

Division 13—Temporary Use Code

12.13.1 Temporary Use Code

- (1) The provisions in this division comprise the Temporary Use Code.
- (2) They are—
 - compliance with the Temporary Use Code (section 12.13.2);
 - overall outcomes for the Temporary Use Code (section 12.13.3); and
 - specific outcomes and probable solutions as follows—
 - effects of development – general temporary use provisions (section 12.13.4);
 - effects of development – specific temporary use provisions (section 12.13.5).

- (iii) conserve places of cultural significance or streetscape value; and
- (iv) ensure adequate provision is made for waste storage, treatment and disposal.
- (b) The character, scale, height and intensity of a temporary use are—
 - (i) commensurate with the intent of the zone or Sub Area in which the use is proposed and operational airspace for RAAF Base Amberley and Archerfield Aerodrome;
 - (ii) compatible with the physical characteristics of the site and its surrounds; and
 - (iii) compatible with the desired character of the local area.

12.13.2 Compliance with the Temporary Use Code

Development that, in the local government's opinion is consistent with the specific outcomes in sections 12.13.4 and 12.13.5 complies with the Temporary Use Code.

12.13.3 Overall Outcomes for the Temporary Use Code

- (1) The overall outcomes are the purpose of the Temporary Use Code.

NOTE 12.13.3A
 Sub-section (1) provides the link between the overall outcomes sought for the code and the IPA code assessment rules which refer to the 'purpose' of the code [see IPA s.3.5.13(2)].

- (2) The overall outcomes sought for the Temporary Use Code are the following—
 - (a) Temporary uses—
 - (i) do not cause unacceptable impacts on traffic movement, safety, amenity, health, infrastructure, city image or cause a nuisance to the occupiers of nearby land, particularly residences and other sensitive receptors;
 - (ii) provide for the convenient, safe and efficient movement of vehicles and pedestrians within the site as well as to and from the site;

12.13.4 Effects of Development – General Temporary Use Provisions

NOTE 12.13.4A
 The specific outcomes which are sought to apply generally to temporary uses are set out below.

- (1) **Effects on Amenity Specific Outcomes**
 - (a) Temporary Uses are located and operated so that no nuisance is caused to the amenity of nearby land, having regard to—
 - (i) noise;
 - (ii) hours of operation;
 - (iii) traffic;
 - (iv) the location and design of parking areas;
 - (v) waste storage, disposal and litter management;
 - (vi) lighting;
 - (vii) signage;
 - (viii) visual amenity;
 - (ix) privacy; and
 - (x) odour and dust emissions.
 - (b) Buildings, signage and structures used in relation to the temporary use do not detract from the amenity of the area.



- (c) Ancillary storage of goods or materials in open areas are either—
 - (i) screened from view from the road or nearby land; or
 - (ii) presented in a manner that does not detract from the visual amenity of the area.
- (d) Noise emissions from the temporary use do not cause nuisance to occupiers of nearby land, particularly residences and other sensitive noise receptors.
- (e) A reduction in noise impacts is achieved by—
 - (i) regulating the hours of operation;
 - (ii) locating noisy operations at sufficient distance from noise sensitive areas;
 - (iii) orienting access points, carparking, night lit facilities, spectator areas and other major noise sources to minimise impacts on amenity of nearby areas;
 - (iv) incorporating noise attenuating features into the design, construction and layout of buildings and development sites; and
 - (v) appropriately locating and enclosing noisy plant and equipment (e.g. airconditioning).

(2) **Probable Solution – for sub-section (1)**
 Unless otherwise specified in the relevant zone or Sub Area, the hours of operation for the use are from 7.00 a.m. to 6.00 p.m.

(3) **Site Area**
Specific Outcome
 The site on which the temporary use is to be located is sufficient to—

- (a) accommodate the proposed activity,
- (b) the expected number of users/visitors; and
- (c) mitigate any significant impacts for the duration of the temporary use.

(4) **Site Management and Operation**
Specific Outcomes

- (a) Suitable arrangements are made for the effective management and control of expected visitors to the temporary use.
- (b) The contact details of the operator of the temporary use are provided to the local government.

- (c) The temporary use is adequately supervised at all times for the duration of the temporary use.
- (d) The temporary use is conducted in a manner that avoids the creation of soil erosion.

NOTE 12.13.4B

- (1) Premises may need to be licensed and food vehicles/premises operating on the site may need to be registered under the *Food Hygiene Regulations 1989*.
- (2) Erosion control devices may be required depending on the nature and intensity of the temporary use, and the location of the site.

- (e) The layout of activities on the site, the location of access points, the use of signage, the location of information posts and the employment of security personnel is consistent with the safe and secure management of expected crowds.

NOTE 12.13.4C

Signage used in association with the temporary use is consistent with the Advertising Devices Code (Part 12, division 14) and *Local Law No. 3 (Commercial Licensing)*.

- (f) Emergency facilities, first aid and other services are provided for the safety and well being of all users of the site.

Waste Management
Specific Outcomes

- (a) Where possible, the site is connected to the sewerage system or alternatively, waste is collected and transported off-site for suitable treatment and disposal.
- (b) No treated or untreated wastes are disposed directly to a gully, creek or watercourse.
- (c) An adequate number of refuse containers are provided sufficient to meet the needs of expected users/visitors for the duration of the temporary use, in locations that encourage effective litter control.
- (d) Areas and receptacles for the storage and removal of waste are—
 - (i) designed, located and screened, where necessary, so as not to present an unsightly appearance, when viewed from a street or public 'right of way';



- (ii) designed and located to facilitate access by the Local Government's waste removal vehicles; and
- (iii) covered, contained and managed so as not to attract wildlife (particularly birds or bats), that are likely to affect the operational airspace within 8km of RAAF Base Amberley.

NOTE 12.13.4D
 In respect to waste storage and removal issues relating to the Amberley Air Base, refer to—

- (a) Map OV7B;
- (b) State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities; and
- (c) Table 11.4.2, section 11.4.9 (Defence Facilities), Part 11 (Overlays) of this planning scheme.

(6) Public Toilets
Specific Outcome
 Public toilet facilities are provided and designed for use by all members of the community, including people with disabilities, parents and young children.

(7) Probable Solution – for sub-section (6)
 Public toilet facilities are provided in accordance with the provisions of the *Standard Building Regulation*.

(8) Carparking
Specific Outcomes

- (a) The design and arrangement of access, carparking and vehicle movements on the site is safe and convenient.
- (b) Temporary carparking is provided on the site, or on adjoining land or on other land within 200m of the site to meet the needs of the expected number of users/visitors to the site.
- (c) Carparking attendants are provided to assist users to readily access parking spaces and to leave the site.

(9) Temporary Structures
Specific Outcome
 All temporary structures are stable and structurally sound.

- (10) Probable Solutions – for sub-section (9)**
- (a) The relevant approvals are obtained for all temporary buildings or structures in accordance with the provisions of the *Standard Building Regulation*.
 - (b) Setbacks for temporary buildings or structures conform to those as specified for the relevant zone or Sub Area.
 - (c) Where no building setback provisions are specified—
 - (i) the frontage boundary setback of buildings and structures is consistent with that of buildings on adjoining sites; or
 - (ii) the frontage boundary setback is six (6) metres or half the height of the building or structure whichever is the greater.
 - (d) Heights for temporary buildings and structures conform to those as specified for the relevant zone or Sub Area.
 - (e) Where no building height provisions are specified, buildings and structures are limited to one (1) storey in height, unless appropriate with—
 - (i) the scale of adjoining development;
 - (ii) the extent and fall across the site;
 - (iii) the character and amenity of the area and the overall townscape; and
 - (iv) the operational airspace of RAAF Base Amberley and Archerfield Aerodrome.

(11) Outdoor Lighting
Specific Outcome

- (a) Outdoor Lighting is—
 - (i) designed, installed and operated to maintain the amenity of the area;
 - (ii) located, utilised and focused to efficiently light a desired area while minimising lighting overspill;
 - (iii) located such that mature planting does not reduce its effectiveness;
 - (iv) integrated into the total design with building, landscaping, signage, streetscape and public space design;



- (v) used to illuminate buildings and areas that may be susceptible to criminal activity but avoids lighting overspill which may detract from the amenity of nearby areas (particularly residential uses) or contribute to hazardous traffic conditions;
 - (vi) appropriately placed to avoid shadows and glare which might put pedestrians at risk (e.g. shielded light at eye level);
 - (vii) not directed onto the street or adjoining properties;
 - (viii) downward directed;
 - (ix) appropriately shielded at its source;
 - (x) provided to vehicular and pedestrian movement areas, including roads, paths and carparks, in order to provide visibility and safety at night; and
 - (xi) provided for entry ways and includes point-to-point lighting for pedestrian walkways.
- (13)
- (14)
- (15)
- (b) Particular attention is given to the lighting of sites which are situated within 6km of the Amberley Air Base runway, so as not to cause distraction or interference with a pilot's visibility while in control of approaching or departing aircraft.

NOTE 12.13.4E

In respect to lighting issues relating to the Amberley Air Base, refer to—

- (a) Table 11.4.2, section 11.4.9 (Defence Facilities), Part 11 (Overlays) of this planning scheme; and
- (b) State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities.

- (12) **Probable Solutions – for sub-section (11)**
- (a) Illumination levels parallel to and at a distance of 1.5 metres outside the boundary of the site do not exceed 8 lux in either the vertical or horizontal plane for a height of 10 metres above ground level.
 - (b) Security lighting is designed, installed and operated consistent with *Australian Standard AS 4282 (1997) – Control of the Obtrusive Effects of Outdoor Lighting*.

- (c) Principal pedestrian and bicycle movement routes and public spaces are lit to the minimum *Australian Standard of AS1158 (Public Lighting Code)*.
- (d) Configurations of lights in straight parallel lines 500m – 1000m long, flare plumes, upward shining lights and flashing or sodium (yellow) lighting are avoided within 6km of the RAAF Base Amberley runway.

Duration of Temporary Use

Specific Outcome

The temporary use does not become entrenched as a de facto, permanent activity.

Probable Solution – for sub-section (13)

A temporary use is for a period not exceeding four (4) weeks over twelve (12) months.

NOTE 12.13.4F

Where a Temporary Use is proposed to take place on public land, the consent of the Local Government, or the State Government, or both is required.

- Site Clean Up and Reinstatement**
- Specific Outcomes**
- (a) Upon cessation of the temporary use, the premises are cleaned up and reinstated (e.g. removal of signage, temporary structures and liquid and solid wastes).
 - (b) The surface of the site is reinstated to the original or desired end state and any erosion areas created by the use are rehabilitated.

NOTE 12.13.4G

- (1) A bond may be required to ensure clean up and reinstatement of the site, its surrounds and any associated community infrastructure.
- (2) In the event of default of the responsibility for site clean up and reinstatement, the local government or its contractor may enter the site and do all necessary clean up and reinstatement work to bring the site back to its original or desired end state and charge the operator of the temporary use the cost of the cleaning and reinstatement work.



12.13.5 Effects of Development – Specific Temporary Use Provisions**Temporary Use for Accommodation Purposes****(1) Specific Outcomes**

- (a) Temporary use for accommodation is located so that it is not significantly, adversely affected by noise, odour or other adverse impacts from other uses on-site or on nearby land.

- (b) Adequate toilet and shower facilities are provided on-site, sufficient to meet the needs of the expected users/visitors to the site for the duration of the temporary use.
- (c) A potable or reticulated water supply is available on the site sufficient to meet the needs of the expected users/visitors to the site for the duration of the temporary use.

