

3. INTERPRETATION

3.1 Overview

- (1) Where any term is not defined in this Planning Scheme but is defined by the Integrated Planning Act³ or other relevant Act, the term has the meaning given it by that Act.
- (2) Where there is any question about the definition of any use, the definition of that use shall be as determined by Council in its role as “assessment manager” having regard to the nature and scale of the activities involved and their actual or potential impacts on the surrounding area.
- (3) Where footnotes appear in the Planning Scheme, they provide explanatory information only and do not form part of the Planning Scheme. Reference should be made to any source document cited in any footnote for further or better details of the information provided.

3.2 Administrative Definitions

To assist the understanding of the use definitions and other provisions of the Shire Plan this Planning Scheme, the following terms are considered to have the meanings set out below.

“**the Act**” means the *Integrated Planning Act* or subsequent equivalent Act;

“**Acceptable measures**” in the Planning Scheme codes, present one means by which the applicable performance criteria can be met. The measures are mandatory for self-assessable development, and preferred by Council for assessable development;

“**Acoustic environment**” has the meaning given to it under the *Environmental Protection (Noise) Policy 1997*.

“**Ancillary activity**” refers to a subordinate activity which is associated with the main activity on the site;

“**Applicable infrastructure charging instrument**” means a planning instrument or Council resolution specifying a charge for the supply of trunk infrastructure;

“**Best management practice**” refers to the management of any land use activity involving:

- the temporary or ongoing working of land;
- earthworks or other altering of landform;
- disturbance of natural vegetation;
- changes to the quality or quantity of any water resource; or
- the generation of noise or air emissions and waste, so as to avoid or minimise environmental harm through the use of cost-effective measures assessed against those currently used across the State, nationally and internationally for the activity;

“**BCA**” refers to the Building Code of Australia;

“**Bedroom**” means a habitable room designed and constructed or capable of being adapted so as to be suitable for use as a bedroom. This term includes a sewing room, music room, study, computer room or the like;

“**Boundary realignment**” means the adjustment to one or two existing common boundaries between lots without creating any additional lot. The resultant lots must bear a high resemblance to the original lots in terms of shape, size and location. Such changes should involve only a minor alteration to the original lots. A boundary re-alignment is one that seeks to rectify building encroachments and/or the like.

“**Buffer**” refers to an area, structure or physical feature separating a source of environmental impact from an area or use sensitive to such impact. A buffer area may include public park land where the buffer function is incidental to and compatible with the use of that park for other purposes;

“**Building area**” means,

- (a) For determining the slope of a site intended to accommodate a Detached house, Dual occupancy or a Class 10a building of any size, a rectangle measuring 15 metres by 20 metres located on the site outside the required road frontage setbacks;
- (b) For determining slope of a site intended to accommodate any building with external dimensions of generally less than 15 metres by 20 metres, a rectangle measuring 15 metres by 20 metres located on the site outside the required road frontage setbacks;
- (c) For determining the slope of a site intended or likely to accommodate uses or buildings other than as described in (a) and (b) above, the area of the site outside the required road frontage setbacks;

“**Building setback**” refers to a line or lines, fixed by Council, parallel to any boundary of a lot beyond which a building or other structure shall not encroach, and measured as the shortest horizontal distance from the outermost projection of the building or other structure to the vertical projection of the lot boundary;

“**Carport**” refers to a class 10 building providing covered vehicular parking with:

- (a) two sides or more open; and
- (b) not less than one third of its perimeter open.

A side is taken to be open where the roof covering adjacent to that side is not less than 500mm from another building or a side or rear lot boundary;

“**Code assessable development**” means “assessable development requiring code assessment” as referred to in the Act;

“**Core frontage**” in Town Centres, refers to the frontage of any lot to an identified street in which pedestrian activity is, or is intended to be, most highly concentrated;

³ For example, the terms included in Schedule 10 of the Act.

⁴ Under the *Environmental Protection (Noise) Policy 1997*, the “acoustic environment”, of a place, is the part of the environment of the place characterised by the noise that may be experienced there.

3. INTERPRETATION

“**Commencement day**” means the day upon which the adoption of the Planning Scheme, or an amendment to the Planning Scheme, by Council is notified in the Gazette or such later day as may be stated in this Planning Scheme (in Part 1 of this Volume);

“**Council**” means the Council of the Shire of Maroochy;

“**Critical habitat**” has the same meaning as in the *Nature Conservation Act 1992*, and includes habitat that is essential for the conservation of a viable population of protected wildlife or community of native wildlife, whether or not special management considerations and protection are required. A ‘critical habitat’ may include an area of land that is considered essential for the conservation of protected wildlife, even though the area is not presently occupied by the wildlife;

“**Cultural heritage significance**” of a place or object, includes its aesthetic, architectural, historical, spiritual, scientific, social or technological significance to the present generation or past or future generations;

“**Development**” has the meaning given to it in the Act⁵;

“**Dwelling unit**” means habitable rooms and other spaces used or intended for use as one self-contained residential unit, comprising at least bathroom, toilet and kitchen facilities, as well as other living and sleeping space to accommodate one or more persons;

“**Dwelling unit factor**” (DUF) means the hypothetical maximum number of dwelling units that is considered desirable to be developed on a site. The DUF is calculated by dividing the area of the site (in square metres) by the applicable site area (in square metres) per dwelling unit specified for the Precinct in which the site is located.

To determine the unit (or bed) yield, the DUF is multiplied by:

- 0.8 for each dwelling unit with three or more bedrooms;
- 1.0 for each two-bedroom dwelling unit;
- 1.3 for each dwelling unit having one bedroom or less;
- 2.0 for each rooming unit; and
- 4.0 for each nursing or dormitory bed;

“**Environmental harm**” has the meaning given to it under the *Environment Protection Act 1994*⁶;

“**Environmental Impact Statement**” (EIS) means a document which may be required to be prepared to support an application for development approval and which includes, in sufficient detail to allow an adequate assessment of the potential environmental impacts and the suitability of proposed mitigation measures:

⁵ In part 3 of chapter 1 of the Act, “development” is defined as being any of the following: (a) carrying out building work; (b) carrying out plumbing or drainage work; (c) carrying out operational work; (d) reconfiguring a lot; (e) making a material change of use of premises.

⁶ Under the *Environmental Protection Act 1994*,

“*Environmental harm*” is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

“*Environmental harm*” may be caused by an activity—

(a) whether the harm is a direct or indirect result of the activity; or
(b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

- (a) a description of the development proposal;
- (b) a description of the existing environment and its values and significance;
- (c) a statement of the likely impacts of the proposal on the existing environment;
- (d) a statement of the measures to be used to avoid or mitigate adverse impacts; and
- (e) a statement of the means to be used to monitor the effectiveness of the mitigation measures and to respond to accidents, emergencies and other non-conformances, and commonly also includes an Environmental Management Plan;

“**Environmentally sensitive areas**” means:

- (a) land within the Special Management Area for nature conservation shown on Regulatory Map No. 1.1 ; or
- (b) any area of critical habitat, or any area containing or likely to contain threatened species (flora or fauna) as defined in the *Nature Conservation Act 1992*; or
- (c) any area containing or likely to contain protected or threatened communities, or species or known habitat of such species as defined by the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*; or
- (d) an area declared to be of high nature conservation value or vulnerable to land degradation under the *Vegetation Management Act 1999*; or
- (e) any area that is part of a linkage/corridor which has importance at the local, district or regional level (eg. linkages between core vegetation remnants of conservation significance); or
- (f) any land which adjoins an area of conservation or biodiversity significance that is identified in the Planning Scheme of another local government;

“**Environmental Management Plan**” (EMP) means a document which may be required to be prepared to support a development application, or as a condition of development approval, which describes, for the design, construction and operation of the premises and for emergency situations:

- (a) what acceptable levels of environmental impact are intended to be achieved or maintained;
- (b) how it is proposed to avoid or minimise risks of serious or material environmental harm or nuisance;
- (c) who is responsible for implementing the management measures;
- (d) what monitoring and reporting will be undertaken; and
- (e) when actions will be taken;

“**Environmental nuisance**” has the meaning given to it under the *Environment Protection Act 1994*⁷;

“**Environmental value**” is a quality or physical characteristic of the environment, or part of the environment, that is conducive to ecological health or public amenity or safety;

“**EPP (noise) Environmental values**” has the meaning given under the *Environmental Protection (Noise) Policy 1997*⁸;

“**Existing**” in relation to a use, building, other structure or premises, means a use, building, other structure or premises that was lawfully in existence, or approved, immediately before the commencement day. Whether any such use, building, other structure or premises remains lawful at any given time shall be determined in accordance with the relevant provisions of the Act;

“**Existing or approved future local centre**” means land in a Centre Precinct, or where in any other Precinct:

- land developed for commercial and/or community use and recognised as a Centre in the statement of desired character for the Precinct in which the land is situated; or

⁷ Under the *Environmental Protection Act 1994*, “*Environmental nuisance*” is *unreasonable interference or likely interference with an environmental value caused by—(a) noise, dust, odour, light; or (b) an unhealthy, offensive or unsightly condition because of contamination; or (c) another way prescribed by regulation.*

⁸ Under the *Environmental Protection (Noise) Policy 1997*, the “*environmental values*” to be enhanced or protected are the qualities of the acoustic environment that are conducive to—
(a) the wellbeing of the community or a part of the community, including its social and economic amenity; or
(b) the wellbeing of an individual, including the individual’s opportunity to have sleep, relaxation and conversation without unreasonable interference from intrusive noise.

- land approved for Centre use in a Local Area Structure Plan, Plan of Development or preliminary approval;

“**Flood prone land**” means that land which is below the 100 year Average Recurrence Interval (ARI) flood level of the Maroochy, Mary and Mooloolah Rivers, their tributaries and any other permanently running waterway in the Shire;

“**Floodway**” for the purposes of the special management area assessment tables and the Integrated Water Management Code, has the meaning given to it in State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide;

“**Forestry Management Plan**” a plan prepared by a proponent of forestry activities which details the nature and extent of forestry activities and has been prepared in accordance with industry standards and relevant State government advice;

“**Gross floor area**” means the sum of the plan areas (inclusive of all walls, columns and balconies whether roofed or not) of all storeys of a building or buildings, except for:

- (a) the areas at any topmost storey of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms;
- (b) the area of that part of any private balcony whether roofed or not and accessible only from one dwelling or rooming unit, where the combined area of such balconies does not exceed 25% of the maximum allowable gross floor area of the building;
- (c) the area of any public lobby at ground storey level;
- (d) the area of any public mall, covered public walkways, or public toilets in a shopping complex;
- (e) the areas at any ground storey level or any level below ground storey level of all space used or intended for use for the parking and manoeuvring of motor vehicles where the parking is incidental to and necessarily associated with the use of the premises;

“**Ground level**” means:

- (a) the ground level of the lot on the day the first plan of survey showing the lot was registered; or
- (b) if the ground level on the day mentioned in paragraph (a) is not known, the natural ground surface or probable natural ground surface decided by the assessment manager or private certifier;

“**Ground storey**” means the storey which has its floor level closest to ground level at the time the construction of the building was completed, measured at the middle of the front wall of the building;

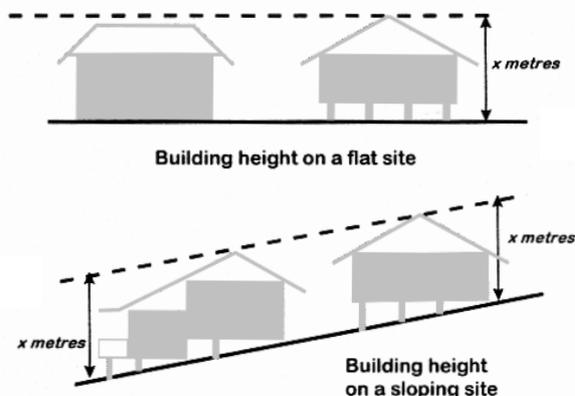
3. INTERPRETATION

“Habitable room” means a room that is designed, constructed or adapted for the activities normally associated with domestic living, and:

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, and the like; and
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room and other spaces of a specialised nature occupied neither frequently nor for extended periods;

“Hazardous materials in bulk” for the purposes of the Integrated Water Management Code, has the meaning given to it in State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide;

“Height”, in relation to a building or other structure, refers to the total height of that building or other structure measured (in metres or metres and storeys) from ground level (as illustrated below). Such measurement excludes any shade structure for a car park where that structure does not exceed 2 metres in height above the maximum height specified for the use in the precinct or any non-load bearing aerial or antenna attached to a building, but includes other projections such as architectural features, satellite dishes, advertising signs, and lift motor rooms;



“Hinterland village centres” refers to the village centres at Buderim, Woombye, Palmwoods, Yandina, Eumundi and Kenilworth;

“Impact assessable development” means “assessable development requiring impact assessment” as referred to in the Act;

“Initial on-site processing” in relation to forestry activities, means the delimiting, debarking, milling and chipping of harvested logs into sawn timber and other products by a temporary mill located on the site and the air drying of such products. It does not include additional value adding of the timber such as but not limited to preservative treatment, charcoal production and commercial product manufacture or kiln drying of the timber;

“Integrated” where applied to the development of premises, means premises which combine different uses and/or buildings that are planned, designed and built (either at one time or staged) to incorporate common and/or related siting, design and/or construction elements;

“Kitchen” means a habitable room that is designed and constructed, or capable of being adapted, to be used for the preparation of food;

“Lake” includes a lagoon, swamp, marsh or other natural collection of water, whether permanent or intermittent, also includes an artificial lake or dam which is being created for the purposes of recreation, amenity, on-site water supply, flood retardation or as part of a water quality management system. The term does not include the creation of a dam for rural purposes, that is made exempt in Section 13(a) of Part 3 of Schedule 8 of the Integrated Planning Act;

“Landscape and recreation area”, means:

- (a) any area used as any one or more of the following:
 - (i) lawn, garden, rockery, pathway, hedge or other landscaping;
 - (ii) a swimming pool;
 - (iii) a tennis court;
 - (iv) a children’s play area, sand pit or the like;
 - (v) an entertainment or recreation area, whether or not it includes barbecues, refreshment tables or the like;
 - (vi) a balcony, courtyard, deck or verandah not provided solely or mainly for access from one part of the premises to another part;
 - (vii) a roof top terrace; and
- (b) where such area is provided at ground level, or ground storey level where the premises are used exclusively for residential purposes; and
- (c) which is not also provided or used as an area for any-
 - (i) vehicle parking or standing;
 - (ii) vehicle access or movement;
 - (iii) building;
 - (iv) refuse bin pad or shelter;
 - (v) incinerator;
 - (vi) vehicle and gardening maintenance; or
 - (vii) other caretaking or handyman facilities;

“Landscaping”, as “operational work” to which the provisions of this Planning Scheme apply, means the treatment of premises for the purposes of protecting and/or enhancing any or all of the environmental

values, appearance, and comfort and use of public or communal land by way of any one or more of:

- (a) the planting of trees, hedges, shrubs or grass, together with the provision of any irrigation works;
- (b) the laying out of lawns, gardens, hedges, courtyards, or similar open or semi-open spaces;
- (c) the formation of banks, terraces, lakes or gardens;
- (d) the provision of paving or edging for decorative or aesthetic purposes;
- (e) the erection of screen or decorative fences or walls, pergolas, trellises or similar outdoor structures;
- (f) the installation of lighting, interpretive signage, fountains, pools or outdoor furniture;
- (g) the placement of statues, sculpture or other art for decorative purposes; and may include the incorporation of existing vegetation, water-bodies, landforms, and decorative structures.

“**Local Area Structure Plan**” means a schematic plan of an emerging/“greenfields” urban development or rural residential development area showing a conceptual layout of future major land uses, open space, roads, drainage and other infrastructure for the locality as approved by Council. Such a Structure Plan is intended to provide the site planning and design framework for

future lot reconfiguration, together with any associated operational work, in the locality and is generally intended to be a component of a preliminary approval for development in such an area;

“**Material change of use**”⁹ has the meaning given in the Act;

“**Minor building work**” means either:

- (a) for any Residential use - building work which results in an increase in gross floor area of an existing premises by no more than 50 m²; or
- (b) for any other use - building work which results in an increase in gross floor area of an existing premises by no more than 50 m² or 10% of the existing gross floor area, whichever is the lesser;

“**Minor Quantities of Dangerous Goods**” refers to the storage, handling, use or production of dangerous goods as mentioned in the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code), and flammable and combustible liquids, where:

- (a) The storage, use or production of dangerous goods included in Classes 1, 2, 4, 5, 6, 8 and 9 of the ADG Code involves:
 - (i) quantities less than those specified in the table below:

Class	Type	Quantity litres/kilograms
Class 1	Explosives	25 kg/litres
Class 2.1	Flammable gases other than LPG	2,000 litres
Class 2.2	Non-flammable gases	20,000 litres
Class 2.2(5)	Non-flammable oxidising gases	2,000 litres
Class 2.3	Poisonous gases	100 litres
Class 4.1	Flammable Solids	
	a) Packaging Group I	250 kg/litres
	b) Packaging Group II	2,000 kg/litres
	c) Packaging Group III	5,000 kg/litres
Class 4.2	Spontaneously combustible solids	
	a) Packaging Group I	125 kg/litres
	b) Packaging Group II	1,000 kg/litres
	c) Packaging Group III	2,500 kg/litres
Class 4.3	Dangerous when wet solids	
	a) Packaging Group I	250 kg/litres
	b) Packaging Group II	2,000 kg/litres
	c) Packaging Group III	5,000 kg/litres
Class 5.1	Oxidising agents	
	a) Packaging Group I	1,250 kg/litres
	b) Packaging Group II	10,000 kg/litres
	c) Packaging Group III	25,000 kg/litres

⁹ In part 3 of chapter 1 of the Act, “material change of use” is defined as: “(a) the start of a new use of the premises; or (b) the re-establishment on the premises of a use that has been abandoned; or (c) a material change in the intensity or scale of the use of the premises.”

3. INTERPRETATION

Class	Type	Quantity litres/kilograms
Class 5.2	Organic Peroxides	
	a) Packaging Group I	125 kg/litres
	b) Packaging Group II	1,000 kg/litres
	c) Packaging Group III	2,500 kg/litres
Class 6.1(a)	Poisonous substances	
	a) Packaging Group I	250 kg/litres
	b) Packaging Group II	2,000 kg/litres
	c) Packaging Group III	5,000 kg/litres
Class 6.1(b)	Harmful substances	
	a) Packaging Group I	1,250 kg/litres
	b) Packaging Group II	10,000 kg/litres
	c) Packaging Group III	25,000 kg/litres
Class 6.2	Infectious substances	100 kg/litres
Class 8	Corrosives	
	a) Packaging Group I	1,250 kg/litres
	b) Packaging Group II	10,000 kg/litres
	c) Packaging Group III	25,000 kg/litres
Class 9	Miscellaneous dangerous substances	25,000 kg/litres

- (ii) provided that the aggregate quantity of all such dangerous goods on the site at any one time:
 - in the case of liquids, does not exceed 50,000 litres; or
 - in the case of dangerous goods other than liquids, does not exceed 50,000 kilograms; or
 - in the case of both liquids and other dangerous goods, where the total number of litres and kilograms is added together does not exceed 50,000.
- (b) The storage, use or production of liquefied petroleum gas, flammable liquids included in Class 3 of the ADG Code and/or combustible liquids as defined in *Australian Standard 1940 - The Storage and Handling of Flammable and Combustible Liquids*, both as amended from time to time, involves:
 - (i) quantities of gas or liquid stored (as indicated by the design capacity of the storage system) or intended to be stored above ground less than the quantities specified in the Table following
 - (ii) provided that the aggregate quantity of all such types of gas and liquid stored or intended to be stored below ground is less than 250,000 litres;

Class	Type	Quantity
Class 2.1	Liquefied petroleum gas	8,000 litres
Class 3.1	Flammable liquids	2,500 litres
Class 3.2	Flammable liquids	5,000 litres
None specified	Combustible liquids	10,000 litres

- (c) The storage of any quantity of liquefied petroleum gas and flammable and combustible liquids where the storage is for part of the lawful use of the premises for the purposes of a major utility or local utility or Service station.

For the purposes of this definition, “Packaging group” is a categorisation of dangerous goods for packaging purposes, recommended by the United Nations Committee of Experts on the Transport of Dangerous Goods, according to the degree of danger they present as follows:

- (a) Great danger - Packaging Group I
- (b) Medium danger - Packaging Group II
- (c) Minor danger - Packaging Group III;

“Mixed use building” means premises in which residential uses are integrated with commercial or other uses;

“New premises” includes extensions or alterations to existing premises;

“**Noise sensitive place**” has the meaning given to it under the *Environment Protection (Noise) Policy 1997*¹⁰. The definition also includes any residential use that may not be covered under the definition given by the *Environment Protection (Noise) Policy 1997*;

“**Performance criteria**” in the Planning Scheme codes, are the prescribed standards which development and use is required to achieve to Council’s satisfaction;

“**Perimeter of a wetland**” is defined as the outer limit of the fluctuating water level of a wetland, characterised by either live or dead wetland vegetation and hydric soil types that are seasonally inundated or seasonally waterlogged.

“**Place**” means site, area, building or other work such as landscapes, a group or groups of buildings or other works, together with any associated contents and surroundings;

“**Plan of development**” means a plan which is referred to in the conditions of a development approval as having been approved by Council and which shows the development approved on the site. The term includes any map, diagram, section, detail, schedule or drawing shown or endorsed on, or attached to the plan which may limit, condition or otherwise describe the development;

“**Planning Scheme area**” includes the whole of the Shire of Maroochy;

“**Plot ratio**” is the ratio between the gross floor area of the building or buildings and the overall area of the lot or lots on which the building is, or the buildings are, sited;

“**Priority Infrastructure Plan**” means the *Priority Infrastructure Plan* contained in Volume 6 of the Planning Scheme;

“**Protected estate**” means any protected area to which the Nature Conservation Act 1992 applies and includes national parks (scientific), national parks (Aboriginal land), national parks (Torres Strait Islander land), conservation parks, resources reserves, nature refuges, coordinated conservation areas, wilderness areas, World Heritage management areas and international agreement areas; as well as any area protected under other State legislation primarily for its conservation significance and any Council owned or managed area of conservation or bushland park managed primarily for its conservation significance;

“**Rail corridor land**” has the meaning given to it under the *Transport Infrastructure Act 1994*¹¹.

“**Reconfiguring a lot**” has the meaning given in the Act¹²;

¹⁰Under the *Environment Protection (Noise) Policy 1997*, “*Noise sensitive place*” means any of the following places— (a) a dwelling; (b) a library, childcare centre, kindergarten, school, college, university or other educational institution; (c) a hospital, surgery or other medical institution; (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*; (e) a marine park under the *Marine Parks Act 1982*; (f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

¹¹ Under the *Transport Infrastructure Act 1994*, “**Rail corridor land**” means existing rail corridor land or new rail corridor land.⁹⁵

“**Relocatable home**” means a habitable structure, that is factory assembled or built in components and assembled on-site and capable of being transported by trailer or other vehicle, for which building approval has been granted on an approved site for accommodation purposes. Such structures may be fitted with wheels at the point of manufacture but only for the purpose of transport to the site on which it is to be located;

“**Riparian vegetation**” or “**Waterway vegetation**” refers to the vegetation along a waterway which has species and a character dependent on a close location to and interaction with the waterway system. Typical species of riparian vegetation in Maroochy Shire may include but not be limited to:

- Eucalyptus tereticornis Queensland Blue Gum,
- Eucalyptus grandis Flooded Gum,
- Waterhousea floribunda Creek Lilly Pilly,
- Flindersia schottiana Bumpy Ash,
- Backhousia myrtifolia Carrol,
- Araucaria bidwilli Bunya Pine,
- Archontophoenix cunninghamana Piccabeen Palm;

“**Roof top terrace**” means space, on the roof of a building, used or intended for use for recreational purposes where such space:

- contains no habitable rooms;
- is open to the sky for at least 50% of its area;
- has no structure, including balustrading and railings, within 3 metres of the perimeter of the building edge at that level;
- other than for any bathroom, shower room, toilet or storage room facility, is not enclosed by any wall having a height of more than 1.5m;

¹² Under part 3 of chapter 1 of the Act, “**reconfiguring a lot**” means: “(a) creating lots by subdividing another lot; or (b) amalgamating 2 or more lots; or (c) rearranging the boundaries of a lot by registering a plan of subdivision; or (d) dividing land into parts by agreement (other than a lease for a term, including renewal options, not exceeding 10 years) rendering different parts of a lot immediately available for separate disposition or separate occupation; or (e) creating an easement giving access to a lot from a constructed road.

3. INTERPRETATION

“**Rooming unit**” means any part of a building used or intended for use to accommodate one or more persons, but which does not include a kitchen;

“**Shopping Complex Master Plan**” means a schematic plan approved by Council showing a conceptual layout of future retail and other associated land uses of a shopping complex and the co-ordination of pedestrian and vehicular access, carparking, drainage facilities and landscaping. The Master Plan is intended to provide the site planning and design framework for the shopping complex and is intended to be a component of a preliminary approval for development in such an area;

“**Significant Vegetation**” means one or both of the following:

- (a) vegetation within “Environmentally sensitive areas”; and/or
- (b) vegetation which contains or is likely to contain species noteworthy in terms of geographic distribution and vegetation with historic or cultural association, recreational, scientific or educational value, habitat importance, land protection functions or structural and visual buffer qualities;

“**Site**” means any land on which development is carried out or is proposed to be carried out whether such land comprises:

- (a) the whole of any one lot, or parcel of land;
- (b) only part of one lot;
- (c) more than one lot where each lot is contiguous with the other or another lot; or
- (d) conjointly used lands which are not adjoining lands;

and which, in rural areas, may be a farm holding, operated by the same land holder, comprising one lot or more than one lot (whether or not contiguous) which is or are for Council’s rating purposes treated as a single property;

“**Site cover**” means the proportion of the site covered by buildings, fixed structures or outdoor storage areas, but does not include unroofed car parking areas; where the area covered by buildings or other structures is measured to coincide with the outer limits of the building or structure that is above the level of the adjoining ground;

“**Slope**” means the slope of the *building area*, determined as follows:

- (i) where the *building area* has one predominant slope, that slope,
- (ii) where the *building area* has more than one predominant slope, the average of all predominant slopes, provided that:
 - the slope shall be determined to the nearest whole number; and
 - the predominant slope shall be measured perpendicular to the contours of the *building area* and calculated as follows:

Predominant Slope (%) = $(x \div y) \times 100$

where:

‘x’ is the change in elevation, in metres, (highest point - lowest point) of the building area,
‘y’ is the distance, in metres, in a straight line between the highest point and the lowest point of the building area.

Refer to the ‘Instructions for determining slope’ for an explanation.

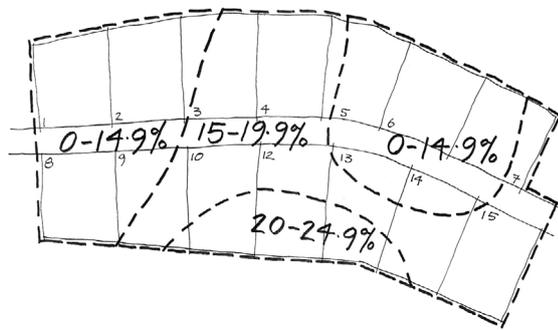
INSTRUCTIONS FOR DETERMINING SLOPE:

STEP 1: Prepare a *slope analysis* which identifies slope categories over the site, as follows:

- up to 15%
- 15% or more but less than 20%
- 20% or more but less than 25%
- 25% or more

STEP 2: Where reconfiguring a lot, overlay the proposed subdivision layout (refer figure 1.1).

Figure 1.1: Example Slope Analysis (not to scale)



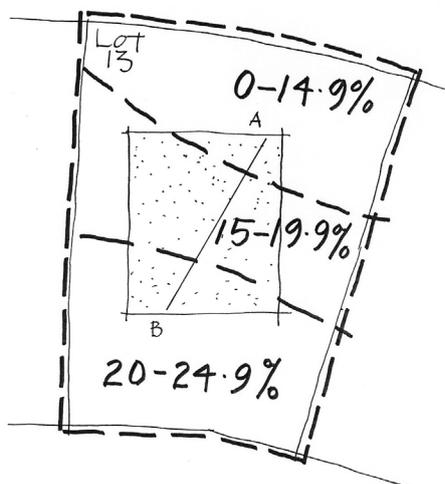
STEP 3: Determine slope:

- Lots or sites which fall entirely within one slope category, eg. Lots 1, 2, 4, 6, 8 and 15, are assigned the slope of that category, ie. 0-14.9%.

OR

- Where lots or sites fall within more than one slope category, determine the building area (refer to definition).

Figure 1.2: Slope Categories for Calculating Building Area



STEP 4: Building areas which fall entirely within one slope category are assigned the slope of that category.

STEP 5: Building areas which fall within more than one slope category, as illustrated in figure 1.2, are determined by calculating the predominant slope of the *building area*

- The predominant slope is measured perpendicular to the contours of the *building area* and calculated as follows, and as illustrated in figure 1.3:

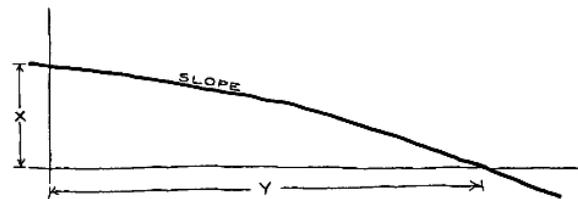
$$\text{Predominant Slope (\%)} = (x \div y) \times 100$$

where:

‘x’ is the change in elevation, in metres, (highest point to lowest point) of the *building area*, and

‘y’ is the distance, in metres, in a straight line between the highest point (A) and the lowest point (B) of the *building area*

Figure 1.3: Cross Section of predominant slope of building area



- Where the building area has more than one predominant slope, ie. a knoll or a gully, the average of the predominant slopes shall apply

“Slope Analysis” means a diagram prepared by a licensed surveyor representing the slope of the site indicating the slope of the site in the following slope categories:

- up to 15%;
- 15% or more but less than 20%;
- 20% or more but less than 25%;
- 25% or more;

“Special Management Area” means a layer in the Planning Scheme based on areas, places or sites having special attributes that may:

- make those areas, places or sites sensitive to the effects of development; or
- may constrain development due to an environmental hazard or the value of a resource;

“Storey” means a space within a building which is situated between one floor level and the floor level next above, including a mezzanine level, or if there is no floor level above, the ceiling or roof above, but not:

3. INTERPRETATION

- (a) a space that contains only:
- (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet, or other sanitary compartment; or
 - (iii) lift motor, air conditioning or other mechanical or electrical plant at roof top level; or
 - (iv) accommodation intended for not more than 3 vehicles; or
 - (v) a basement carpark where any part of the ceiling is not higher than 1.0 metre above ground level; or
 - (vi) a combination of the above; or
- (b) a roof top terrace;

‘to the satisfaction of Council’ means, where applicable, to the satisfaction of a Council officer with relevant delegated responsibility;

‘Tidal land’ includes reefs shoals, and other land permanently or periodically submerged by waters subject to tidal influence;

‘Townscape significance’ of a building, other structure or premises, refers to its aesthetic, visual and/or architectural value to the attractive appearance and sense of place of the street or locality in which it is situated;

‘Vegetation clearing’ for the purposes of the special management area assessment tables, the Integrated Water Management Code and the Code for Development on Steep or Unstable Areas, has the meaning given to it in State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide¹³;

‘Waterbody’ includes a lake and waterway;

‘Watercourse’ has the same meaning as in the *Water Act 2000* and means a river, creek or stream in which water flows permanently or intermittently-

¹³ *State Planning Policy 1/2003 defines vegetation clearing as: “removing or cutting down, ringbarking, pushing over, poisoning or in any way destroying a tree, shrub or other plant (other than grass), but does not include:*

- *lopping, pruning or mowing for maintenance purposes;*
- *work associated with management practices for the conduct of an agricultural or forestry use;*
- *clearing vegetation for essential management including:*
- *for establishing or maintaining a firebreak to protect a building, property boundary or paddock;*
- *vegetation that is likely to endanger the safety of a person or property on the land because the vegetation is likely to fall;*
- *for maintaining an existing fence, stock yard, shed, road or other built infrastructure;*
- *or for maintaining a garden or orchard.”*

- (a) in a natural channel;
- (b) in a natural channel artificially improved;
- (c) in an artificial channel that has changed the course of the watercourse;

and includes bed and banks and any other element of a river, creek or stream that confines or contains water;

‘Waterway’ means, any natural or constructed surface water flow path, whether ephemeral or permanent;

‘Wetland’ means, a natural or purpose built area of permanent, periodic or intermittent inundation that includes areas of open water and/or native vegetation, with water that is static or flowing, fresh, brackish or salt. The term may include wetlands which lie within floodplains, but does not include the whole of a floodplain.

3.3 Use Definitions

In this Planning Scheme, unless the context otherwise indicates or requires:

(1) Residential Uses

‘Residential use’ means use for any of the following purposes, or use of any other premises for dwelling purposes (see Figure 3.1).

‘Accommodation building’¹⁴ means premises comprising only rooming units (such as boarding-houses, guest houses, backpacker hostels, serviced rooms, student accommodation, or any similar use), but does not include Bed and breakfasts, Caravan parks, Motels, Retirement villages, Residential care facility or any other separately defined residential premises.

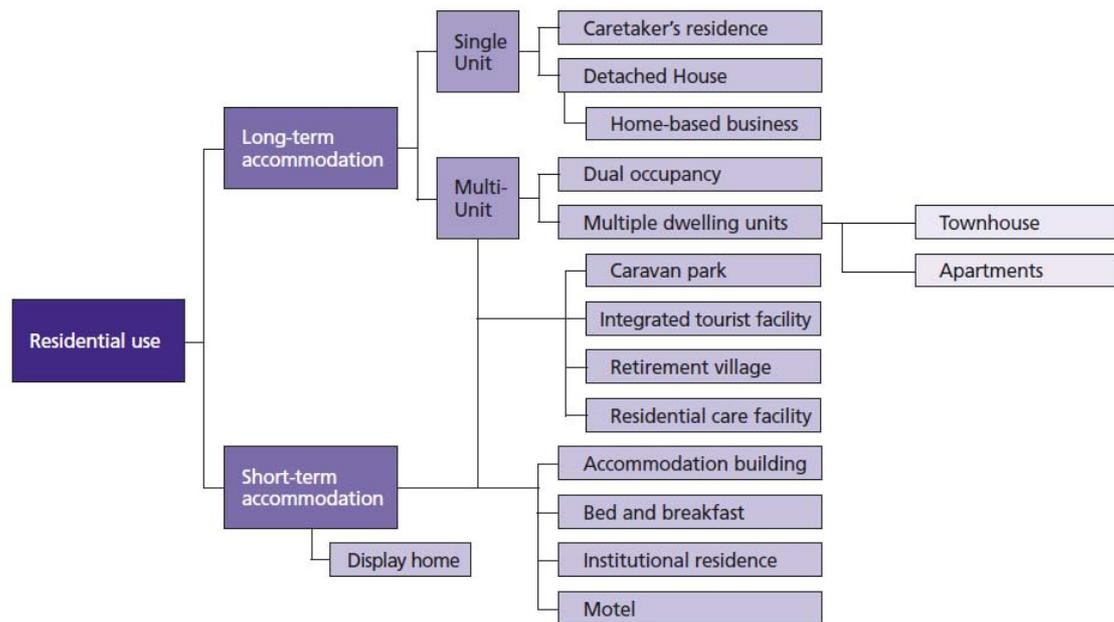
The term includes a building or buildings or any parts thereof used for the provision of meals to residents (whether or not such facilities are open to public use), common room facilities and the like, or for the purposes of a manager’s residence/office;

‘Bed and breakfast’¹⁵ means an owner-occupied Detached house in which overnight accommodation and meals are provided for tourists and travellers. The term includes any decks, bedrooms and/or bathroom facilities (but not including a kitchen) provided in a separate building or buildings (which may, in rural areas, include cabins each with not more than two bedrooms) on the site. The term includes farm stay/host farm premises but does not include any separately defined residential use;

¹⁴ *An Accommodation building is a class 1b or 3 building under the BCA.*

¹⁵ *Bed and Breakfast premises are class 1b or 3 buildings under the BCA.*

Figure 3.1 Diagram illustrating “nesting” of Residential Uses



“**Caravan park**” means the use of premises for the parking and/or siting of two or more caravans and/or relocatable homes for the purpose of providing accommodation. The term includes the use of camping areas and cabins for short term accommodation where such camping areas and cabins are ancillary to the provision of caravan and/or relocatable home accommodation. The term also includes any manager’s office and residence, any amenity buildings and any recreation and entertainment facilities which cater exclusively for the occupants of the caravan park. The term does not include Accommodation buildings or Multiple dwelling units as separately defined;

“**Caretaker’s residence**”¹⁶ means a dwelling unit used for caretaking purposes in connection with a non-residential use on the same site, where the non-residential use is not Agriculture or Animal husbandry. This term includes a dwelling unit provided for an employee who is required to be accommodated on the same site as the particular purpose in which he or she is employed, together with his or her family;

“**Community residence**” means any dwelling used for accommodation for a maximum of six persons who require assistance or support with daily living needs, share communal spaces and who may be unrelated.

The use may include a resident support worker engaged or employed in the management of the residence. Example: Hospice

“**Detached house**”¹⁷ means the use of premises as a single detached dwelling unit. The term includes a small secondary dwelling unit being an annexed unit of not more than 45m² gross floor area, and such outbuildings as are incidental to and necessarily associated with a Detached house. The term also includes removal houses and a single relocatable home. The term does not include a Dual occupancy, Caretaker’s residence or Caravan park; For the purposes of this definition “removal house” means a Detached house that is removed from one or more lots and relocated to a different lot;

“**Display home**” means the use of premises for:

- display of residential premises to the general public being offered to be built; or
- display of residential premises to the general public for some other business or commercial purpose including the promotion of a lottery for which the premises are offered as a prize; or
- the promotion and sale of lots and/or dwellings within a residential estate or other residential premises;

“**Dual occupancy**”¹⁸ means two dwelling units on one site, which are attached by way of a common wall or are otherwise contained within one building. The term does not include a Caretaker’s residence, Detached house, or a Caravan or Relocatable home;

“**Home-based business**” means the use of premises for a business activity that is carried out on a lot used primarily for a Detached house by one or more residents of that detached house;

¹⁶ A Caretaker’s residence is a class 4 or 1a building under the BCA.

¹⁷ A Detached house is a class 1a building under the BCA.

¹⁸ A Dual occupancy is a class 1a or class 2 building under the BCA.

3. INTERPRETATION

“Institutional residence”¹⁹ means the use of premises for any of the following purposes or any like purpose which is not separately defined:

- (a) a convent or monastery; or
- (b) an orphanage;

“Integrated tourist facility” means premises which:

- (a) are used primarily for facilities and activities which attract, accommodate and entertain tourists where some facilities are open to the public use; and
- (b) are on a land extensive site; and
- (c) include two or more buildings; and
- (d) are developed in an integrated way, and managed as one entity; and
- (e) may include provision for conference facilities and for permanent residential accommodation.

The term includes integrated tourists resorts, tourist theme parks and the like;

“Motel”²⁰ means the use of premises for providing overnight, short-stay or holiday accommodation for travellers and their motor vehicles and having on-site reception/bookings office facilities.

The term includes a building or buildings or any parts thereof used or intended for use for the provision of any ancillary administration, restaurant, and conference facilities, and manager’s, owner’s or caretaker’s residence. The term does not include Accommodation buildings, Bed and breakfasts, Caravan parks, or Hotels as separately defined;

“Multiple dwelling units”²¹ means premises comprising an integrated development of more than two dwelling units on the site (such as townhouses, row houses or apartment buildings). The term does not include Accommodation buildings, Bed and breakfasts, Caravan parks, Institutional residences or Retirement villages as separately defined but may include a manager’s residence;

“Residential care facility”²² means the use of premises providing personal care or nursing care (or both) to persons resident on the site. The term includes ancillary communal facilities, kitchen/cooking facilities and the provision of on-site medical services. The term does not include residential care in a Detached house, Dual occupancy, Accommodation building or Multiple dwelling unit. The term does not include Accommodation buildings, Community residence, Hospitals, Institutional

19 An Institutional residence is generally a class 3 or class 9 building under the BCA.

20 A Motel is a class 3 building under the BCA.

21 Multiple dwelling units are class 1a or class 2 buildings under the BCA.

22 Residential care facilities are class 3 and/or 9 buildings under the BCA.

residences, Multiple dwelling units, or Retirement Village as separately defined. The term includes facilities that are regulated by the Commonwealth Aged Care Act 1997;

“Retirement village”²³ means the use of premises for residential accommodation by (exclusively or primarily) elderly or retired persons and where:

- (a) managed care and/or services is provided to residents of the premises; and
- (b) the premises comply with the provisions for licensing and transmission of title under the Retirement Villages Act 1999, or provide similar unfunded services to the services required under the Retirement Villages Act 1999.

The term does not include Accommodation buildings, Hospitals, Institutional residences, Multiple dwelling units, or Residential care facility as separately defined;

(2) Rural Uses

“Rural use” means use for any of the following purposes (as shown in Figure 3.2):

“Agriculture” means the growing of crops, pastures, turf, flowers, fruit, vegetables and the like on a commercial basis. The term also includes a storage shed and other ancillary facilities, but does not include Forestry or Roadside stall as separately defined;

“Animal keeping” means the use of premises as a publicly or commercially operated boarding kennel, dog pound or cattery;

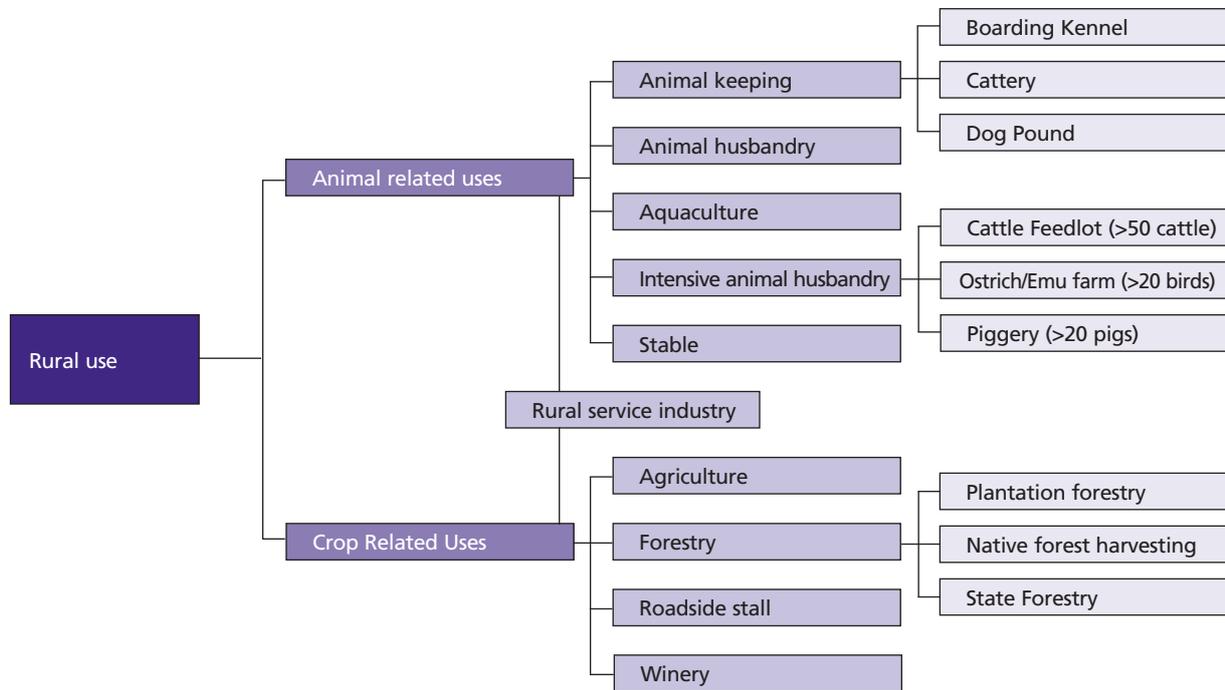
“Animal husbandry” means the keeping, depasturing or stabling of any animal, bird, insect, reptile or fish. The term includes the use of land for dairying, cattle grazing, animal breeding establishments, holding yards or hatcheries. The term does not include the keeping of domestic animals or those types of animal industry which are separately defined (being Animal keeping, Aquaculture, Intensive animal husbandry and Stables);

“Aquaculture” means the use of premises for the cultivation of live fisheries resources (where such resources are as defined in the Fisheries Act) and includes:

- aquaculture (minor impact) - where the premises involve freshwater tanks with a total production area of <2,000 m² (or <750 m² where oxygen injection is used), or freshwater ponds with a total surface area of <5 ha, and no off-site discharge of wastes from the tanks or ponds to natural waters; and
- aquaculture (significant impact) - where the premises are other than as defined as “minor impact”;

23 Retirement village premises are class 1a or 2 buildings under the BCA.

Figure 3.2 Diagram illustrating “nesting” of Rural Uses



For the purposes of this definition:

- “**tanks**” mean water-containing structures not formed by hollowing, excavating or embanking natural surfaces; and
- “**ponds**” mean water-containing structures formed by hollowing, excavating or embanking natural surfaces;

“**Forestry**” means any of the following:

- Native forest harvesting - the managing, harvesting, initial on-site processing and removal of trees and other forest products in an existing native forest for a business, regardless of whether it is old growth forest or naturally occurring regrowth. It includes enrichment planting in an existing native forest and the collection of tree products (other than timber) in the native forest including, but not limited to, flowers, limited amounts of foliage, seeds, fallen branches and bushfoods;
- Plantation forestry - the planting, managing, harvesting, initial on-site processing and removal of either native or exotic trees and other forest products in a plantation for a business. The terms includes the collection of tree products (other than timber) in the plantation including, but not limited to, flowers, limited amounts of foliage, seeds, fallen branches and bushfoods;
- State forestry - the planting and management, harvesting and initial on-site processing of existing and planted trees in a declared State Forest, by the State or its agencies and the use of that land for multiple purposes including but not limited to forest

management purposes, recreation and education in accordance with the Forestry Act;

“**Intensive animal husbandry**” means the use of premises as a cattle feedlot (where more than 50 cattle are kept), as a piggery (where more than 20 pigs are kept), and for poultry, emu or ostrich farming (where more than 20 birds are kept);

“**Roadside stall**” means the use of premises for the display and sale of any rural produce grown on the site or on adjoining land which is owned or occupied by the stall operator, and having a maximum total area of 100m² and a maximum gross floor area of 10m² for any structure or building;

“**Rural service industry**” means the use of premises for handling, treating, processing or packing locally grown primary products, other than as an ancillary activity associated with another rural use on the same site. The term includes the servicing in a workshop of plant and equipment used or intended for use for rural purposes in the locality. The term also includes cane tramways, crop spraying establishments and stock salesyards or holding yards;

“**Stable**” means premises incorporating a building or roofed structure, including a shed, loose box, stall or roofed yard, used for the stabling, keeping, feeding, watering, grooming, shoeing or veterinary treatment of any horse, donkey or mule;

“**Winery**” means the use of premises for the production of wine on a commercial basis and includes ancillary

3. INTERPRETATION

display and/or sale of wine. The term does not include the Rural service industry, Shop or Agriculture as separately defined.

(3) Commercial Uses

“Commercial use” means use for any of the following purposes, or for any other business purpose not separately defined and not characterised as an industrial activity (as shown in Figure 3.3):

“Adult products shop” means premises being an establishment for the sale (or hire) of sexually explicit materials;

“Art and craft centre” means the use of premises for making, displaying and selling works of art or craft, such as handicrafts, pottery, paintings and sculptures. The term includes ancillary use of such premises for individual or small group instruction in the making of such art or craft;

“Convenience restaurant”²⁴ means the use of premises for the preparation of take-away meals and foods for sale to the public typically as a franchised business, where provision is made for high customer turn-over, substantial facilities are also provided for eating on the premises, and which may or may not include a drive-through facility. The term includes what are

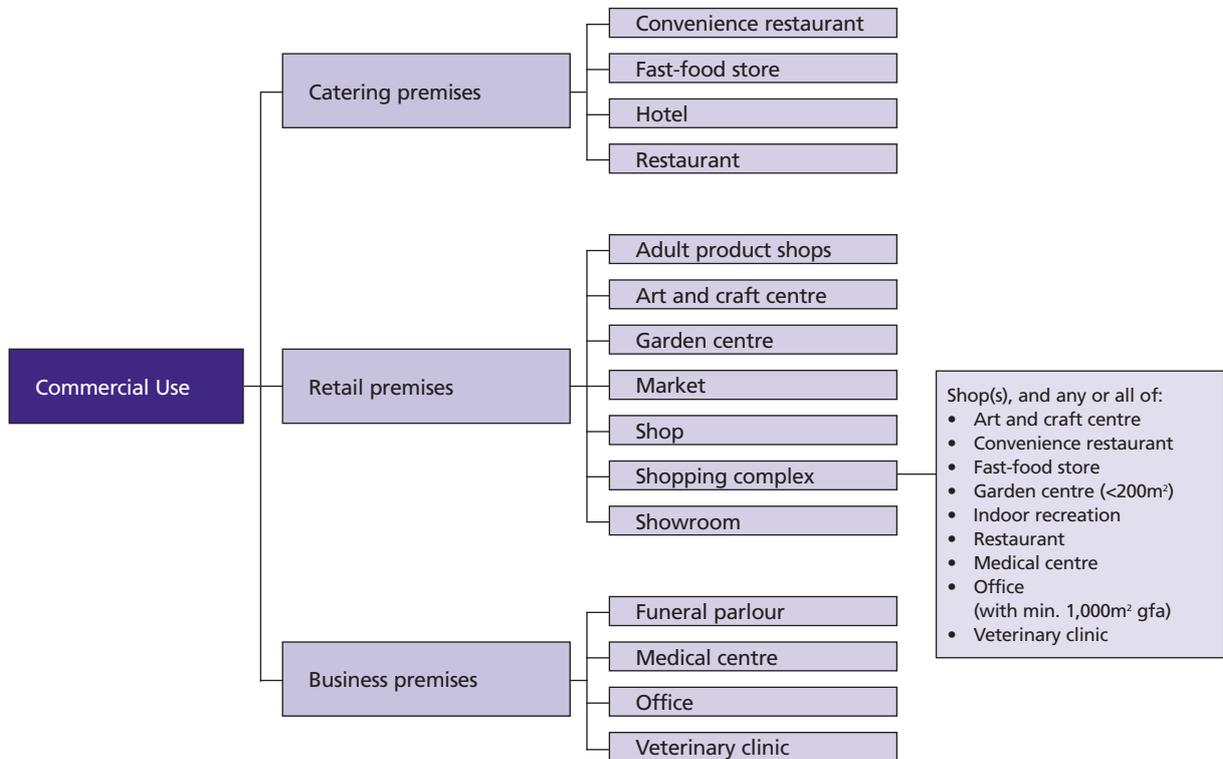
commonly referred to as “family restaurants”, but does not include Fast-food stores (except those with drive-through facilities) or Restaurants as separately defined;

“Fast-food store”²⁵ means the use of premises for the preparation of take-away meals and foods for sale to the public, whether or not incidental facilities are also provided for eating on the premises, but does not include any drive-through facilities. The term includes milk bars, snack bars, kiosks and the like, but does not include Convenience restaurants, Restaurants or Light industries as separately defined;

“Funeral parlour”²⁶ means the use of premises to arrange and conduct funerals, memorial services and the like, but does not include burial and cremation. The term includes the storage and preparation of bodies for burial or cremation;

“Garden centre” means the use of premises for the display and retail sale, of plants suitable for use in gardening or landscaping whether or not such plants are grown on the site. The term includes ancillary use of such premises for the display and sale of such items as seeds, pots, packaged fertilisers and potting mixes, gardening tools, and garden furniture and ornamentation. The term does not include Agriculture or Landscape supplies as separately defined;

Figure 3.3 Diagram illustrating “nesting” of Commercial Uses



²⁴ A Convenience restaurant is a class 6 building under the BCA.

²⁵ A Fast-food store is a class 6 building under the BCA.

²⁶ A Funeral parlour is a class 6 building under the BCA.

“Hotel” means the use of premises for the retail sale of liquor for consumption on site and may include ancillary activities such as a bottle shop, dining facilities, short term accommodation, a mini-brewery and TAB agency;

“Market” means the use of premises, (whether or not for a limited duration), for the sale of craft work, artefacts, second-hand or new general merchandise, and/or home or farm produced products, where the premises comprise a series of individual stalls, booths or the like. The term includes any ancillary dining or other amenity facilities provided for the enjoyment of customers;

“Medical centre”²⁷ means the use of premises for the medical care or treatment of persons not resident on the site. The term includes such typical premises as medical and dental surgeries or clinics, pathology labs, naturopath clinics, chiropractic clinics, counselling rooms, psychiatric and psychological consulting rooms, premises providing nursing services, and the like. The term does not include Home-based businesses, Hospitals, Retirement villages or Residential care facility as separately defined;

“Office”²⁸ means the use of premises wholly or primarily for administration, or clerical, technical, professional or other business activity where no goods or materials are made, sold or hired on the premises, whether for a public or private purpose. The term does not include Medical centres or Veterinary clinics as separately defined;

“Restaurant”²⁹ means the use of premises for the preparation of meals and foods for sale to the public for immediate consumption mainly or exclusively on the premises (such as cafes, coffee shops, bistros, function centres and tea rooms). The term includes an area used for outdoor dining. The term does not include Convenience restaurants or Fast-food stores as separately defined;

“Shop”³⁰ means the use of premises for the display and retail sale of goods to members of the public, including, hairdressing salons, barber’s shops, video libraries, public art galleries and:

(a) premises having a gross floor area of less than 450m² that would otherwise be defined as a “Showroom”; or

(b) premises having a Gross floor area of less than 100m² that would otherwise be defined as Light industry,

and includes a General store:

- “General store” means the use of premises for the display and retail sale of goods to members of the public, combined with the use of the same premises

as a single dwelling unit, where the Gross floor area of the retail component of the combined use is not more than 150m²;

“Shopping complex” means premises, comprising one or more buildings in the form of an integrated development having a gross floor area of more than 1,000m², established in a coordinated manner, and used for one or more shops, either with or without any one or more of the following purposes:

- (a) Art and craft centre;
- (b) Convenience restaurant;
- (c) Fast-food store;
- (d) Garden centre (in a tenancy having a total use area of not more than 200m²);
- (e) Indoor recreation;
- (f) Restaurant;
- (g) Medical centre;
- (h) Office; or
- (i) Veterinary clinic.

“Showroom” means the use of premises for the display and/or retail sale of goods (not including food items) primarily of a bulky nature, including agricultural equipment, boats, hardware, electrical goods, bulk stationery supplies, computer goods, caravans, furniture, floor coverings, building supplies, motor vehicles, motor accessories, sporting equipment or the like, wholly or mainly indoors, having a gross floor area of 450m² or more. The term includes any area used for the selling of spare parts and the carrying out of repairs, servicing and detailing where such use is incidental to and necessarily associated with the Showroom. The term does not include Shops or Sales and hire yards as separately defined;

“Veterinary clinic” means the use of premises for the treatment of sick or injured animals. The term does not include Animal keeping, Animal husbandry or Intensive animal husbandry as separately defined.

(4) Industrial Uses

“Industrial use” means use for any of the following purposes (see Figure 3.4), or use of any other premises for any industrial activity being:

- (a) (i) the making of any article or part of any article; or
- (ii) the altering, repairing, servicing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, of any article; or
- (iii) the recycling of any material or article involving receiving and processing (other than only any collecting, stripping, sorting, packing, breaking up or demolition, storage and sale or distribution) of such material or article;
- (iv) the treatment or disposal of waste material; or

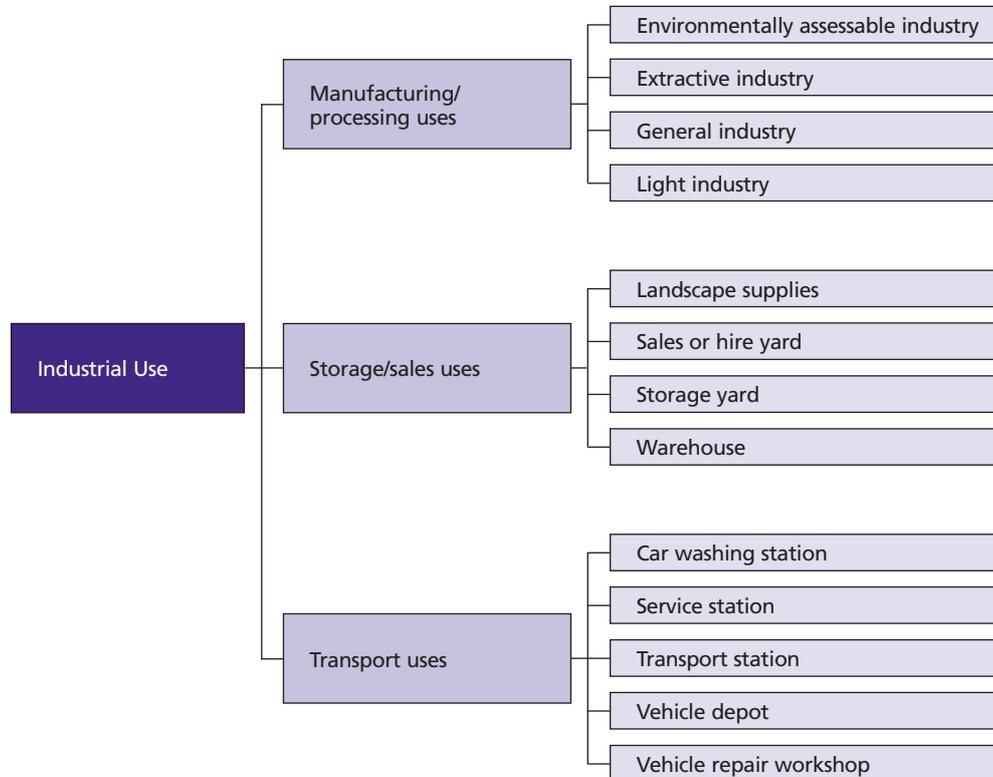
²⁷ A Medical centre is a class 5 and/or 8 building under the BCA.

²⁸ An Office is a class 5 building under the BCA.

²⁹ A Restaurant is a class 6 building under the BCA.

³⁰ A Shop is a class 6 building under the BCA.

Figure 3.4 Diagram illustrating “nesting” of Industrial Uses



- (v) the storage, whether for sale or not, of any solid, liquid or gaseous fuel;
 - (vi) the bulk storage of other goods, vehicles, equipment and materials (whether or not for sale or hire) which is not separately defined as a “commercial use”; or
 - (vii) any process of scientific or technological research other than for educational purposes or as a minor activity ancillary to the use of premises for a non-industrial purpose; and
- (b) when conducted as an ancillary activity on the same site as any of the above activities:
- (i) the storage of goods or materials used in connection with or resulting from any of the above activities; or
 - (ii) the sale of goods, resulting from such activities; or
 - (iii) any work of administration or accounting in connection with such activities; or
 - (iv) amenities for the comfort and enjoyment of persons working on the site.

“Car washing station” means premises used for washing motor vehicles by means of mechanical, hydraulic or pneumatic means;

“Environmentally assessable industry”³¹ (heavy industry) means the use of premises for a business purpose for any industrial use which:

- (a) principally involves animal products processing, food processing or beverage production, or
- (b) is for the purposes of a junkyard or salvage yard; or
- (c) involves the use, storage, handling or disposal of any radioactive substance or material, or
- (d) otherwise involves dangerous goods in quantities that are not minor, or
- (e) is an environmentally relevant activity under the *Environmental Protection Act* and is not a separately defined purpose.

The term does not include an extractive industry, vehicle repair workshop or major utility or any other separately defined purpose;

“Extractive industry” means the use of premises or works for a business purpose, for the winning on or from the land, and/or the treatment and processing,

³¹ *Environmentally assessable industry premises are generally class 8 buildings under the BCA.*

including crushing and screening, of gravel, rock, sand, soil, stone, or other similar materials. The term does not include the winning and processing of minerals authorised under the Mineral Resources Act 1989;

“**General industry**”³² means the use of premises for a business purpose for any industrial activity which is not separately defined;

“**Landscape supplies**” means the use of premises for the sale of sand, soil, screenings and other such garden and landscaping materials where such material is stored on site for sale or distribution in quantities greater than one cubic metre. The term includes the ancillary use of such premises for the sale, or displaying or offering for sale (in any quantity), of such items as:

- (a) seeds, plants, or other propagative plant material;
- (b) goods associated with the cultivation of plants;
- (c) garden ornamentation, furniture or structures;
- (d) garden tools or equipment.

The term does not include Agriculture, Extractive industry, or Garden centres as separately defined;

“**Light industry**”³³ means the use of premises for business purposes for any small-scale industrial activity which is not ancillary to another use on the site and which:

- (a) involves the storage or use of no dangerous goods, or only minor quantities of dangerous goods; and
- (b) is, or is similar to, any of the following:
 - (i) making any of the following:
 - dental prostheses;
 - fashion accessories;
 - flags and pennants;
 - footwear;
 - garments;
 - jewellery;
 - millinery;
 - optical goods (being spectacles and the like);
 - rubber stamps;
 - soft furnishings;
 - toys;
 - trophies;

(ii) assembling any of the following from components manufactured elsewhere:

- aids and appliances for the disabled;
- audio-visual equipment;
- barbecues;
- bicycles (not motorised);
- blinds;
- camera and other portable photographic equipment;
- clocks and watches;
- computers or computer equipment;
- furniture;
- musical instruments;
- portable domestic electrical appliances;
- portable domestic lighting, fittings and accessories;
- portable office machinery and equipment;
- power tools;
- recording and sound equipment;
- scientific instruments;
- sewing machines;
- sports equipment (other than ammunition, vehicles and water craft);
- television and video equipment;
- umbrellas;

(iii) repairing or servicing any of the following:

- any item mentioned in (i) or (ii) above;
- canvas goods, tents and camping soft goods;
- drawing or writing instruments;
- leather goods;
- mowers (including motor mowers and portable gardening equipment);
- power and other tools,

(iv) providing any of the following services:

- document duplicating or copying;
- engraving (by hand);
- laboratory facilities;
- locksmith services;
- photocopying;
- photographic film processing;

³² *General industry premises are generally class 8 buildings under the BCA.*

³³ *Light industry premises are generally class 8 buildings under the BCA.*

3. INTERPRETATION

- photographic plate-making, sign-making and similar processes;
 - picture framing;
 - plan printing;
 - restoration of small articles of a personal or domestic nature (other than furniture), or works of art;
 - studio facilities,
- (v) use as:
- a public laundromat;
 - a “hot bread kitchen”/retail bakery.

“Sales or hire yard” means the use of premises or intended use of premises for:

- (a) the sale, hire or leasing of any construction or industrial plant and equipment, motor vehicles or boats (sold, hired or leased wholly mainly outdoors), caravans, agricultural machinery, trailers, other demountable and transportable structures, and the like, where such items are stored thereat; or
- (b) the displaying for sale, hire or leasing of any of the items referred to in (a) above; or
- (c) a timber yard.

The term includes any ancillary use of the premises for:

- (a) routine servicing of any of the items sold, hired or leased, and
- (b) any ancillary use of those premises for the sale or hiring out of portable tools, machinery or equipment;

“Service station”³⁴ means the use or intended use of premises for use for the sale by retail of petrol and automotive distillate or any derivatives therefrom; and for all or any of the following ancillary purposes, namely:

- (a) the sale by retail of:
- (i) lubricating oils and greases; or
 - (ii) batteries; or
 - (iii) tyres; or
 - (iv) accessories and spare parts for motor vehicles; or
 - (v) power and lighting kerosene; or goods, including food for the comfort and convenience of travellers by motor vehicles where the area of such activity is not used for a purpose that would constitute a Convenience restaurant as separately defined;

- (vi) other products manufactured or distributed by oil companies and motor accessory manufacturers;
- (b) the carrying out of all or any of the following operations:
- (i) fitting, removal and exchange of tyres;
 - (ii) repairing of tubes;
 - (iii) supply of compressed air;
 - (iv) charging of batteries;
 - (v) lubrication and greasing of motor vehicles;
 - (vi) cleaning and adjustment and replacement of spark plugs;
 - (vii) receipt of tyres for retreading and other processes and the redelivery thereof;
 - (viii) running repairs of a minor nature and of a type which do not normally immobilise a vehicle for a period longer than four hours;
 - (ix) washing of motor vehicles;
- (c) the rendering of minor services incidental to any of the foregoing;

“Storage yard” means:

- (a) a builder’s yard, or construction or earthmoving contractor’s yard; or
- (b) a container depot; or
- (c) other premises used for the storage of goods wholly or primarily in the open, whether or not any of those goods are sold by wholesale, where such premises are not used or intended for use for a separately defined purpose.

The term includes as ancillary activities:

- (i) use of any facilities on the premises for the garaging, inspecting, cleaning and routine servicing of vehicles and containers involved in the Storage yard use; and
- (ii) storage of goods in covered stacks or in enclosed structures not being a building but being in the nature of silos, bins, tanks (whether or not underground) or transport containers.

The term does not include storage which is an ancillary activity for another use on the same site, or the storage of dangerous goods other than in minor quantities;

“Transport station”³⁵ means the use of premises for a road, air or water transport passenger and/or goods terminal, a bus or coach station, or heliport. The term does not include Vehicle depots or Major utilities as separately defined.

³⁴ Service station premises are class 6 buildings under the BCA.

³⁵ Transport station premises are class 9b buildings under the BCA.

“Vehicle depot” means the use of premises for the overnight or longer storage, for commercial or public purposes, (either in the open or covered) of more than one bus, truck, taxi, other motor vehicle, trailer, caravan and/or boat, and/or premises used as an operational base or depot for any such vehicles. The term includes as ancillary activities:

- (a) the servicing of any such vehicles on the premises; or
- (b) the sale of any such vehicles by wholesale.

The term does not include facilities ancillary to another use on the same site, the retail sale of vehicles, or Car parks, Sales or hire yards, or Transport stations as separately defined;

“Vehicle repair workshop”³⁶ means the use of premises for commercially servicing, repairing or maintaining motor vehicles or motor vehicle equipment, agricultural machinery and the like, including engine tuning, engine reconditioning, radiator repairs and panel beating. The term does not include Service stations as separately defined.

“Warehouse”³⁷ means the use of premises for business purposes, for the storage of goods, merchandise or materials in a building or buildings, whether or not pending their distribution, or sale by wholesale. The term does not include:

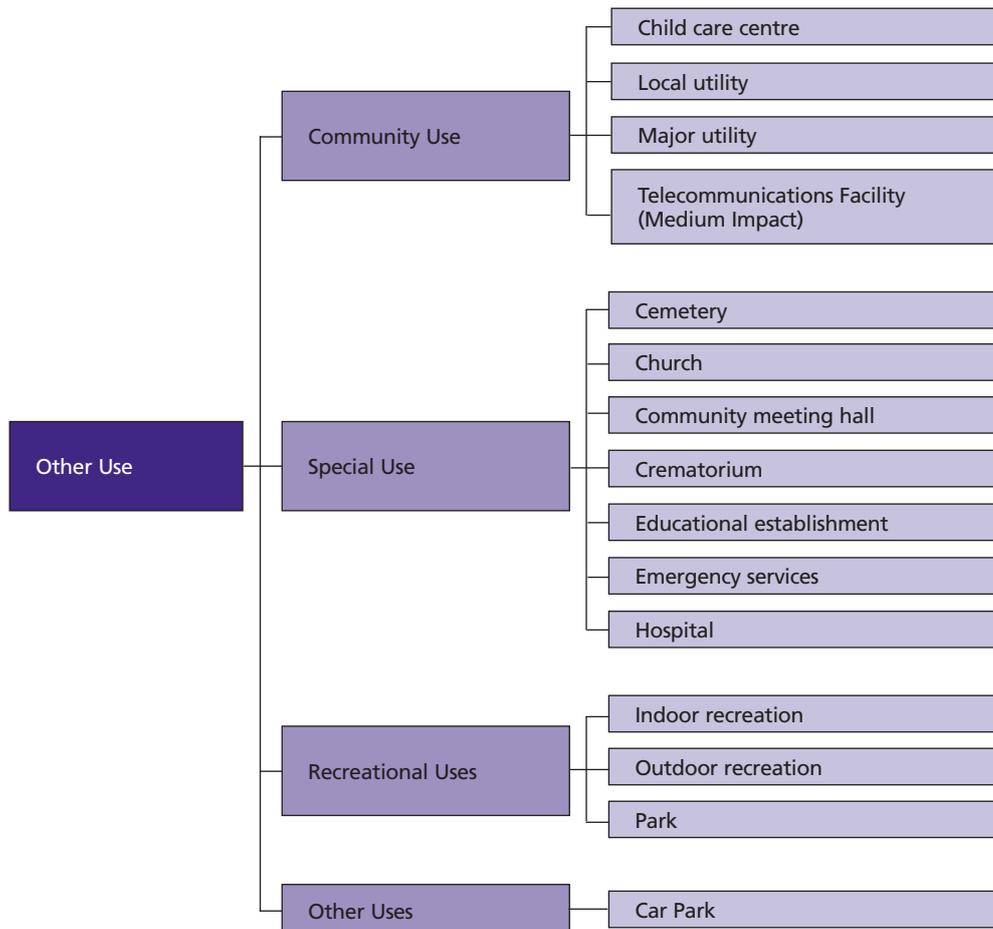
- (a) the storage of dangerous goods other than in minor quantities; or
- (b) storage which is an ancillary activity for another use on the same site; or
- (c) any separately defined storage use.

(5) Community Uses

“Community use” means use for any of the following purposes (see Figure 3.5);

“Child care centre” means the use of premises for the paid minding or care but not residence, of children. The term includes a creche, nursery school or kindergarten but does not include child care undertaken as home based business;

Figure 3.5 Diagram Illustrating Other Uses



³⁶ Vehicle repair workshop premises are class 8 buildings under the BCA.

³⁷ A Warehouse is a class 7b building under the BCA.

3. INTERPRETATION

“Local utility” means the use of premises other than parkland for:

- (a) any of the undertakings of the Council or other public sector agency for which an environmental authority (under the *Environmental Protection Act*) is not required, including:
 - (i) the conveyance of water, sewerage and stormwater drainage;
 - (ii) the provision of neighbourhood or district community services such as libraries, theatres, galleries, tourist information facilities, and the like;
 - (iii) the provision and maintenance of roads and traffic control devices;
 - (iv) administrative offices;
 - (v) the provision and maintenance of premises and facilities for public spaces and for conservation purposes;
 - (vi) such other public purposes carried out by the Council pursuant to the *Local Government Act*;
- (b) the reticulation of electricity or gas;
- (c) public transport facilities other than Transport stations, Vehicle depots, Vehicle repair workshops or offices;
- (d) the following telecommunications facilities:³⁸
 - (i) communication dishes in any Commercial, Industrial or Rural Precinct where the dish has a diameter not exceeding 1800 mm;
 - (ii) pits and manholes;
 - (iii) groups of up to four payphone cabinets; and
 - (iv) temporary facilities, for the purpose of providing additional network capacity or facilities, during special events or at other times of excessive demand, for a maximum duration of three months;

“Major utility” means the use of premises for the purposes of any installation or undertaking for:

- (a) the generation and/or supply of electricity or gas;
- (b) the storage and/or treatment of water, sewerage or garbage;
- (c) the provision of Shire-wide or regional community services such as major sports stadiums, convention centres and the like;

³⁸ Note: Some additional limited telecommunications facilities may be defined as low impact under the *Telecommunications (Low Impact Facilities) Determination 1999* and are exempt from the *Planning Scheme and provisions*.

- (d) a prison, reformatory or similar institutional establishment;
- (e) any State or Federal government purpose not otherwise defined;
- (f) a depot operated by or for the Council, other public authority or statutory corporation;
- (g) the following telecommunication facilities:
 - towers or other structures more than 10 metres in height in, or on a site adjoining, a Residential Precinct, a Rural Residential Precinct, a Special Purpose Precinct or a Master Planned Community Precinct;
 - towers or other structures more than 15 metres in height in any other Precinct;
 - any aboveground facility on or adjoining a site of cultural heritage significance, and
 - aerial cabling in a Residential, Rural Residential, Special Purpose or Master Planned Community Precinct.

The term does not include Local utility as separately defined;

“Telecommunications facility (Medium Impact)” means any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used by a holder of a carrier’s license under the *Telecommunications Act*, or for use, in or in connection with a system or series of systems that carries or is capable of carrying, communications by means of guided or unguided electromagnetic energy whether such facility is manned or remotely controlled, and not being a Local utility or Major utility.

(6) Special Uses

“Cemetery” means the use of premises for the interment of the dead. The term does not include a Funeral parlour or Crematorium as separately defined;

“Church” means the use of premises for religious activities of a religious organisation, community or association. The term includes a chapel, synagogue or temple;

“Community meeting hall” means the use of premises for the conduct of meetings or gatherings and other activities of club, organisation or community association. The term includes a senior citizens centre, youth centre, and the like;

“Crematorium” means the use of premises for cremating human corpses after death. The term does not include a Funeral parlour or Cemetery as separately defined;

“Educational establishment” means the use of premises for a school, pre-school, college, adult education centre, university or other educational facility. The

term includes ancillary uses such as offices, libraries, bookshops, or canteen. The term does not include a Child care centre as separately defined;

“**Emergency services**” means the use of premises for a police station, ambulance station, fire brigade or emergency services depot, not separately defined as a commercial use;

“**Hospital**” means the use of premises for medical or psychiatric care and treatment of patients. The term includes ancillary facilities including, administrative offices, canteen, kitchen, and the like. The term does not include a Medical centre as separately defined;

(7) Recreational Uses

“**Sport and recreational use**” means use or intended use for a public park or for either of the following purposes (see Figure 3.5);

“**Indoor recreation**” means the use of premises for any sporting or other recreational activity or leisure pastime which is conducted wholly or mainly indoors. The term includes such typical premises as theatres, cinemas, nightclubs, amusement centres, licensed and unlicensed clubs, indoor sports centres, gyms and the like (including other premises having more than two pinball or electronic game machines). The term does not include a clubhouse or ancillary building used in association with an Outdoor recreation or public park, or an Hotel;

“**Outdoor recreation**” means the use of premises for any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors. The term includes such typical premises as showgrounds, (outdoor) public swimming pools, drive-in theatres, race tracks, golf courses and driving ranges, outdoor courts and sportsgrounds, and the like. The term also includes the provision of clubhouse and other ancillary facilities, but does not include a public park.

“**Park**” means the use of premises for the purpose of parks and gardens open to the public. The term includes associated ancillary buildings or structures, including a picnic area, playground equipment, amenities block and the like. The term does not include Indoor recreation or Outdoor recreation as separately defined.

(8) Other Uses

“**Car park**”³⁹ means the use of premises for the parking of motor vehicles where such parking is not an ancillary activity on the site.

³⁹ A Car park is a class 7a building under the BCA.

3. INTERPRETATION
