discuss the above issue).

However Mr Langham has chosen not to reply to the very important second half of the MCLR complaint estimates:

- E. The 2032 MCQ Rehabilitation cost estimate will reach \$Half a Billion, which greatly Exceeds the Gravel Sales Profit.
- F. The 2032 Lost Tourism Benefit and Employment (as shown by Eden Cornwall & others as c \$6 Billion), totally swamps all MCQ gravel income ever gained.
- G. Since 2000, the estimated size of the MCQ hole has been increased by approximately 25%, to become a Huge Scar on the "Brisbane Backdrop".
- H. The BCC has not complied with the Public Park Land Usage as defined in the Title Deed.
- I. The BCC creates massive choking deadly silica blast dust storms, which swamp the tourism areas and wildlife forest. (11% of Australians are Asthmatics).

Attachments to this email:

- The IPDE **Schedule-F** conditions, as provided by Qld Government Department of Environment & Science (EHP/DES) Mr Matt Karle.
- Advice letters from the **Environmental Defenders Office** principal solicitor.
- Terrock Engineers supplied Maximum Blast Level Chart.
- EP Act-Section-440ZB Blasting.
- EHP/DES Noise Sensitive Place Definitions.
- MCQ Blasting Activity 2001-2020.
- DES Director Andrew Connor letter to the BCC regarding MCQ operations.

The Critical Importance of measuring Seismology & Decibels at Noise Sensitive Places, plus at the Most Affected Place.

- 1. All of the seismic energy transmission variabilities: Ducting, line-of-sight, reflections, interferencepatterns, height-difference, terrain variations, source-movement, linkage & sample-size, can very easily be solved simply by monitoring at the Noise Sensitive Place.
 - a. All attempts to assume or estimate what might have happened at an unmonitored Noise Sensitive Place, is very inaccurate.
 - b. Hence, the statutory Schedule-F clearly states in 6 different sections, that monitoring must be done in a Noise Sensitive Place.
 - c. Schedule-F therefore defines <u>the Overarching Requirement</u>: <u>All monitoring must always be</u> <u>done in a Noise Sensitive Place.</u>
- 2. There is never any honest alternative to actual measurements which are conducted <u>precisely at the</u> <u>agreed place of maximum concern</u>, which is a <u>valid Noise Sensitive Place</u>.
 - a. These measurements are inexpensive to conduct, and extremely important for the MCLR.
 - b. The only valid reason why the MCQ could not conduct additional monitoring is that it would expose their monitoring errors.
- 3. Seismic and Noise Energy dissipation from a blast is normally dissipated in a 3D format, known as Solid Angle.
 - a. The Solid Angle considers an imaginary rectangle which is moved twice as far away from the source.
 - b. Both rectangle X and Y dimensions are doubled and hence the actual area increases by 4 times.
 - c. The strength of this seismic blast and noise energy decreases to ¼ of the previous level.
 - d. The monitoring distance and the monitoring location are both extremely critical.
- 4. Sampling theory on an interference-based energy patten will provide a range of measurements, however as the sample count greatly increases then there will always be higher maximums and lower minimums.
 - a. For example, if you asked 5 people "did you have a bad weekend?", then you would probably get a reasonably similar response. But if you asked 5,000 people the same question, then the range and divergence of answers would be much greater.
 - b. The maximum "bad weekend" quality score from the larger sample size would be much worse.
 - c. Similarly a home concrete footings which engages the rock in multiple places, has drastically increased the blast effect "samples".
 - d. By comparison a small soil-spike or 20cm concrete block is highly likely to be very location sensitive and miss critical data.
- 5. Hence the factors: Source Distance, Line of Sight and Home Footing design, all affect the maximum recorded seismic strength.
 - a. As you move the monitoring point away from the blast, the strength decreases very quickly.
 - b. If your monitoring transducer is attached to a seismic-affected house, which has large bedrock-linked footings situated across the propagation direction, this will totally engage the blasted bedrock seam. This may well provide much higher monitoring data.

- 6. If the building is elevated, there will be modal harmonic responses, plus there may be a clear line-ofsite to the blasting source.
 - a. Whilst at lower ground level there may be energy obstructions.

Disclaimer and Scope of Works:

- 1. The MCLR Chairperson, Engineers and Residents believe that they are expressing their opinion in compliance with the 2019 Human Rights Act.
- 2. Philip Best Scope of Work: Obtain all BCC RTI MCQ monitoring data for Noise, Overpressure (Air Blast) plus all the Seismic Blast vibrations.
 - o (BCC used the contractors such as Heilig & Partners, the MCLR used Saros Milton.)
- 3. Following the data gathering process: To provide a compliance assessment report of this data, as measured against the Schedule-F document which was provided by Mr Matt Karle of the EHP/DES department.
 - Additional information: Environmental Protection Act 1994 (EP-Act), Australian Standard AS2187.2, the USA Bureau of Mines (USBM-Terrock).
 - Plus the EHP/DES Noise Measurement Manual (NMM) as detailed by the Environmental Defenders Office Principal Solicitor.

Asking the Big Secret Questions:

- 4. Why was it necessary to continue mining and blasting Mt Coot-tha Residents and Tourism, when road gravel is inexpensive and plentiful, plus the asphalt factories are not located in urban areas?
- 5. Why was it necessary to permanently damage Mt Coot-tha Public Trust land and the treasured "Brisbane Backdrop", to provide gravel to organisations who we are advised donate to the LNP?
- 6. Why was it necessary to create an unfunded \$500 Million (2032 estimate) rehabilitation bill, plus \$multibillion lost tourism and employment, when the common mine-gate road gravel profit is only \$5/tonne?
 - \circ Nobody at the BCC has ever answered these questions.

Schedule-F Regulations has 3 "Themes":

- 7. Theme-1 Noise:
 - Schedule-F contains 3 items, F1, F2, & F3 plus Table-1.
 - All measurements must always be done in a noise sensitive place.
 - Table-1 advises maximum noise limits which must be complied with, which includes a daytime maximum background noise level plus 5dB(A).
 - F3 lists an absolute maximum of 55dB(A).
- 8. Theme-2 Overpressure (Air Blast):
 - Schedule-F provides items F4 & F5, which defines a maximum Overpressure decibel noise level of 125dB or 130dB.
 - All measurements must always be done in a noise sensitive place.
- 9. Theme-3 Seismic Blast Vibrations:
 - Blast Monitoring maximum is 10mm/second for 9 of 10 blasts, <u>on every 10th blast there is no</u> <u>defined maximum limit</u>.
 - Two possible locations are allowed:
 - Within 1 metre of any residential property boundary, or
 - In or On a Noise Sensitive Place.

Examination of the RTI-Provided MCQ monitoring data:

- 10. An extensive amount of data from 2001 until 2019 was provided to and examined by the MCLR.
 - Available from here: <u>http://www.savemtcoot-tha.org/rti/MCQRealAndDerivedBlastVibrations-2001-</u> 2017_Modified-July-2020.xlsx .
- 11. This data was as provided by the BCC, as well as the Qld Government departments EHP/DES and DNRME.

<u>Theme</u>	Permanent Monitoring	Partial Monitoring
Theme-1 Noise as measured in	No Decibel Measurement data	No Decibel Measurement data
valid Noise sensitive Places.	was provided.	was provided.

Theme-2 Overpressure (air	No Location Compliant Decibel	No Location Compliant Decibel
blast) as measured at valid	Measurement data was	Measurement data was
Noise Sensitive Places.	provided.	provided.
Theme-3 Seismic Blast	No Location Compliant Seismic	No Location Compliant Seismic
Vibrations as measured at valid	Blast Vibration Measurement	Blast Vibration Measurement
Noise Sensitive Places.	data was provided.	data was provided.
Theme-3 Seismic Blast	No Location Compliant Seismic	No Location Compliant Seismic
Vibrations as measured within	Blast Vibration Measurement	Blast Vibration Measurement
one metre of any residential	data was provided.	data was provided.
boundary.		

12. Examination Conclusion:

- There is the general consensus that DA conditions, including the Schedule-F Statutory requirements, must always be monitored and must always be complied with.
- A lack of monitoring indicates a lack of compliance, however very occasional missed dates may be accepted.
- However the BCC MCQ Senior Site Engineer Manager (Mr Bell) has failed to provide or create measurements which comply with the MCQ EA defined monitoring requirements.
- There appears to be a total absence of all Schedule-F compliant BCC MCQ monitoring in any one of these 3 themes.

13. The Environmental Defenders Office (EDO) Commercial Response:

- The Noise conditions listed in Schedule-F define <u>an overarching responsibility</u> to reduce the noise to be as low as possible.
- Monitoring of noise, overpressure and seismic blast vibrations inside a private dwelling <u>is a valid</u> place to monitor.
- The EHP/DES NMM states that monitoring must always be conducted in the worst affected areas (presumably to prevent invalid data substitution).
- Please read the attached EDO documents, which provides totally valid reasoning.

14. General Noise and Vibration Dissipation Theory, plus Monitoring Location importance:

- As mentioned above: This is critically important, because the Noise and Ground vibrations are dissipated and reflected in a 3D framework.
- Hence the distance from the blasting source becomes very relevant, especially in a hilly area.
 - Blast monitoring Location is very important and a small 50 or 100 metre change can make a big difference..
- However the noise and/or vibration at a closer measurement may be less than at a further-away but higher location, due to propagation interference at lower levels (trees, hills, embankments, retaining-walls, etc.).
- A higher location uninterrupted line-of-site to the blast site will always record a much higher decibel data, than at an obstructed location.
- For this reason the statutory compliance measurements <u>must always be measured in the Most</u> <u>Affected Noise Sensitive Area</u>.
- The primary EHP/DES defined Noise Sensitive Area, is <u>the Private Dwelling</u>, plus others (as per the attached description).
- 15. An Example of MCQ Seismic Data Substitution:
 - The goal of any data substitution process, is to mask the true seismic ground vibrations by providing weaker data as collected from a more distant location.
 - Before the November 2011 MCLR Whistle-Blower event (approx. blast 600), the MCQ measured data from 2 main locations: Quarry Office and Sussex Street Toowong.
 - The BCC has approved densely constructed residential properties which exist immediately opposite the MCQ entrance, within 200 metres of the closest blast zone (Terrock supplied data), whilst Sussex Street Toowong is several hundred metres away.

- At a later date, when sufficient data has been collected, the MCLR Statistician later analysed the old and new data and advised that a 300% seismic blast vibration data reporting misrepresentation has occurred for all blasts prior to November 2011.
- The use of Sussex Street data, supposedly as the MCQ Seismic Blast Vibration Footprint is invalid non-compliant data substitution.
- Hence the MCLR believe that all blast vibration reporting for 600 blasts and possibly thousands before that, is invalid.
 - Additionally it was never measured in valid noise sensitive places.
 - Hence all MCQ Seismic & Overpressure data, measured before blast 600, is <u>extremely</u> invalid and a total waste of ratepayers money.
- 16. EHP/DES letters to the BCC MCQ Management:
 - The EHP/DES Director twice wrote letters to the BCC, asking for the MCQ to voluntarily change their regulations (including Schedule-F as attached).
 - On both occasions, the BCC replied saying No.
 - This indicates that <u>on both occasions</u> the BCC was unhappy to change the current DA Schedule-F regulatory conditions and therefore happy with them to remain unchanged.
 - The expectation by many people, is that they should then comply with their DA Schedule-F, additionally because they have twice verified acceptance of these current conditions.
- 17. Monitoring Location Terms:
 - 3SSGD is the private home located at 3 Sir Samuel Griffith Drv, which Terrock Engineering advises is only 200 metres from the blast zone.
 - #3SSGD is the BCC MCQ name for the monitoring location, which was established in November 2011 one metre beside Mt Coot-tha Road and approximately 100 metres from the 3SSGD home.
 - This was created in response to the MCLR Whistle-Bower event, reporting the datasubstitution misrepresentation.
 - It is not a noise sensitive place and is not located within 1 metre of any residential boundary.
- 18. MCLR 3SSGD Privately Funded Seismic Blast Vibration monitoring:
 - In 2017 and 2018 the MCLR contacted Dr Heilig regarding the possibility of adding one additional monitoring location, which was to be on the outdoor patio of 3 Sir Samuel Griffith Drv.
 - Various methods of providing or hiring the additional monitoring equipment were discussed and proposed.
 - Dr Heilig then contacted the MCQ SSE Mr Bell, asking for permission for their technician to add this additional monitoring location.
 - Mr Bell was adamant that this monitoring at 3SSGD, must never take place and ordered that Heilig did not participate.
 - The MCLR then proceeded with a series of privately-funded seismic blast vibrations in late 2017 and with an actual series as conducted in 2018.
 - After the monitoring series was completed, the MCLR Statistician examined the comparative 3SSGD and #3SSGD data.
 - The privately funded 3SSGD data was on average 2.54 times (254%) stronger than the #3SSGD data. (#3SSGD being supposedly created by the BCC to measure the strongest data).
 - The variance between the 3SSGD privately funded data and the #3SSGD BCC data, was an extremely low 0.03 mm/second
 - \circ $\,$ The 3SSGD data monitoring was fully compliant with the Schedule-F and EHP/DES NMM.
 - The MCLR believe that this is the only fully Schedule-F6 compliant seismic blast monitoring ever done at Mt Coot-tha.

Conclusions:

- 19. The MCLR do not believe that they have ever received any RTI data, which shows any possibility of total MCQ compliance with the MCQ Schedule-F requirements.
 - a. However they do believe, that after so many repeated RTI requests, that we received all of the relevant data.

- 20. The MCLR are advised that the Schedule-F document is the fundamental operational license, which the BCC MCQ must always comply with.
 - b. If there is no noise monitoring done, then our conclusion is that the MCQ cannot state that their noise levels are always compliant.
 - c. If there are no Noise Sensitive Area Overpressure measurements, then our conclusion is that the MCQ cannot state that their Overpressure noise levels are always compliant.
 - d. If there are no blast vibration measurements, either in Noise Sensitive Places or within 1 metre of any residential boundary, then our conclusion is that the MCQ cannot state that their blast vibration measurement levels are always compliant.
 - e. Additionally all measurements must also be conducted in the most affected location, (to avoid data substitution).
- 21. Due to 3D Solid Angle dissipation, the actual measurement location is extremely critical for monitoring and damage purposes (as discussed above).
 - f. Doubling the distance causes one quarter of the intensity.
 - g. Hence Schedule-F <u>repeatedly specifies the Noise Sensitive Place Monitoring Location 6 times (as discussed above)</u>.
- 22. The MCLR believe that the MCQ has a long history of misreporting their Seismic Blast Vibrations:
 - h. The MCLR statistician report states that a 300% seismic blast effect misrepresentation was caused by the BCC before blast 600, which only stopped because the Qld Treasurer supported the MCLR Whistle-Blower Event. This invalid situation before blast 600, may have also existed for several decades before Blast Zero. (The Calculated Misrepresentation Range was 260% to 360%).
 - i. If not for this Whistle-Blower event, the private home damage and BCC liability situation could have been considerable worse.
 - j. Hence the MCLR believe that there is good reason why BCC should be very grateful for this very hard and very extensive MCLR volunteer work, but instead they don't answer all the questions, and use their legal strength to frighten us into submission.
 - k. Whereas in reality, if the monitoring role had been conducted totally correctly from blast zero, then it would have saved thousands of days of very hard work, for the BCC, EHP/DES, the OIC and the Local Residents.
 - I. All this reactive effort was done, just to provide common road gravel, from a major tourism parkland site, which has a typical mine-gate profit of a only \$5/tonne.
 - m. MCQ blasting has created a massive scar on the "Beautiful Brisbane Backdrop".
 - n. The MCQ caused a massive \$500 million estimated rehabilitation cost, plus a lost tourism and employment benefit estimated to be in excess of \$5 Billion (2032 estimates).

Finally:

- 23. With the total absence an any Schedule-F compliant seismic and decibel measurements in the BCC-provided data, we cannot understand how the BCC can propose the view:
 - A. "Council does not accept your assertions that Council is not complying with its environmental authority."
- 24. If the BCC does not have any valid noise and seismic data, then how can the BCC have any valid means to propose their views:
 - *B.* "Council does not accept the quarry operations are causing damage to adjacent privately owned properties."
- 25. The conversion chart from invalid to valid monitoring data shown below (and in our previous email), indicates blast vibration levels which greatly exceed those allowable for private homes. Especially as common BCC approved homes are built to the least expensive price and without any major surplus strength (totally unlike the homes built when the USA and Australian standards were drafted). Hence the MCLR cannot see any validity with the statement:
 - *C. "Council does not accept that members of the MCLR are entitled to compensation for any alleged damage."*

- 26. As regards the statement to not take the matter any further, we can fully understand that they want to look the other way, because we believe that there has never has been any Schedule-F compliance.
 - *D. "We are of the view that we cannot take the matter about general compliance with the environmental authority any further."*
- 27. We note that there may be a Brisbane Northern-Link tunnel created.
 - a. If Dual 7 metre tunnels were dug from Mt Coot-tha Road to Linkfield Road, this would create approximately the same amount of fill as was excavated from MCQ.
 - b. However this does not in any way excuse what the MCLR believe is the total abandonment of the defined and publicised DA Schedule-F conditions, as well as the huge difficulty forced on the very unfortunate Mt Coot-tha Local Residents (MCLR) for the past 20 years.
 - c. Any tunnel fill proposal and the DA Schedule-F are entirely different concepts.

Exceeding Allowed Maximums: In converting all of the #3SSGD Mt Coot-tha Road 2018, 2019 and 2020 blast vibrations, to comply with the MCLR 3SSGD Noise Sensitive Place Monitoring, the following Noise Sensitive Place Monitoring calculated or measured values exceeding 10mm/second apply, (the limit as defined in Schedule-F6 and also in the Qld EP-Act).

	<u>Date</u>	<u>BCC #3SSGD</u>	<u>3SSGD Fully Compliant Monitoring</u>
a.	9 July 2020	5.15mm/sec	13.08mm/sec
b.	18 June 2020	12.1mm/sec	30.73mm/sec
c.	28 November 2019	5.98mm/sec	15.19mm/sec
d.	4 September 2019	7.76mm/sec	19.71mm/sec
e.	11 April 2019	6.75mm/sec	17.15mm/sec
f.	6 December 2018	8.06mm/sec	20.47mm/sec
g.	29th November 2018	4.00mm/sec	10.16mm/sec
h.	11th October 2018	4.29mm/sec	10.9mm/sec
i.	20th September 2018	4.66mm/sec	11.84mm/sec
j.	14th September 2018	4.46mm/sec	11.33mm/sec
k.	6 August 2018	5.57mm/sec	14.15mm/sec
١.	21st June 2018	5.69mm/sec	14.45mm/sec
m.	17 th May 2018	6.94mm/sec	17.63mm/sec
n.	3 rd May 2018	6.01mm/sec	15.26mm/sec
0.	19 th April 2018	5.10mm/sec	12.95mm/sec
p.	9 th March 2018	6.9mm/sec	17.53mm/sec

The MCLR note that the MCQ is almost fully-mined, and that the #3SSGD concrete block permanent monitoring point has been removed.

Thank you for reading this email, your time and focus are highly valued. Kind Regards, Philip Best.

Philip Best - Electrical Engineer - ABN: 64 056 607 713 Chairperson Mt Coot-tha Local Residents (MCLR) Active Member Mt Coot-tha Protection Alliance (MCPA) M: 0411-123400 f: www.facebook.com/SaveMountCoottha w: www.MtCoot-tha.org (alias www.SaveMtCoot-tha.org, retired: www.BanTheBlasting.org) e: PhilBest313@gmail.com L: www.linkedin.com/in/philbest/