

Media release

Monday 9 November 2015

Ombudsman investigates council's regulation of noise emissions from Lakeside Motor Racing Circuit

Queensland Ombudsman Phil Clarke today released an investigative report that found Moreton Bay Regional Council failed to effectively monitor and regulate noise conditions on the Lakeside Motor Racing Circuit.

The Ombudsman initially launched an investigation into Council's regulation of noise emissions from Lakeside in 2012 after receiving complaints from residents living near the race circuit.

The Ombudsman's initial investigation found that Council had acted unreasonably in the way noise levels were measured, interpreted and regulated.

Mr Clarke recommended that Council engage an acoustic specialist to devise a more appropriate approach to measuring noise levels, inform all stakeholders about the new approach and conduct monitoring and assessment of noise levels in accordance with that approach.

While council engaged an acoustic specialist who provided specialist advice on measuring noise levels and informed stakeholders, there was no evidence that noise levels were being monitored and assessed in accordance with this advice.

After council failed to fully implement the Ombudsman's recommendations, Mr Clarke launched a follow-up investigation.

The Ombudsman's current investigation focused on the council's administrative actions and identified several failings in the way it regulated noise at Lakeside:

- the council officer responsible for monitoring noise requirements and managing noise complaints was not initially informed that council had changed its position in relation to the way noise was measured at the site
- there was no evidence of planning or preparation for the change or consideration regarding how it would be implemented
- council's intentions were not clearly represented to nearby residents
- council was aware that noise monitoring did not comply with relevant standards, but did not take steps to improve noise monitoring to meet these standards.

"For many years, the regulation of noise at Lakeside has been an issue of ongoing concern to the community in its immediate vicinity," he said.

"Council has responsibility for regulatory compliance in relation to noise and a duty to protect the community from excessive noise.

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“My investigation revealed significant shortcomings in the way council has carried out its responsibilities in relation to noise at Lakeside.

“I have made recommendations which are directed to council taking immediate steps to ensure noise is monitored effectively, and to address any exceedances in an effective and timely manner.”

The Queensland Ombudsman is an independent officer of the Parliament.

The Ombudsman ensures public agencies make fair and balanced decisions for Queenslanders by investigating complaints and conducting own-initiative investigations that tackle broader, systemic concerns.

The Ombudsman can investigate complaints about state government departments, local councils and publicly-funded universities.

The Ombudsman can make recommendations to rectify unfair or unjust decisions and improve administrative practice.

The Lakeside Noise Report: An investigation of action taken by Moreton Bay Regional Council to regulate noise emissions from Lakeside Motor Racing Circuit was published under the authority of the Speaker and is available at: www.ombudsman.qld.gov.au

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