



EDO Qld.

Environmental Defenders Office

*Using the law to protect
our environment.*

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16 October 2018

Philip Best
Mt Coot-tha Quarry Affected Residents
3 Sir Samuel Griffith Drive
Mt Coot-tha
Toowong Qld 4066

Sent via email only: philbest313@gmail.com

Dear Philip,

Advice line enquiry response – Mt Coot-tha Quarry

Thank you for your enquiry on 1 March 2018 regarding the Brisbane City Council (**BCC**) Development Approval (**DA**) IPDE00920708 (formerly SR0041) dated 5 September 2012 located at Sir Samuel Griffith Drive, 152-170 Mount Coot-tha Road, Mount Coot-tha QLD 4066 (Lot 1 Plan RP18899, Lot 2 Plan SP241566 and Lot 6 Plan RP18899) (**Site**) for environmentally relevant activity (**ERA**):

- a) Extractive and screening activities Threshold 2(c) – extracting, other than by dredging, in a year, more than 100000t to 1000000t of material (ERA 16); and
- b) Extractive and screening activities Threshold 3(b) – screening, in a year, more than 100000t to 1000000t of material (ERA 16).¹

The Site is otherwise known as the Mt Coot-tha Quarry and is operated by BCC.

BACKGROUND

We note that we have provided detailed background in our previous advice to you dated 15 October 2018 and we refer to that background for this advice.

We are instructed that:

¹ Queensland Government, DES, Environmental Authority Permit Licence No. SR41 (**EA**), <https://environment.ehp.qld.gov.au/env-authorities/pdf/epr00447313.pdf>.

1. In 2011, you discovered that there appeared to be a difference between “overpressure blast noise” and “sensitive receptor building resonance noise”.
2. From 2016, you have undertaken additional measurements and analysis, and your conclusion is that “overpressure noise” is totally different to “internal home sensitive receptor resonance noise”.
3. You believe “overpressure noise” is a “free atmosphere short sonic boom style concept”, whilst “sensitive receptor resonance noise” is different with very different causes, time-zones, much longer duration and “home resonant style frequencies”.
4. You believe that the method of measuring noise referred to in Conditions F2 and F3 of the Environmental Authority (EA)² is distinct from the ‘over-pressure level’ referred to in Conditions F4 and F5 specific to noise emanating from blasting.
5. You believe that noise inside a dwelling house may not be measured as over-pressure levels.

We understand that you are seeking advice regarding whether, Conditions F1, F2 and F3 of the EA can apply to noise levels collected from the “internal home sensitive receptors” if they are not classed as “atmospheric overpressure noise”.

SUMMARY

For the reasons set out in the advice below:

1. Condition F1 applies to noise “except as otherwise provided by the conditions of the noise schedule”.
2. Conditions F2 relates to noise other than from blasting operations.
3. Condition F3 relates to all noise.
4. Conditions F4 and F5 relate to noise emanating from blasting operations.
5. BCC could comply with the maximum prescribed levels in Conditions F4 – F5 but might still be in breach of Condition F3.
6. We are unable to help with the difference between overpressure levels and other noise measurement levels. We recommend you engage a noise expert for this.
7. If noise inside private homes is not overpressure level from blasting, then Conditions F1, F2 and F3 may be applied to the noise sensitive place.

We have answered your query below.

ADVICE

In relation to the EA, Schedule F, Condition F1 applies to all noise that is not otherwise covered by a condition. It states:

² Queensland Government, DES, Environmental Authority Permit Licence No. SR41 (EA), <<https://environment.ehp.qld.gov.au/env-authorities/pdf/eppr00447313.pdf>>.

Except as otherwise provided by the conditions of the noise schedule of this environmental authority the environmentally relevant activities must be carried out by such practicable means necessary to prevent or minimise the emission or likelihood of emission of noise.

We believe that Condition F1 imposes an overarching obligation to carry out the ERAs “by such practicable means necessary to prevent or minimise the emission or likelihood of emission of noise”³ unless other conditions of the noise schedule specify otherwise.

We note, however, that the Conditions of Schedule F otherwise provide maximum noise levels which are not to be exceeded.

Condition F2 specifies maximum levels for noise not arising from blasting operations as set out in Table 1. Condition F3 does not specify the noise source and presumably applies to all noise, including blasting.

Conditions F4 and F5 appear to impose maximum levels for noise emanating from blasting operations with Condition F6 imposing limits on ground vibration caused by blasting operations.

We believe the maximum levels specified in Conditions F2 to F5 fall within the “except as otherwise provided” part of F1 and therefore emissions provided for within these specified limits are not caught by Condition F1.

If noise inside private homes is not overpressure level from blasting, then conditions F1 and F2 may be applied to the noise sensitive place.

We are unable to help with the difference between overpressure levels and other noise measurement levels. We recommend you engage a noise expert for this.

We hope the information we have provided in this response is of assistance and we will now attend to closing your file. We will keep your file for 7 years, after which time it will be destroyed.

Please do not hesitate to contact us if you have any questions or would like to discuss this matter further.

Yours faithfully



Sean Ryan
Principal Solicitor

To provide feedback on EDO services, write to us at the above address.

³ Queensland Government, DES, Environmental Authority Permit Licence No. SR41 (EA), Condition F1 <<https://environment.ehp.qld.gov.au/env-authorities/pdf/epr00447313.pdf>>.

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