



Ballina Rugby Club Inc.
P.O Box 485
Ballina, NSW 2478
Quays Reserve,
Kalinga Street,
West Ballina
www.ballinarugby.com.au
ballinaseahorses@gmail.com

11/10/2017

The General Manager
Ballina Shire Council
Cherry St Ballina 2478
Attention: Mr Vince Hunt
Re: DA 2016/690 Noise Attenuation Ballina Rugby Club

Dear Sir,

I refer to discussions between representatives of this Club, Council and Burleigh Nominees, the developer of Lot 71 DP 628164 Quays Drive West Ballina held at Council Chambers on 28.09.17.

As a consequence of those discussions, this Club now formally submits to Council proposals for the following noise attenuation measures and other works to the Ballina Rugby Union Clubhouse building and associated grounds, as a basis for terms to be agreed upon between the Developer, Council and the Ballina Rugby Union Club, in satisfaction of Condition 31A of the above Development Consent.

Proposed Measures;

Insert appropriately worded subclauses in the Lease Agreement between Ballina Rugby Club Inc and Ballina Shire Council viz;

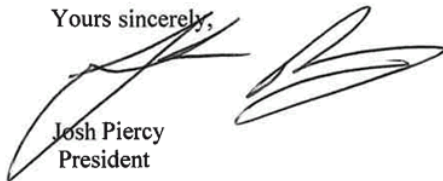
1. No more than 15 (fifteen) liquor licences shall be applied for from the Licensing Court in any one calendar year, and no such licence applied for shall extend beyond 11pm.
2. No live music shall be permitted to play in the leased premises.
3. Any musical or amplified devices used in the leased premises shall be controlled by a noise limiter set to an agreed upper limit.

Proposed Works;

1. An earth mound, comprising approved material, shall be constructed contiguous with and parallel to the southern boundary of Quays Reserve. Such mound shall be of a length no less than the width of the existing rugby playing field. The ground slopes and batters of such mound shall be no steeper than 1V:4H unless otherwise approved by Council. All batters and slopes of such mound shall be densely planted with a groundcover approved by Council. Appropriate measures shall be undertaken to protect the existing Norfolk Island Pines (*Araucaria heterophylla*) adjacent to the southern boundary.

Council's consideration of the above proposals and response at its early convenience would be appreciated.

Yours sincerely,


Josh Piercy
President

cc. Mr Tim Mundy Burleigh Nominees

Sandra Bailey

From: Graham Steel <gbsteel@bigpond.net.au>
Sent: Wednesday, 14 March 2018 11:48 AM
To: Paul Hickey
Cc: Councillor Eoin Johnston; ballinaseahorses@gmail.com; John Leon
Subject: Ballina Rugby Club noise attenuation

Dear Paul

Thank you for forwarding of the Noise Impact Assessment and the opportunity to provide some response for consideration by Council.

It is unfortunate that the Noise Impact Assessment (NIA) report prepared by Tim Fitzroy and Associates (TFA) does not at any stage refer to the Consent Condition 31A of DA 2016/690 which is the issue at hand requiring resolution, viz. *Prior to the issue of a Construction Certificate, the developer must lodge with Council a bond of \$50,000 for the purpose of securing the carrying out of noise attenuation and other works to the Ballina Rugby Union Clubhouse building and associated grounds on terms agreed between the Developer, Council and the Ballina Rugby Union Club. In the event that such agreement is not reached within six (6) months from the date of payment of the bond, it shall be forfeited to Council for the purposes of carrying out such works as Council considers necessary for the purpose for which the bond was paid.*

Instead, the NIA report is predicated upon a deferred commencement condition which was struck out by the Land and Environment Court on 1.8.2017.

In brief, Ballina Rugby Club (BRC) does not accept that there is a noise problem associated with the past and existing use of its clubhouse. Further, the TFA report does not conclusively demonstrate that there is such a problem.

- Sound recordings listed in Appendix B were taken over a thirteen day period in July 2017. Recordings were taken continuously over 24 hours with a microphone mounted adjacent to the closest boundary of the new development. The recording period included a clubhouse function after a home game versus Lismore Rugby Club (15.7.2017). BRC enjoys excellent relations with Lismore Rugby both on and off the field and this function would have been typical of an after game get together held at the clubhouse. Examination of the recording data indicates that there was less consistent noise emanating from that function than on other evenings of the recording period when the clubhouse was not occupied. Even so, the loudest noise recorded at the new development boundary on 15.7.2017 (53.1 dBA) is described in the TFA report as "moderate to quiet" a "typical source being office noise or normal conversation at 1m" (Table 3.1 Page 15)
- On 16.1.2018, whilst the writer was present, TFA carried out recordings of amplified noise, set to 90 and 100 dBA. It was obvious to my ear that these sound levels were well in excess of those normally experienced during clubhouse functions. Further, they were not recorded at the site of the new development but rather the projected sound levels at the new development boundary were extrapolated from recordings taken a mere 5 metres outside the clubhouse. New residences are likely to be, at closest, over 100 metres distant from the noise source.
- The TFA report contains a number of qualifications, disclaimers and projections, including that the predicted noise modelling having "limits to ..accuracy and prediction"
- No canvassing of existing residences to determine any noise concerns has been included in the TFA report. In contrast, club members and administration maintain a healthy interaction and cordial relations with its closest neighbours. No complaints relating to noise have been conveyed to BRC over the past 34 years, either by neighbours, Ballina Police or Ballina Shire Council. Some existing residences are less than 40 meters distant. The main point of contention many years ago between the Club and a limited number of neighbours related to stray footballs finding their way into backyards. This was overcome with the establishment of a vegetated mound on the north eastern side of the playing field.

Notwithstanding the foregoing, Ballina Rugby Club concedes that Council may have concerns about the possibility of noise generated in the future being in excess of current levels.

To this end it has submitted a proposal for "***noise attenuation measures and other works to the Ballina Rugby Union Clubhouse and associated grounds***" as a basis for terms of agreement as required by the Consent Condition. These proposals were forwarded to the General Manager on 11.10.2017. The Developer has indicated his agreement with such proposals and has lodged his \$50,000 bond with Council.

Adoption of BRC proposals will provide compliance with the TFA report at page 41 dot point 2, viz; "*The Noise Impact Assessment and modelling has illustrated that : With an internal noise level of 75dB(A) (equivalent to background music + patron noise) noise from the clubhouse is predicted to comply with the PSNC during all times, regardless of the position of windows and doors*"

Ballina Rugby Club is committed to maintaining the excellent relationship it has enjoyed with Council since the Club's inception 42 years ago. The Club has established its community bona fides over that period by committing its financial and human resources firstly to the construction of Kingsford Smith Park playing fields, and later the development of Quays Reserve from a low lying cane field to its present state, the field surrounds, sealed car park and clubhouse construction. For many years BRC carried out all mowing and maintenance of the reserve grounds. All ongoing internal and external maintenance of the clubhouse is carried out on a regular basis by volunteer club members, at BRC expense.

In summary, the expenditure of the monies for the purposes referred to in Appendix D of the TFA report (air conditioning, laminated windows, door seals approximately \$40,000) is considered unnecessary to achieve the aims of the Consent Condition. The proposals submitted by BRC will be more cost effective, practical and environmentally sound. Council is urged to support them to bring this long standing matter to a conclusion.

Kind regards
Graham Steel
Life Member #2
Ballina Rugby Club
0429862966

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