

Decision Notice

Planning Act 2016

4 October 2022

ASIMUS Investments Pty Ltd
C/- BNC Planning
PO Box 5493
Townsville City. QLD 4810
Email: enquire@bncplanning.com.au

Dear Sir,

I refer to your application and advise that Development Application **MCU22/0007** was assessed and approved in full subject to conditions. The decision was made by the Assessment Manager on the date below.

Details of decision are as follows:

Application Details

Application Number:	MCU22/0007
Street Address:	9-11 Nelson Street, Clare
Real Property Description:	Lot 20 on SP314314
Planning Scheme	Burdekin Shire Planning Scheme 2011

Decision Details

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use – Accommodation Building
Date of Decision:	27 September 2022

Currency Period of Approval

The currency period for this development approval is 6 years starting the day that this development approval takes effect. (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*.)

Please note that in terms of the Planning Act, the currency period can only be extended if the request is received before the approval lapses. (see Section 85 “Lapsing of approval at end of currency period”)

Infrastructure

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “**necessary infrastructure condition**” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

Assessment Manager Conditions

See Attachment 1

Referral Agencies

Not Applicable

Approved Plans

The following plans are Approved plans for the development:

Drawing Title	Drawing/Revision	Date
Preliminary Drawings - Existing Site and First Floor Plan	Job No. TFBG-21019 Dwg No. A01 Issue P2	19.05.2021
Preliminary Drawings – Proposed Site and First Floor Plan	Job No. TFBG-21019 Dwg No. A03 Issue P3	19.05.2021
Preliminary Drawings – Proposed Site and Ground Floor Plan	Job No. TFBG-21019 Dwg No. A04 Issue P6	19.05.2021
Associated Reports		
Development application prepared by BNC Planning.		

Referenced Documents

Not Applicable

Advisory Notes

See Attachment 1

Property Notes

Not Applicable

Variation Approval

Not Applicable

Further Development Permits Required

Development Permit for Building Work

Submissions

There were no properly made submissions

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

**Assessment Manager
Signature:**



Date: 4 October 2022

Enc: Appeal Rights

Attachment 1 – Conditions of approval

Attachment 2 - Approved Proposal Plans

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and

- (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Statement of Reasons

Planning Act 2016 & The Planning Regulation 2017

This notice is prepared in accordance with s63(5) and s83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Desired Environmental Outcomes;
- Strategic Framework;
- Public Purpose zone code;

REASONS FOR THE DECISION

Following an assessment of the development application against the assessment benchmark listed above, it was determined the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
1. General and Administration 1.1 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the applications supporting material, except where modified by the conditions of this Development Permit and any approval issued there under.		At all times.
2. Approved Plans 2.1 The proposed development must be completed and maintained generally in accordance with the drawing/ documents identified in the Table below, except as otherwise specified by any condition of this approval. 2.2 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase. 2.3 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail. 2.4 The proposed development must comply with all scheme requirements as applying at the date of this approval, except as otherwise specified by any condition of this approval. 2.5 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	During the operation and life of the development.

Attachment 1 – Conditions of Approval

Condition		Reason	Timing
Approved Plans			

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
5. Limitation of Approval This approval is limited to Accommodation Building within the Residential Use Class as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme</i> .	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	During the operation and life of the development.
6. Notice of Intention to Commence the Use Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		Prior to the commencement of the use.
7. On-site Water Supply Confirmation from the relevant private water service provider in this locality that an adequate and appropriate water supply for the development can be provided, is to be provided to Council.	The development is not located within a Burdekin Shire Council service area for a reticulated water service. Council understands that currently Sunwater is the private water service provider.	Prior to the issue of the Certificate of Occupancy by the Building Certifier and prior to the commencement of the use.
8. On-site Sewage Disposal 8.1 The development must be serviced by an on-site sewage facility.	Development is not located within a service area for a sewerage service under the <i>Water Supply (Safety and</i>	Prior to the issue of the Certificate of Occupancy by the Building Certifier

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
8.2 This planning approval is not permission to install the facility or commence building works. Under the <i>Plumbing and Drainage Act 2018</i> , an application must be lodged with Burdekin Shire City Council before any building work or installation of an on-site facility can be carried out.	<i>Reliability</i>) Act 2008 and must be appropriately serviced by a wastewater treatment and disposal facility that is appropriate for the level of demand generated by the development.	and prior to the commencement of the use.
9. Privacy Screening Privacy screening or suitable alternative treatments are to be provided to habitable room windows located on the first floor. Treatments may consist of: a) Fixed, tinted or opaque glazing in at least any part of the fixed window; and b) Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.	To ensure the development appropriately addresses privacy requirements for residents at the premises, neighbouring residents and the community to ensure a suitable level of amenity and privacy is maintained.	Prior to the issue of the Certificate of Occupancy by the Building Certifier and during the operation and life of the development.
10. Roadworks, Traffic and Access 10.1 A new 4.0m wide bitumen sealed roadway from concrete crossover in School Road to southern extent of the subject site including the area between the roadway and on-site bitumen sealed carpark is to be constructed to the satisfaction of the Chief Executive Officer and Council's standards. 10.2 RPEQ certification is required to be submitted as part of an Operational Works application. 10.3 Parking spaces, accesses and driveways not to be used for any other purpose.	To provide development with access in accordance with council standards.	Technical details are to be submitted to council as part of an application for Operational Work.

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
10.4 Provide to Council prior to the commencement of works, a cross section 1:50 scale of all driveways showing existing and design levels for crossovers. 10.5 Vehicles must not exit the site in a reverse direction. 10.6 Provide pedestrian access, both internal and external to the site, which is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict. 10.7 Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses. 10.8 During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with council's standards. 10.9 <u>Roadworks Approval</u> 10.9.1 The developer is responsible for obtaining a Roadworks permit for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. 10.9.2 The application must indicate the following: a) Completed Roadworks permit application form. b) Prescribed fee. c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 – Works on Roads. d) If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need		

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
to be made to council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to council.		
11. On Site Car Parking		
11.1 A minimum of ten (10) car parking spaces (including a dedicated accessible space) must be provided on site and made available to serve the development.		
11.2 All on-site car parking facilities, associated ramps, driveways and manoeuvring areas must be designed and constructed in accordance with Council's requirements and the relevant Standards.		
11.3 All car parking facilities must be always maintained to a safe operating standard thereafter.	To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.	Technical details are to be submitted to council as part of an application for Operational Work and maintained for the life of the development.
12. Stormwater Drainage		
12.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	Technical details are to be submitted to council as part of an application for Operational Work and maintained for the life of the development.
12.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
12.3 Stormwater drainage must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.		

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
12.4 RPEQ Certified Stormwater Management Plan is required to be provided as part of the Operational Works Application.		
13. Landscaping and Screen Fencing i. The site is to be suitably landscaped (with appropriate irrigation installed) with suitable species, in accordance with council's specifications and to the satisfaction of the Chief Executive Officer. ii. A minimum 1.8m high timber paling (with max 10mm gap) or similar style fence is to be provided for the full length of all property boundaries excepting pedestrian and vehicle access points.	To enhance the appearance of the development for both residents and the community in accordance with Council's relevant code/s and policy direction.	To be maintained for the life of the development.
14. Communal Open Space Provide sufficient communal open space that is accessible, useable and safe, centrally located and landscaped to an appropriate standard and designed and located in such a way to ensure any noise impacts are acceptable.	To ensure the development provide occupants with an appropriate level of communal open space.	To be maintained for the life of the development.
15. Noise Management The proposed activity must be conducted in a manner that applies such reasonable and practicable means necessary to avoid, minimise or manage the emission or likelihood of emission of noise that constitutes an intrusive or noise nuisance. In the event of a complaint being received by Council in relation to noise associated with the use, the developer/operator must engage a suitably qualified acoustic consultant to undertake an assessment addressing noise emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Noise) Policy 2019</i>, <i>Environmental</i>	To ensure that the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the Queensland	To be maintained for the life of the development.

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
<i>Protection Regulation 2019</i> and Australian Standard AS 1055 Acoustics to the satisfaction of the Burdekin Shire Council. The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of noise attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.	<i>Environmental Protection Act 1994</i> Section 440.	
16. Refuse Facilities Refuse collection arrangements must be provided by the developer to the satisfaction of the Chief Executive Officer. In particular: a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins. b) Provide a storage area that is suitably paved, with a hose cock fitted in close proximity to the enclosure and drained via a legal on-site sewer connection. c) All waste generated as a result of the construction of the development is to be effectively controlled and contained entirely within the boundaries of the site prior to disposal. All waste is to be disposed of in accordance with the <i>Environmental Protection Regulation 2019</i> and council's waste management policy.	To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.	Prior to commencement of the use and to be maintained for the life of the development.
17. Screen Fencing 17.1 A minimum 1.8m high fence is to be provided for the full length of the property boundaries, excepting access points.	To ensure the development does not have a detrimental effect on the amenity of the	Prior to the commencement of the use and

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
17.2 The type and design of the fencing must be submitted and approved by the Chief Executive Officer.	surrounding land and to address Crime Prevention through Environmental Design principles in accordance with the relevant code/s and policy direction.	maintained for the life of the development.
18. Property Numbering Legible property numbers must be erected at the premises and must be maintained. The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.	To allow the general public, service and emergency service providers to effectively identify the property.	Prior to the commencement of the use and maintained for the life of the development.
19. Relocation of Services or facilities Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.	To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.	Prior to the commencement of use.
20. Storage 20.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare. 20.2 Any storage on site is required to be screened from view from all roads and adjacent properties.	To ensure the development does not have a detrimental effect on the visual amenity of the surrounding land in	At all times following the commencement of the use.

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
	accordance with relevant code/s and policy direction.	
21. Building Works A development permit for Building Works (Certificate of Occupancy) is to be obtained before commencement of the use.		Prior to the commencement of the use and maintained for the life of the development.
22. Screening of Plant and Utilities Unless otherwise agreed in writing by council, all plant and utilities must be screened or located so as not to be visible from the street.	To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
23. Outdoor Lighting Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in <i>Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting</i> .	To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the Queensland	Prior to commencement of the use and to be maintained for the life of the development.

Attachment 1 – Conditions of Approval

Condition	Reason	Timing
	<i>Environmental Protection Act 1994 Section 440.</i>	
24. Signage Any signage to be associated with the use must be designed to satisfaction of the Chief Executive officer. To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by council.	To maintain amenity for the adjoining properties.	Prior to the commencement of the use.
25. Soil Erosion Minimisation, Sediment Control Erosion and sediment control management including site specific stormwater treatment devices must be installed and maintained to the satisfaction of the Chief Executive Officer.	To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times during the construction phase.
26. Dust Management A dust management plan must be prepared and submitted to council for approval.	To mitigate potential adverse impacts of dust hazards.	Technical details are to be submitted to council as part of an application for Operational Work.

Attachment 1 – Conditions of Approval

Advice	
1. Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.	
2. General Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.	
3. Further Approvals Required a) Operational Work An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council. Condition 10 – Roadworks and Traffic Condition 11 – On Site Car Parking Condition 12 – Stormwater Drainage Condition 26 – Dust Management All engineering, soil erosion and sediment control and landscaping designs and documentation associated with such an application must be prepared and, where necessary, certified by a suitably qualified/experience person. b) Plumbing and Drainage Works. A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works. c) Building Works A Development Permit for Building Works to carry out building works prior to works commencing on site.	
4. Further Inspections Required Compliance with Conditions The following inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval. Condition 13 – Landscaping	

Attachment 1 – Conditions of Approval

Condition 14 – Communal Open Space Condition 16 – Refuse Facilities Condition 17 – Screen Fencing Condition 18 – Property Numbering Condition 19 – Relocation of Services or facilities Condition 22 – Screening of Plant and Utilities Condition 25 – Soil Erosion Minimisation, Sediment Control	
5. Licenced Operator of Premises The operator of the premises must hold a licence with Burdekin Shire Council for the operation of the accommodation premises under the provisions of the <i>Local Government Act 2009</i> and Local Laws pursuant to the Act.	
6. Roadworks Permit If required, a Roadworks Permit for the construction of a driveway or access within the road reserve must be obtained.	
7. Storage of Materials and Machinery All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.	
8. Building Work Noise The hours of audible noise associated with construction and building work on site must be limited to between the hours of: ▪ 6.30 a.m. to 6.30 p.m. Monday to Saturday; with ▪ No work on Sundays or Public Holidays.	To ensure compliance with the <i>Environmental Protection Act 1994</i>.
9. Dust Management Dust control measures should be implemented onsite during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.	
10. Asbestos All asbestos removed from the site must be handled, transported and disposed of in accordance with the relevant legislation.	

Attachment 1 – Conditions of Approval

13. Waste Management The activity must be in accordance with Council's Waste Management Policy, Local Law No. 8 (Waste Management) 2018 and the Environmental Protection Regulation 2019 to ensure sufficient waste management storage capacity is provided on site to adequately cater for the demand generated by the use of the premises. All regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on site and be available for viewing by an authorised officer.	
14. Plant and Utilities Noise All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to not exceed a maximum noise level of: ▪ 5dB(A) above background level between the times of 7am to 10pm; and ▪ 3 dB(A) above background level between the times of 10pm to 7am.	To ensure the use does not have a detrimental effect on the amenity of nearby sensitive receptors in accordance with the Environmental Protection Act 1994.