

From: PhilBest313@gmail.com
Sent: Monday, 17 December 2018 2:03 PM
To: 'BIRCH Kerynne'; 'Maiwar Electorate Office'; 'directorgeneral@des.qld.gov.au'
Cc: 'Energy and Extractive Resources'; David Hassall (hassalldavidc@gmail.com); Di Glynn; 'Bronwyn Bell'; 'Juanita Williams'; 'Mailbox Investigations'; 'drew.creighton@fairfaxmedia.com.au'; 'Isobel.Roe@abc.net.au'; 'slope@seven.com.au'; 'investigations@abc.net.au'; 'brendan.omalley@news.com.au'; 'lionel.smith@dnrm.qld.gov.au'
Subject: RE: Mt Coot-tha Quarry Complaint - limit of investigation scope
Attachments: BirchKerynne-CaseManagerChangedToTimAdams-16-Sept-2011.jpg; MattKarleQuarryBlastingLicenseConditionsFebruary2017.png

Dear Ms Birch,

We advise that your Executive Director Mr Cambourn, promised an investigation which is "independent of any previous departmental dealings concerning the Mount Coot-tha Quarry".

- However even though you were seriously involved in BCC Mt Coot-tha Quarry (MCQ) liaison in the past, you chose to phone me this morning, when I was occupied on another unrelated important technical task.
- Once we began measuring the blast vibrations in our own home and found out how strong the vibrations were and that they were some 260% \pm 3% stronger than what was being reported, our mental health suffered very badly and continues to degrade.
- Because of my age and the continual stress of having our home badly vibrated and damaged for several years, I am currently not in sufficient health to be able to receive any further phone calls from you.
- Your attempt to persuade us to accept the pre-2016 data exclusion, for which no reason has ever been provided, has failed.

We feel that the comments regarding your exclusion of the pre-2016 data, which we made in our previous email (below), remain valid (no reason of any kind has ever been provided).

- Regarding your reference to some previous Ombudsman decision, we are unsure what you are referring to.
 - Either way we will insist on a review with the new data and the statistician's interpretations.
- Having received the new BCC data, plus the earlier data now in a more correct and exact format, we expect to be able to more accurately define our spreadsheet.
 - This comes after the BCC MCQ failed to provide the data that was approved for release by the BCC RTI department.
- On the three previous occasions that we received bulk BCC blast vibration monitoring data, the quality of the data has ranged from extremely poor to reasonably acceptable.
 - However we believe that the latest copy of the MCQ data is much more accurate, plus it contains the secret data which the MCQ did not provide.
 - We believe that this new data proves beyond all reasonable doubt, that the MCQ would have known what the blast vibration strength would have been like inside the private homes immediately opposite the quarry entrance.

Our goal is to be able to get on with our lives like ordinary people and this requires that the truth about the MCQ operations and status be revealed.

I remind you that both the DES department and the BCC have provided us, on more than one occasion, with the MCQ EA Schedule F conditions.

- There has never been any considerations or suggestion that these conditions could not be applied in terms as dictated by plain simple English and Boolean Algebra.
- Consequently we are entitled to believe the Schedule F conditions as the correct operational restrictions which the MCQ must always follow.
 - We are advised that these are the original BCC defined conditions which were transferred into SR0041, and at the time the BCC stated that MCQ is unlikely to exceed 5mm/second.

- We are thus entitled to believe that these conditions would have been very carefully considered by the BCC.
- Furthermore, they would have been inserted specifically for the protection of the local residents.

Yours Sincerely, Philip Best.
Chairperson Mt Coot-tha Local Residents.

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From: PhilBest313@gmail.com <PhilBest313@gmail.com>
Sent: Wednesday, 12 December 2018 12:12 PM
To: 'BIRCH Kerynne' <Kerynne.Birch@des.qld.gov.au>; 'Maiwar Electorate Office' <maiwar@parliament.qld.gov.au>
Cc: 'Energy and Extractive Resources' <EnergyandExtractive@des.qld.gov.au>; David Hassall (hassalldavidc@gmail.com) <hassalldavidc@gmail.com>; Di Glynn <diglynn@bigpond.com>; 'Bronwyn Bell' <edoqld@edoqld.org.au>; 'Juanita Williams' <jwilliams@edoqld.org.au>; Kirsten Maclean (kirsten.maclean@gmail.com) <kirsten.maclean@gmail.com>; 'Mailbox Investigations' <INVESTIGATIONS@ombudsman.qld.gov.au>; 'drew.creighton@fairfaxmedia.com.au' <drew.creighton@fairfaxmedia.com.au>; 'Isobel.Roe@abc.net.au' <Isobel.Roe@abc.net.au>; 'slove@seven.com.au' <slove@seven.com.au>; 'investigations@abc.net.au' <investigations@abc.net.au>; 'brendan.omalley@news.com.au' <brendan.omalley@news.com.au>
Subject: RE: Mt Coot-tha Quarry Complaint - limit of investigation scope

Dear Ms Birch,

Thank you for contacting us.

We acknowledge receipt of your email, however as you would recall the local residents have been on this case now almost 20 years, and currently I cannot see any ending.

- Indeed you have been part of this process with us and we have some previous emails from you.

Fundamentally for all engineers, the scope of any investigation should always match the scope of the problem, otherwise the problem cannot be solved.

The scope of your investigation is one which was decided upon by you and your department, and without any reasons given.

- Whilst we are grateful for your assistance, as the primary group of both sufferers and forced investigators, we were never once given the opportunity to alter or even suggest changes to the scope of your investigation.
- The blast vibration damage done to all homes is cumulative, whilst it does not magically heal over many residents have been unable to live with the visual aspects and chosen to make expensive repairs that simply hide the structural damage.
- The Local residents here have a right to know exactly what was done to their homes and prior to John Higgins' death, we were working together on this.
- The Brisbane people also have a right to know the truth about what has been going on here, especially regarding the likely asbestos contamination in some homes, where innocent people may be living right now.
 - As the current Local Residents Group Chairperson, my role (and that of John Higgins before me) does not allow me to ignore the asbestos contamination problem, which we believe to be a reality, with some homes being shaken severely for a cumulative total of one hour in the past 30 years.

- Looking at the NTI XL2 LASmax and other data recorded on our home on 3/8/2016, the equivalent long-term continuous shaking duration may well be several hours.
- As you would know, asbestos sheeting cannot legally be moved and this has definitely happened at Mt Coot-tha with the sustained long-term blast vibrations in all affected homes.
 - The strong Mt Coot-tha Quarry blasting is indeed still happening, the source of the problem is ongoing and we have no idea when it may suddenly get much stronger.
 - As you would know, the Mt Coot-tha Quarry blast vibration limit on every 10th blast is totally undefined.
 - The current Quarry Manager (Mr Bell) advises that blasting operations should continue for another 5 years.
- It may be that there are no homes in Mt Coot-tha with Asbestos Sheeting, but that would be unusual because ASEA states that it exists in a third of all Australian homes.
- www.AsbestosSafety.gov.au states that there is no minimum safe level of asbestos safety.

The Local residents have been forced against their will into the situation where we must continue to defend both our homes and our health.

- I can assure you that there are hundreds of other things we would rather be doing.
- In my case I am 70 years old and only have a few short years of good active health remaining in my life.
- The work that I have been forced to do full time in these past 2 years has had a hugely damaging effect on my rapidly ageing health.
- Every day I have to look again into new aspects of this case, when in reality I should be earning some kind of income through my software products and other work to repay our massive home loan.
- Because of this extensive complex reactive work at my age, my health has degraded and my family relationships have suffered badly, it has become a never-ending nightmare.
- As the head of our family, there are many things that we are absolutely forced to do, to defend our home against further building and personal health damage.
- Many of the other local residents here feel the same way, which is understandable with what they have been forced to endure from the quarry (some for much longer than ourselves).

We sincerely hope that you can direct the investigation so that it provides a satisfactory ending for us and allow us to get on with our lives like ordinary people.

- However past experience with your department and the BCC, has led to repeated and often serious disappointment, which is very degrading to our family mental health.
- In liaising with psychiatrists, they have considered various relevant topics attached.
- I also apologise for the complexity of this case and also for the personal connection, however this is unfortunately the (ongoing) reality in the Mt Coot-tha urban area.

In dealing with the BCC, we ask that you do not reveal any of our group members names, other than John Higgins who is dead.

There has been evidence of bullying towards us and hopefully the new Qld Human Right Act will be able to overcome that when it becomes law.

Thank you for reading this email.
Philip Best and family.

From: BIRCH Kerynne <Kerynne.Birch@des.qld.gov.au>
Sent: Wednesday, 12 December 2018 9:24 AM
To: philbest313@gmail.com
Cc: Energy and Extractive Resources <EnergyandExtractive@des.qld.gov.au>
Subject: Mt Coot-tha Quarry Complaint

Good morning Mr Best,

My name is Kerynne Birch and Liz Clarke reports to me as a Compliance Manager. I am writing to you to clarify the role of Liz and to establish some clear guidelines regarding ongoing contact with Liz for the duration of the management of your complaint. I kindly request that you observe these as Liz works to investigate your complaint that was received on 26 October 2018.

Liz's role is to review your complaint made to the Department of Environment and Science (the department) on 26 October 2018. Further points on the scope of Liz's role are stipulated below:

- In correspondence to you dated 30 November 2018 (hereafter referred to as 'the correspondence'), the scope of the investigation was indicated. I would like to clarify that the scope will not be amended.
- In the correspondence, the jurisdictional limitations on the department were included. Please note that Liz's investigation will not deviate beyond the jurisdiction of the department as identified in the correspondence.
- The correspondence identifies the issues that Liz will and will-not investigate. Please note that Liz's investigation will not deviate from what is stipulated in correspondence.
- Any current operational or information access concerns you are experiencing with the Mt Coot-tha quarry must be escalated through the department's Pollution Hotline via 1300 130 372 (option 3). Liz's role is to investigate your complaint dated 26 October 2018 and is not to investigate general compliance of the Mt Coot-tha quarry.

I wish to assure you that Liz is undertaking a complete and thorough investigation of your complaint and has all the information she needs to do this. The complaint is complex and as such, Liz requires appropriate time to undertake a complete review. With this in mind, I kindly request that if you wish to email the department regarding your complaint, please either email myself or EnergyandExtractive@des.qld.gov.au. In relation to future emails to the department, I wish to reiterate that the scope of the complaint investigation will not change. As identified in the correspondence, yourself or any other concerned residents may make a complaint regarding additional matters either to the Department or the QLD Ombudsman as you see fit.

For your information, I have attached the current complaints management policy and procedure. These documents step out the responsibilities and processes the department must follow when complaints such as yours are received.

I appreciate your understanding with this matter.

Kind regards

Kerynne



Kerynne Birch
Director, Energy and Extractive Resources Assessment
Environmental Services and Regulation
Department of Environment and Science

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