



Department of
Environment and Science

Ref CTS 32131/18

15 March 2019

Mr Philip Best
3 Sir Samuel Griffith Drive
TOOWOONG QLD 4066
Email philbest313@gmail.com

Dear Mr Best

I refer to your complaint of 26 October 2018 regarding the operations of Brisbane City Council's (BCC) Mount Coot-tha Quarry and your dealings with the Department of Environment and Science (the department) in regard to the regulation of the quarry. As you are aware, Neil Cambourn was the delegated decision-maker for your complaint under the department's Complaints Management Procedure. I am providing you with the outcome of the decision on behalf of the decision-maker.

The review and investigation of your complaint was limited to the matters as per the previous scoping advice to you. The review and investigation has determined that all complaints and allegations, within the documented scope of your complaint dated 26 October 2018, are found to be unsubstantiated. Further to this, the delegated decision-maker has decided to uphold the original findings as per the complaint close-out letter from Matt Karle, Compliance Delivery Manager of the department on 27 June 2018. I have provided a summary of the decision findings, based on the in scope matters, below.

Matter / allegation: Departmental officers have not been impartial, fair or truthful when investigating Mr Best's complaints

There was no evidence found to uphold your allegations that the actions of Mr Karle or any other DES officer involved in managing his complaints were biased, dishonest, or inappropriate in any way.

Matter / allegation: Appendix J of Australian Standard (AS) 2187.2-2006 Explosives – Storage and use of explosives should not be utilised by the department to inform the enforcement of blast monitoring

There was no evidence found to uphold your complaint that the Appendix J of AS 2187.2-2006 should not be utilised by the department. To the contrary, this is the standard

mandated by the department and is utilised consistently by the department for both applying model conditions for environmental authorities (EA's) and to inform how environmental compliance is to be monitored under EA's. It remains a current Australian Standard used in almost every jurisdiction in Australia. In the absence of any other nationally or globally adopted standard for environmental monitoring of airblast overpressure and ground-borne vibration related to blasting, its ongoing application in departmental environmental regulation is not only entirely appropriate, it is absolutely essential to ensuring consistent standards continue to be applied to these activities.

Matter / allegation: BCC has not been carrying out blast monitoring correctly

There was no evidence found to uphold your allegation that BCC has not been carrying out blasting correctly. In the delegated decision-makers detailed examination of the available information, it was considered that the blast monitoring and measuring methods utilised by Heilig & Partners on behalf of BCC are entirely consistent with departmental requirements, including that they are undertaken by a suitably qualified person in accordance with the Australian Standard AS2187.2-2006, Appendix J.

Matter / allegation: You have carried out monitoring of blasting noise emissions (vibration and overpressure) within your home and believe the results demonstrate BCC is breaching the blasting limits of EA EPPR00447313 (the EA)

There was no evidence found to uphold your allegation that your own internal home monitoring results demonstrate that BCC is breaching the blasting limits of the EA. The methodology and arguments that you have presented are inconsistent with the advice of suitably qualified persons and departmental mandated standards. These standards require that blast monitoring is carried out from a specific location outdoors away from structures that may produce reflections and provide spurious readings. The relevant literature goes further to state that measurements taken on a structure above ground level can be misleading as they are often exaggerated by structural or modal response.

Matter / allegation: Schedule F of the EA is not conditioned appropriately/ correctly and should be updated in line with contemporary standards, and DES officers have not been interpreting the conditions of Schedule F of the BCC EA for Mount Coot-tha quarry correctly.

There was no evidence found to uphold your complaint that Schedule F of the EA is not conditioned appropriately, or that DES officers have not been interpreting the conditions correctly.

Schedule F conditions, while historically assigned to the EA and subtly different to EP Act and Australian Standard airblast and vibration levels, were considered appropriate levels at

their time of application. The department's model conditions that are generally applied to new EA applications for quarrying activities, do differ slightly but simply clarify the need for compliance with the department's Noise and Vibration from Blasting Guideline and the Australian Standard 2187.

While the department has advocated to BCC that they voluntarily adopt of a lower level of airblast pressures and ground vibration limits within the EA, this was not as a result of any non-compliance with their activities, rather it was an attempt at a mediated solution for residents which they declined. The department cannot enforce changes to conditions on an EA holder while they operate in compliance with their EA.

Matter / allegation: BCC is non-compliant with its EA limits for blasting due to a number of the above issues.

There was no evidence found to uphold your allegations that BCC is non-compliant with its EA blasting limits in regard to any of the issues examined in this review and investigation.

Please be advised that there has been a significant investment of public resources applied to managing and reviewing your complaint of 26 October 2018, along with other complaints that you have submitted overtime. Further investment of public resources to matters raised within the scope of your 26 October 2018 complaint are not considered to be in the broader public interest. Accordingly, these matters will not be re-prosecuted by the department and further correspondence from you in regard to these matters may not be responded to by the department.

In the event that you wish to make further allegations relating to breaches of blasting limits at the Mt Coot-tha Quarry, this will need to be verified by Brisbane City Council's monitoring data, and / or be supported or represented by another appropriately qualified person. Please note that an appropriately qualified person means a person or persons who has professional qualifications, training, skills or experience relevant to the particular environmental authority or legislative requirement and can give authoritative assessment, advice and analysis in relation to these requirements using the relevant protocols, standards, methods or literature.

In the event that you wish to make further complaints or enquiries to the department about Mt Coot-tha Quarry please do so in writing via the following postal address:

Pollution Hotline
Department of Environment and Science
GPO Box 2454
BRISBANE QLD 4001

If you are dissatisfied with the department's internal review decision of your complaint, you may make a complaint with the Queensland Ombudsman Office (QOO). The QOO can be contacted on (07) 3005 7000 and information about their complaints process is available on their website at www.ombudsman.qld.gov.au.

Yours sincerely



Dr Chris Hill

A/Executive Director

**Energy, Extractive and South-west Queensland Compliance
Department of Environment and Science**