

PART 2

INTERPRETATION

Division 1 Definitions

2.1.1 Definitions—The Dictionary

The dictionaries in Division 1: Schedule A and Division 1: Schedule B defines particular words used in this planning scheme as follows;

- (i) Defined uses and use classes; and
- (ii) Administrative definitions.

2.1.2 Terms Defined in the Integrated Planning Act 1997

Where the planning scheme uses terms that are defined in the *Integrated Planning Act 1997*, they are taken to have the same meaning as defined in the *Integrated Planning Act 1997*.

Division 1: Schedule A: Defined Uses and Use Classes⁴(1) List of Definitions

The following table lists the defined uses under use classes.

USE & USE CLASS DEFINITIONS				
Rural Use Class	Residential Use Class	Commercial Use Class	Industrial Use Class	Community Use Class
Agriculture	Accommodation	Caravan Park	Bulk Store	Community
Animal	Building	Commercial	Extractive Industry	Purposes
Husbandry /	Caretaker's	Premises	High Impact	Open Space
Grazing	Residence	Food Premises	Industry	Public Facility –
Aquaculture	Dual Occupancy	Hotel	Landscape Supplies	Operational
Intensive	Home Based	Indoor	Low Impact	Public facility –
agriculture	Business	Entertainment	Industry	Other
Intensive Animal	Home Host	Motor Sport	Medium Impact	
Husbandry	Accommodation	Facility	Industry	
Kennels and	House	Off Street Car Park	Transport Terminal	
Catteries	Multiple Dwelling	Outdoor	Vehicle Depot	
Roadside Stall	Retirement Village	Entertainment	Warehouse	
Rural Dwelling	Worker's	Plant Nursery		
Stock Saleyard	Accommodation	Retail/Commercial		
		Complex		
		Service Station		
		Shop		
		Showroom		
		Vehicle Showroom		

⁴ See Fitzroy Shire Planning Scheme Explanatory Notes for references to environmentally relevant activities that may be applicable to a particular use and require assessment against the *Environment Protection Act 1994*.

(2) Use and Use Class Definitions

The following section provides the meanings of Use Definitions. These definitions are grouped into Use Classes of Rural Uses, Residential Uses, Commercial Uses, Industrial Uses and Community Uses.

RURAL USES collectively refers to Agriculture, Animal Husbandry/Grazing, Aquaculture, Intensive Animal Husbandry, Intensive Agriculture, Kennels and Catteries, Roadside Stall, Rural Dwelling, Stock Saleyard and Other Rural Activities.

“**Agriculture**” means the growing of plants under dry land practices, where the application of chemicals (excluding fertilizers) does not exceed 3 full strength applications per crop cycle. The term includes the storage, packing and wholesale sale (not direct to public) of product grown on the same site. The term includes forestry, but does not include plant nursery or roadside stall.

“**Animal Husbandry/Grazing**” means the keeping, depasturing or breeding of any animal where the animals rely primarily on dry land native or sown pastures, other than for natural disaster feeding purposes (eg. drought, flood etc); and include the keeping of live fisheries resources in an area less than that referred to as aquaculture; and includes the keeping of bees. The term does not include working dogs and domestic pets associated with a house, intensive animal husbandry or kennels and catteries

“**Aquaculture**” means:

- (a) the cultivation of live fisheries resources (where such resources are defined under the *Fisheries Act*) having;
 - (i) Ponds with a total surface area greater than 5ha; or
 - (ii) Ponds of any size where wastes are released to waters; or
 - (iii) The keeping of live fisheries resources (as defined above) in ponds with a total surface area greater than 5 ha.

For the purpose of this definition “ponds” mean water containing structures formed by hollowing, excavating or embanking natural surfaces, or built structures.

“**Intensive Agriculture**” means the growing of plants, where water, fertilizers or other chemicals (including those for pest management) are applied at rates above those defined for Agriculture.

“**Intensive Animal Husbandry**” means the keeping, depasturing or breeding of any animal, bird, insect, reptile, where those animals rely primarily on prepared, packaged or manufactured feed and/or via specialised plant production systems for the purposes of survival or production other than for natural disaster feeding purposes (eg drought, flood etc). The term includes uses commonly referred to as Dairies, Commercial Livestock Dips, Lot Feeding, Poultry Farms, Piggeries, and Stables. The term does not include working dogs and domestic pets associated with a House, Animal Husbandry/Grazing, Aquaculture or Kennels and Catteries.

“**Kennels and Catteries**” means the keeping of cats or dogs whether for boarding, breeding, training or other purposes. The term does not include working dogs and domestic pets associated with a House or Animal Husbandry.

“**Roadside Stall**” means the display and sale of primary products grown and produced on the same site. The term does not include any such stall provided on road reserve adjacent to the site.

“**Rural Dwelling**” means providing of accommodation for farm or other workers engaged in bona fide rural occupations on the same premises, in addition to a house.

“**Stock Saleyard**” means any premises used for the purpose of offering animals for sale and includes a Public Livestock Market.

RESIDENTIAL USE CLASS collectively refers to Accommodation Building, Caretaker's Residence, Dual Occupancy, Home Based Businesses, Home Host Accommodation, House, Multiple Dwelling, Retirement Village, Worker's Accommodation and other undefined uses that are ordinarily considered forms of Residential Accommodation or Residential activities

“Accommodation Building” means premises used for accommodation units on one or more lots and which provide common facilities and includes any restaurant, office and/or manager's residence on the same site. The term includes uses commonly known as a Motel, Hostel, Boarding House, Apartment House and Serviced Rooms.

“Caretaker's Residence” means a Dwelling Unit having a maximum floor area of 100m² for accommodation of a caretaker or manager in connection with a particular purpose on the same site, except for rural purposes.

“Dual Occupancy” means premises used for 2 dwelling units on a single lot. The term does not include home host accommodation, caravan park, or multiple dwelling.

“Home Based Business” means a commercial activity, occupation or profession carried out in, or on the same site as a house by any permanent resident of the house, where the total use area for the activity, occupation or profession does not exceed 50 m² or constitute more than 10% of the total use area of the house and has one or more of the following characteristics;

- (i) Maximum of 1 employees in addition to the resident/s of the house;
- (ii) The total number of customers, visitors does not exceed 6 persons per day in an average week; and
- (iii) There may be sale or hire of goods from within the house.

The term does not include Low Impact Industry, Medium Impact Industry, High Impact Industry, Commercial Premises, Roadside Stall or Shop.

“Home Host Accommodation” means the provision of small scale tourism accommodation, such as Host Farm and Bed and Breakfast on;

- (i) Land on the Rural zone and for a maximum of 10 visitors in any house or building on the subject site associated with the house, where the host resides on the premises on a full time basis, providing that the maximum number of persons on the premises at any one time does not exceed 12; or
- (ii) Land not contained in the Rural zone and for a maximum of 6 visitors in any house or building on the subject site associated with the house, where the host resides on the premises on a full time basis, providing that the maximum number of persons on the premises at any one time does not exceed 8.

“House” means using a detached building, comprising one Dwelling Unit, principally for residential purposes and includes as ancillary uses;

- (i) The keeping of domestic pets in accordance with Council's Local Laws, and includes working dogs for bone fide rural purposes and breeding dog activities operated in accord with the standards of the Canine Council of Queensland.
- (ii) Outbuildings normally associated with this use;
- (iii) The parking of heavy vehicles which are necessary in the employment of residents;
- (iv) The caring of children as defined as Family Day Care or Home Based Care as defined in the *Child Care Act*;
- (v) Home activity being a hobby, minor commercial activity, occupation or profession carried out in, or on the same site as a house by any permanent resident of the house, where the total use area for the activity, occupation or profession does not exceed 50m² or constitute more than 10% of the total use area of the house and has:

- No employees;
 - No public signage of the activity;
 - No customers or visitors to the site; and
 - No sale or hire of goods on site.
- (vi) An annexed unit where such unit;
- Has a maximum floor area of 50m²;
 - Has only one bedroom;
 - Is architecturally and structurally part of the house; and
 - Is not self contained.

“**Multiple Dwelling**” means premises used for 3 or more Dwelling Units on a single lot. The term includes uses commonly known as a Townhouse, Unit, Apartment and any Managers Residence. The term does not include Accommodation Building, Home Host Accommodation, Dual Occupancy, Retirement Village, or Caravan Park.

“**Retirement Village**” means premises used for 3 or more dwelling units or accommodation units for residential accommodation by elderly or retired persons in accordance with the *Retirement Villages Act 1999*. The term includes ancillary Nursing Home Accommodation and facilities, recreational and communal facilities provided on the same site. The term does not include Community Purposes (Nursing Home, Aged Care Accommodation, Institution), or Multiple Dwelling.

“**Worker’s Accommodation**” means any premises used for the purpose of providing accommodation to workers associated with major developments. It includes ancillary uses such as kitchen, dining hall, amenity buildings, and recreation and parking facilities, which cater exclusively for the residents of the worker’s accommodation. The term does not include Accommodation Building, Caravan Park, Community Purposes, or Multiple Dwelling.

COMMERCIAL USE CLASS collectively refers to Caravan Park, Commercial Premises, Food Premises, Hotel, Indoor Entertainment, Motor Sport Facility, Off Street Car Park, Outdoor entertainment, Plant Nursery, Retail/Commercial Complex, Service Station, Shop, Showroom and Vehicle Showroom Uses and other undefined business uses that are ordinarily centred around financial gain.

“**Caravan Park**” means any combination of the parking of caravans or relocatable homes, camping or the pitching of tents, or the use of cabins with a maximum total use area of 80m² for each cabin, whether for the travelling public or long-term residents. The term includes any manager’s office or residence, shop, amenity buildings and recreational and entertainment facilities which cater exclusively for the occupants of the caravan park.

“**Commercial Premises**” means the provision of professional, business or commercial services in premises having a maximum total use area of 2000m². The term includes a Veterinary Clinic with the hospitalisation of animals, Hairdressing Salon, Funeral Parlour, but does not include Shop, Food Premises, Showroom or Vehicle Showroom.

“**Food Premises**” means the use of premises primarily for the preparation and serving of meals and beverages. The term includes Restaurants, Cafes, Kiosks, Takeaway Shops, Fast Food Outlets (including any drive-thru facility), Function or Reception Centres, outdoor dining associated with any of these uses, and ancillary use of amplified music or speaker systems.

“**Hotel**” means premises which primarily sell liquor for consumption on-site, which may also sell liquor for consumption off-site, provide short-term accommodation or dining/entertainment facilities. The term does not include Accommodation Building, Liquor Store or Shop.

“**Indoor Entertainment**” means providing entertainment which, by its nature, is provided indoors, including Amusement Centres, Cinemas, Nightclubs, Licensed and Unlicensed Clubs Indoor Sports Centres, Gymnasiums and the like and any Commercial Use (excluding food premises) with amplified music or speaker systems.

“**Motor Sport Facility**” means any motorised forms of recreation and sport, for purposes of recreation or conducting a motor race, and includes the provision of ancillary structures (eg. spectator stadium, mechanical workshop and amenities).

“**Off Street Car Park**” means any premises used only for the temporary parking of motor vehicles.

“**Outdoor Entertainment**” means any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors. The term includes Showgrounds (including provision for ancillary accommodation for travellers with livestock or show animals or those associated with a showgrounds event), Outdoor Public Swimming Pools, Golf Courses and Driving Ranges, Outdoor Courts and Sportsgrounds, Shooting or Archery Ranges and the like. It also includes the provision of a clubhouse, amenities, storage facilities and car parking associated with the use. The term does not include a Motor Sport Facility.

“**Plant Nursery**” means cultivating, storing or displaying seedlings, plants, flowers, shrubs and domestic trees for retail sale direct to the public.

“**Retail/Commercial Complex**” means the hire, retail sale of goods and/or provision of professional, business or commercial services;

- (i) In premises having a total use area greater than 2000m²;
- (ii) In a single complex or separate buildings; and,
- (iii) On one or more lots.

“**Service Station**” means the use of premises primarily for refuelling motor vehicles and including ancillary use of the premises for;

- (i) Retail sale of oils, greases and other motoring accessories and convenience items;
- (ii) The servicing and minor repairs of vehicles;
- (iii) A car washing facility; and,
- (iv) A shop not exceeding a total use area of 100m².

“**Shop**” means the display, hire and/or retail sale of goods on premises with a maximum total use area of 2000m². The term includes a, Liquor Store, Video Store, or the like.

“**Showroom**” means any premises greater than 200 m² but not exceeding a total use area of 2000m² used for the display and sale of bulky goods or goods of a similar type. The term includes the sale of electrical goods, camping equipment, produce stores and hardware stores, provided there is no outdoor storage of materials or equipment. The term does not include Shop, Commercial Premises, Vehicle Showroom or Low Impact Industry.

“**Vehicle Showroom**” means the indoor and outdoor display, hire and sale of vehicles, including agricultural machinery, boats, caravans, cars, trucks or the like. The term includes selling of spare parts and ancillary repairs and servicing of those vehicles.

INDUSTRIAL USE CLASS collectively refers to Bulk store, Extractive Industry, High Impact Industry, Landscape Supplies, Low Impact Industry, Medium Impact Industry, Transport Terminal, Vehicle Depot, Warehouse uses and other undefined uses that are ordinarily considered industrial in nature.

“**Bulk Store**” means any premises used for the bulk storage of goods, where the goods stored or to be stored, are not required to be used for another use located on the same site and does not include a Warehouse. The term includes Storage Sheds not ancillary to a primary use of any premises.

“**Extractive Industry**” means the use of premises for the extraction and processing of extractive resources to produce extractive materials and includes ancillary activities such as storage, loading, transport, administration and maintenance facilities. The term includes the importation onto the premises of other materials to be used as additives for blending with the extractive materials to modify products to achieve material specifications or to bind, stabilise or correct products. The term does not include a Concrete Batching Plant or an Asphalt Manufacturing Plant.

“**High Impact Industry**” means use of any premises for the purpose of;

- (i) Any of the industrial activities listed below that correspond to the group and class listed within the *Australian and New Zealand Standard Industrial Classification* system; and
- (ii) For Groups 217, 221, 222, 226, 262 and 274 only where they **are** an Environmentally Relevant Activity under the *Environmental Protection Act*;

GROUP	CLASS	DESCRIPTION
211		Meat and Meat Product Manufacturing
214		Oil and Fat Manufacturing
217		Other Food Manufacturing
218		Beverage and Malt Manufacturing
219		Tobacco Product Manufacturing
221		Textile Fibre, Yarn and Woven Fabric Manufacturing
222		Textile Product Manufacturing
226		Leather and Leather Product Manufacturing
251		Petroleum Refining
252		Petroleum and Coal Product Manufacturing
253		Basic Chemical Manufacturing
254		Other Chemical Product Manufacturing
255		Rubber Product Manufacturing
262		Ceramic Product Manufacturing
263		Cement, Lime, Plaster and Concrete Product Manufacturing
264		Non-Metallic Mineral Product Manufacturing
271		Iron and Steel Manufacturing
272		Basic Non-Ferrous Metal Manufacturing
273		Non-Ferrous Basic Metal Product Manufacturing
274	2821	Structural Metal Product Manufacturing Shipbuilding

or;

- (iii) Using, storing, handling or disposing of any radioactive substance or material; or
- (iv) Storing chemicals, including ozone depleting substances, gases or dangerous goods under the dangerous goods code; or
- (v) The following Environmentally Relevant Activities under the *Environmental Protection Act 1994*;
 - (a) Number 7 – Chemical Storage
 - (b) Number 53 – Soil Conditioner Manufacturing;
 - (c) Number 78 – Chemical or Oil recycling.

“**Landscape Supplies**” means premises used for the storage and/or 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 (1) cubic metre. The purpose includes the ancillary use of such premises for the sale, or displaying or offering for sale (in any quantity) of such items as:

- (i) Seeds, plants or other propagative plant material;
- (ii) Goods associated with the cultivation of plants;
- (iii) Garden ornamentation, furniture or structures;

- (iv) Garden tools or equipment; and
- (v) That if not ancillary would otherwise be defined as a Plant Nursery.

“**Low Impact Industry**” means the use of any premises for the purpose of;

- (a) Any of the industrial activities listed below that correspond to the group or class listed within the *Australian and New Zealand Standard Industrial Classification* system; and
 - (i) For Groups 226, 231, 232, 233 and 274 only where they **are not** an Environmentally Relevant Activity under the *Environmental Protection Act*; and
 - (ii) For Groups 411, 412, 421, 422, 423, 424 and 425 only where the use of the premises is for the purposes of a yard or depot; and
 - (iii) For Groups 281, 285 and 286 only up to a maximum total use area of 100m²; and
 - (iv) The use operates only between the hours of 6am to 6pm, Monday to Saturday.

GROUP	CLASS	DESCRIPTION
213		Fruit and Vegetable Processing
216		Bakery Product Manufacturing
223		Knitting Mills
224		Clothing Manufacturing
225		Footwear Manufacturing
226		Leather and Leather Product Manufacturing
231		Log Sawmilling and Timber Dressing
232		Other Wood Product Manufacturing
233		Paper and Paper Product Manufacturing
241		Printing and Services to Printing
242		Publishing
243		Recorded Media Manufacturing and Publishing
274		Structural Metal Product Manufacturing
281		Motor Vehicle and Part Manufacturing
283		Photographic and Scientific Equipment Manufacturing
284		Electronic Equipment Manufacturing
285		Electrical Equipment and Appliance Manufacturing
286		Industrial Machinery and Equipment Manufacturing
292		Furniture Manufacturing
294		Other Manufacturing
411		Building Construction
412		Non-Building Construction ⁵
421		Site Preparation Services
422		Building Structure Services
423		Installation Trade Services
424		Building Completion Services
425		Other Construction Services
526		Household Equipment Repair Services
	5322	Automotive Electrical Services ¹
	5329	Automotive Repair and Services ¹
	7865	Pest Control Services
	7866	Cleaning Services

and unless stated elsewhere as being a different use, includes the servicing or repair of an item that would be produced, manufactured or created from the above list; or

- (b) Dry Cleaning that is a notifiable activity under the *Environmental Protection Act 1994* or a laundry not ancillary to the primary use of the premises;

The term includes any display area and/or office ancillary to the Low Impact Industry.

“**Medium Impact Industry**” means the use of any premises for the purpose of;

- (a) any of the industrial activities listed below that correspond to the group or class listed within the *Australian and New Zealand Standard Industrial Classification* system; and
 - (i) For Groups 217, 221, 222 and 262 only where they **are not** an Environmentally Relevant Activity under the *Environmental Protection Act*;

⁵ Excluding any use separately defined as a public facility – operational or public facility - other.

- (ii) For Groups 231, 232 and 233 only where they **are** an Environmentally Relevant Activity under the *Environmental Protection Act*; and
- (iii) For Groups 281, 285 and 286 only where they have a total use area greater than 100m².

GROUP	CLASS	DESCRIPTION
212		Dairy Product Manufacturing
215		Flour Mill and Cereal Food Manufacturing
217		Other Food Manufacturing
221		Textile Fibre, Yarn and Woven Fabric Manufacturing
222		Textile Product Manufacturing
231		Log Sawmilling and Timber Dressing
232		Other Wood Products Manufacturing
233		Paper and Paper Product Manufacturing
256		Plastic Product Manufacturing
261		Glass and Glass Product Manufacturing
262		Ceramic Pot Manufacturing
275		Sheet Metal Product Manufacturing
276		Fabricated Metal Product Manufacturing
281		Motor Vehicle and Part Manufacturing
	2822	Boatbuilding
	2823	Railway Equipment Manufacturing
	2824	Aircraft Manufacturing
	2829	Transport Equipment Manufacturing
285		Electrical Equipment and Appliance Manufacturing
286		Industrial Machinery and Equipment Manufacturing
291		Prefabricated Building Manufacturing
	5323	Smash Repairing

or

- (b) a Junk Yard, Wrecking Yard or Salvage Yard; or
- (c) The following Environmentally Relevant Activities under the *Environmental Protection Act 1994*;
 - (i) Number 23 – Abrasive blasting
 - (ii) Number 27 – Metal Recovery
 - (iii) Number 77 – Battery recycling
 - (iv) Number 79 – Drum reconditioning
 - (v) Number 80 – Tyre recycling; or
- (d) Any Low Impact Industry operating outside of the specified hours for a Low Impact Industry.
- (e) Any other Industry not separately defined.

“**Transport Terminal**” means premises used for a Road, Rail, Air (including Heliport) Transport Terminal, Passenger and/or Goods Terminal, and a Bus or Coach Station. The term does not include Vehicle Depots as separately defined.

“**Vehicle Depot**” means premises for the overnight or longer storage (either in the open or covered) of any one or more buses, trucks, taxis, other motor vehicles, trailers, caravans, aircraft and/or boats for commercial or public purposes and/or premises used as an operational base or depot for any such vehicles. The purpose includes the repair and maintenance of any such vehicles on the premises. The term does not include facilities ancillary to another purpose on the same site, a Showroom, Off-Street Car Park or Transport Terminal as separately defined.

“**Warehouse**” means any premises used for the storage of goods, items, merchandise or materials in large quantities pending their:

- (i) Distribution; or
- (ii) Sale to persons who in most instances (minimum of 90% of persons) purchase for the purposes of resale only.

The term includes any display area up to 20m² and/or office ancillary to the Warehouse.

COMMUNITY USE CLASS collectively refers to Community Purposes, Open Space, Public Facility – Operational, Public Facility – Other and other undefined uses generally associated with community or non-profit organisations.

“**Community Purposes**” means cultural, religious or community uses not otherwise defined as Public Facility – Operational or Public Facility – Other, and is a use in one or more of the following categories;

- (a) Ambulance Station, Fire Brigade, Police Station, Emergency Services Depot;
- (b) Cemetery, Crematorium;
- (c) Public Hall or Centre, Senior Citizens Centre or Youth Centre;
- (d) Church, Chapel, Synagogue, Temple and Ancillary Accommodation;
- (e) Child Care Centre, or other education uses such as Art Galleries, Museums, Library;
- (f) Primary and Secondary Schools, Tertiary Education Establishments or Student Accommodation associated with one of these uses; or
- (g) Orphanage or Children’s Home.

“**Open Space**” means public land used for recreational purposes, aesthetic appreciation, and/or conservation or environmental protection. The term includes Children's Playground; Informal Sports Fields; any vehicle parking areas, amenities associated with the use, and short term camping and pitching of tents.

“**Public Facility – Operational**” means the use of any premises for the purposes of any installation or undertaking for an infrastructure purpose **by, for, or in association with** a Local, State or Federal government or public sector entity, including:

1. The supply of water, hydraulic power, electricity or gas, or any development required for the purpose of that undertaking by way of:
 - (i) Development of any description at or below the surface of the ground (not above);
 - (ii) The installation of any plant inside a building or the installation or erection within the premises of a power station of any plant or other structures required in connection with the station;
 - (iii) The Transmission Grid as defined in the *Electricity Act 1994* (including the installation or erection of an electrical transmission line of sub stations, feeder pillars, pole transformers and kiosks or transformer housing);
 - (iv) The Supply Network as defined in the *Electricity Act 1994*; and
 - (v) The placing of pipes above the surface of the ground for the supply of water, the installation in a water distribution system of booster stations and meter or switchgear houses.
2. The provision of sewerage or drainage services, (but excluding a sewerage treatment works);
3. A wharf, water transport or a river undertaking;
4. The construction of, or a material change of use for, a new road as defined in the *Transport Infrastructure Act 1994* by a public sector entity as defined in the *Integrated Planning Act 1997*;
5. The use of premises for the purpose of constructing, maintaining and operating rail transport infrastructure as defined in the *Transport Infrastructure Act 1994*. To remove any doubt, “other rail infrastructure” that is excluded, for the purposes of this Planning Scheme includes freight yards/depots, rolling stock construction/maintenance workshops, employee carparks, parts of a railway station not associated with operating a railway (eg. coffee shops, newsagencies, travel agencies, tourism offices, car parks etc), office buildings (excluding offices directly associated with the operations of a railway at the location of the offices) and the like;

6. Those forms of telecommunication facilities which are made exempt under the *Commonwealth Telecommunications Act 1997*, and as described in the *Commonwealth Telecommunications Act 1997*, the *Telecommunications (Low-Impact Facilities) Determination 1997*, and the *Telecommunications Code of Practice 1997*, and to remove any doubt, for the purposes of this Planning Scheme those facilities defined as Low Impact, Minor Impact, Medium Impact facilities and Major Impact facilities that are not otherwise defined in Public Facility – Other;
7. The provision of infrastructure on premises for the conveying or providing of services to a development/ use located on another lot, including the infrastructure for water, gas or sewer pipelines, or other structures or towers used for the provision of electricity or telecommunications; and
8. A depot operated by, or for, the Council or other public entity.

“**Public Facility – Other**” means the use of any premises for the purposes of any installation or undertaking for any infrastructure / purpose not otherwise defined; including but not limited to the following:

1. A Waste Handling, Treatment or Disposal Facility (except excavation or filling carried out at a premises where it was lawfully established prior to the commencement of this Planning Scheme, and in accordance with any conditions of development approval);
2. Sewerage Treatment Works;
3. A Gaol; Reformatory or similar Penal Establishment;
4. A Hospital, Aged Care Facility or Health Care Institution where accommodation for patients and/or carers is provided;
5. Telecommunication facilities defined as Major Impact Facilities under the *Commonwealth Telecommunications Act 1997* to the extent that they include:
 - (i) Towers or other structures of more than 5m above tree canopy height or above prevalent roof lines in a residential or other sensitive area or adjacent to an existing residence, residential zone or other sensitive area;
 - (ii) Towers or other structure of more than 10m above tree canopy height or above prevalent roof lines; and
 - (iii) Aerial cabling in a residential locality or adjacent to an existing residence or residential zone.
6. The provision of infrastructure on premises for the conveying or providing of services to a development/ use located on another lot, including the infrastructure for water, gas or sewer pipelines, or other structures or towers used for the provision of electricity or telecommunications.

Division 1: Schedule B: Administrative Definitions**(1) List of Definitions**

The following table lists the administrative definitions.

ADMINISTRATIVE DEFINITIONS		
Accommodation Unit	Habitable Room	Residential Street
Accommodation Building Development	Hazard Severity	Riparian Corridor
Acceptable Solutions	Hazardous Materials	Riparian Vegetation
ANEF	Heavy Vehicle	Risk
Assessment Category	Industry	Road
Assessment Criteria	Industrial Road	Rural Road
Assessment Provisions	Integrated Development Assessment System	Schedules
Assessment Tables	Layer	Scheme Measures
Battle Axe Block	Landscaped Areas	Self Contained
Buffer	Landscaped Setbacks	Short Term Future
Building Envelope	Long Term Future	Site Area
Building Height	Main Roads	Site Cover
Building Setback	Material Change of Use	Small Lots
Building Work	Medium Term Future	Specific Outcomes
Bushfire	Minor Building Work	State Assessment Requirements
Bushfire Prone Land	Minor Development	Steep Slopes
Child Activity Areas	Minor Residential Street	Sub-Area
Development	Natural Hazard Management Area	Supporting Documents
Development Commitment	Noise Sensitive Uses	Temporary Advertising Devices
Domestic Pets	Operational Work	Temporary Uses
Dwelling Unit	Outbuildings	Total Use Area
Electricity Easement	Overall Outcomes	Useable Landscaped Areas
Existing Building Alignment	Overlay	Use
Explanatory Notes	Perimeter Road	Use Class
Filling and Excavating	Person	User's Guides
Floor Area (of a building)	Power Station	Vegetated Buffer
Frontage	Premises	Watercourse
Good Quality Agricultural Land	Principal Road	Works
Habitat	Private Open Space	Zone
Habitable Buildings	Probable Solutions	
	Reconfiguring a Lot	
	Residential Accommodation Development	

(2) Administrative Definitions

The following section provides the meanings of administrative definitions.

“Accommodation Building Development” means uses commonly referred to as a Motel, Hostel, Boarding House, Apartment House, Serviced Rooms and the accommodation component of Hotels, collectively.

“Accommodation Unit” means part of a building used as a dwelling place for the exclusive use of one household, but which is not a dwelling unit due to the absence of kitchen and laundry facilities. To avoid any doubt, kitchen facilities include those with the provision of oven and cook top and not just provision of a microwave and other domestic appliances.

“Acceptable Solutions” mean;

- (i) The criteria comprising a code with which self-assessable development must comply; and
- (ii) The precise criteria that do not require the exercise of discretion to assess whether proposed development complies.

“ANEF” means for the purposes of interpreting the Aircraft Affected Area Overlay, Aircraft Noise Emission Forecast.

“**Assessment Category**” means the type of assessment identified for development in accordance with the *Integrated Planning Act 1997*, including one or other of the following;

- (i) Exempt;
- (ii) Self-assessable;
- (iii) Assessable requiring code assessment, referred to as code assessable; and
- (iv) Assessable requiring impact assessment, referred to as impact assessable.

“**Assessment Criteria**” means those parts of the scheme measures, comprising applicable codes or otherwise, that establish the outcomes sought for self-assessable and assessable development, including overall and specific outcomes, acceptable solutions and probable solutions.

“**Assessment Provisions**” means provisions that are assessment categories, assessment criteria, process considerations relevant to Integrated Development Assessment System, and all parts of the planning scheme and associated planning scheme policies necessary for understanding and applying those provisions, including relevant maps and schedules.

“**Assessment Tables**” means;

- (i) Tables that identify the assessment categories applying to development in a particular zone or overlay; and
- (ii) Tables that may also identify which assessment criteria, including applicable codes, are relevant to the identified development.

“**Battle-axe block**” means an allotment that has access to a road by means only of an elongated access strip or easement

“**Buffer**” means 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 Envelope**” means that part of a site which contains all buildings, structures (excluding those associated with farm management practices), effluent disposal areas, and resident recreational areas.

“**Building Height**” means the distance between the natural ground level and the highest point of a building or structure.

“**Building Setback**” means the distance between a lot boundary and the outermost wall of a building.

“**Building Work**” has the same meaning as in the *Integrated Planning Act 1997*, but excludes minor building work as separately defined.

“**Bushfire**” means for the purposes of interpreting the Natural Disaster Overlays Code – Bushfire Prone Land, an uncontrolled fire burning in forest, scrub or grassland vegetation sometimes also referred to as wildfire.

“**Bushfire Prone Land**” means for the purposes of interpreting the Natural Disaster Overlays Code – Bushfire Prone Land, land included in the High and Medium Hazard Areas as mapped in the Bushfire Risk Analysis, prepared by the Queensland Fire and Rescue Service.

“**Child Activity Areas**” means for the purposes of interpreting the Major Utilities Code – Electricity Transmission Lines, land or buildings associated with the care or use by children for more than 5 hours per day at least 3 days per week including;

- (i) child Care Facilities providing Day Care, Occasional Care, Kindergarten and Crèche Services;
- (ii) educational establishments providing for preschool and primary school students; and
- (iii) before/after school care and vacation care for children less than 13 years of age.

“**Development**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Development Commitment**” means for the purposes of interpreting the Natural Disaster Overlays, any of the following;

- (i) development with a valid development approval;
- (ii) exempt development, self-assessable development or development only assessable against the *Standard Building Regulation*;
- (iii) development clearly consistent with the relevant zone, or sub-area of a zone;
- (iv) a reconfiguration of allotment boundaries consistent with the requirements of the planning scheme; or
- (v) development consistent with a designation for community infrastructure.

“**Domestic Pets**” means the keeping of any animal, bird, insect, reptile or fish kept on land for the interest, enjoyment or protection of residents of a house or dwelling unit. The numbers of animals are limited to the following;

(i) Cats	3 cats over the age of 3 months
(ii) Dogs	3 dogs over the age of 3 months
(iii) Reptiles	3 reptiles
(iv) Grazing animals	No limit prescribed for horses, cows, sheep, goats, donkeys etc. provided no building work for the creation of a structure to house the animals is required (eg stable, dairy etc)
(v) Poultry	39 birds (including fowl, turkey, ducks, geese etc)
(vi) Birds	39 birds (including budgies, canaries etc & pigeons)
(vii) Pigs	0
(viii) Bees	no limit prescribed

The term does not include the keeping of animals in excess of the numbers specified as this would then fall into the separate definitions of Animal Husbandry, Animal Husbandry/Grazing or Intensive Animal Husbandry.

“**Dwelling Unit**” means a building or part of a building used as a self contained residence for one household. As examples: a House is a Single Dwelling Unit; a Dual Occupancy is two Dwelling Units; a Relative’s Apartment is either an annexed unit as part of the House (see the House definition); or is a second Dwelling Unit on the same site as the House, therefore falling in the definition of a Dual Occupancy.

“**Electricity Easement**” means an existing easement over land in favour of an electricity transmission or supply entity that is used or intended to be used for electric lines that form part of the Transmission Grid or Supply Network.

“**Existing Building Alignment**” means the location of the outermost wall of a building in relation to a nominated feature, such as a property boundary or the location of tidal waters etc.

“**Explanatory Notes**” means supporting documents declared by the planning scheme to be extrinsic material to assist interpretation of the scheme and include documents that;

- (i) provide a summary of the background to determining the desired environmental outcomes and scheme measures;
- (ii) explain the relationship between the desired environmental outcomes and scheme measures; or
- (iii) explain how the scheme provisions operate.

“**Filling and Excavating**” means the deposition or removal of material that materially alters the ground level. This deposition or removal of material is a form of operational works, whether associated with an assessable material change of use or not. The term does not include the use of premises for extractive industry separately defined.

“**Floor area (of a building)**” means the total floor area of all levels of a building measured from the outside of the external walls or the centre of a common wall.

“**Frontage**” means a boundary of a lot which abuts a road.

“**Good Quality Agricultural Land**” means the land which is mapped on Overlay Maps B1 , B2 & B3 as Land Classes A1, A2, B, & C1, in accordance with the *Planning Guidelines – The Identification of Good Quality Agricultural Land* that accompany State Planning Policy 1/92.

“**Habitat**” means the terrestrial and/or aquatic environment where an organism or group of organisms live through time, including breeding, growing, feeding, nesting or roosting.

“**Habitable Buildings**” means any building, part of a building or structure used for or able to be lawfully used as a residence.

“**Habitable Room**” means any room used for normal domestic activities other than a bathroom, toilet, pantry, walk-in wardrobe, corridor, lobby, photographic darkroom, clothes or drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

“**Hazard Severity**” means, for the purposes of interpreting the Natural Disaster Overlays Code – Bushfire Prone Land, the severity of bushfire hazard that land has in accordance with a Bushfire Hazard Assessment based on;

- (i) the vegetation type across the land,
- (ii) the slope of the land; and
- (iii) the land’s aspect

As a result of a Bushfire Hazard Assessment, land is determined to have a Low, Medium or High Bushfire Hazard Severity.

“**Hazardous Materials**” means for the purposes of interpreting the Natural Disaster Overlays Code, has the same meaning as in the *Dangerous Goods Safety Management Act 2001*.

“**Heavy Vehicle**” means any vehicle that is greater than a “light rigid” vehicle;

“**Integrated Development Assessment System**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Industry**” means any of the following operations;

- (a)
 - (i) any manufacturing process whether or not such process results in the production of a finished article; or
 - (ii) the breaking up or dismantling of any goods or any goods or any articles for trade, sale or gain, as ancillary to any business; or
 - (iii) repairing, servicing or storage of articles including vehicles, machinery, buildings or other structures, laundering of articles but not including on-site work on buildings or other structures; or
 - (iv) any operation connected with the installation of equipment and services and the extermination of pests but not including on site work on buildings or other structures or land; or
 - (v) treating waste material; or
 - (vi) the storage or sale of any solid, liquid or gaseous fuel where such storage is not for a purpose separately defined herein; or
 - (vii) any process of testing and analysis; and
- (b) when conducted on the same land as any of the above operations;
 - (i) the storage of goods used in connection with or resulting from any of the above operations; or
 - (ii) the provision of amenities for persons engaged in such operations; or
 - (iii) the sale of goods, resulting from such operations where no more than a total of 20% of the site or floor area are used for sales and display of goods; or
 - (iv) any work of administration or accounting in connection with such operations.

“**Industrial Road**” means a road which has the primary function of providing access to industrial properties.

“**Layer**” means:

- (i) a zone; and
- (ii) a mapped or otherwise described area that affects assessment categories and has relevant assessment criteria, or has relevant assessment criteria only, if those assessment categories and assessment criteria are organised separately from the zone provisions. An overlay may be a layer.

“**Landscaped Areas**” means the area of any site, comprising usable landscaped areas, private open space areas, and landscaped setbacks. For the purposes of this definition:

- (a) usable landscaped areas refers to those areas of a site capable of providing communal recreation facilities eg. Pools, BBQs, playgrounds, or for substantial landscaping and gardens, and which:
 - (i) have no horizontal dimension less than 2.5m; and
 - (ii) is kept clear of all obstacles such as clothes hoists, driveways, parking spaces and receptacles; and
- (b) private open space areas refers to those areas of a site which provide recreation areas exclusively for a dwelling unit and do not include balconies or decks that are not at ground level, and which for Dual occupancy uses may include clothes drying areas and bin storage; and
- (c) landscaped setbacks refers to those areas of a site which provide landscaping in the building setback, for the provision of on-site gardens comprising a combination of tree, shrub, grass, groundcover species, or specifically for buffering between land uses. These areas may include site facilities such as clothes lines, bin enclosures, storage areas, mail boxes and the like.

“**Landscaped Setbacks**” refer to the “Landscaped Areas” definition.

“**Long Term Future**” means for the purposes of the Gracemere – Stanwell Zone a period of time into the future being greater than 20 years from the commencement of the planning scheme.

“**Main Road**” means a State Controlled Road under the *Transport Infrastructure Act*.

“**Material Change of Use**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Medium Term Future**” –means for the purposes of the Gracemere – Stanwell Zone a period of time into the future being between 5 years and 20years from the commencement of the planning scheme.

“**Minor Building Work**” means Building Work;

- (i) to which the provisions of the Building Code of Australia apply; and
- (ii) which in a single construction results in an increase in gross floor area of an existing premises by no more 30m²; and
- (iii) which cumulatively in a number of constructions, over time, is not otherwise defined in this Planning Scheme.

“**Minor Development**” means development which does not result in an increase in site area of an existing premises by more than 10% and does not generate traffic, amenity or environmental impacts beyond the 10% proportional increase.

“**Minor Residential Street**” means a minor road providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority or a road providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority.

“**Natural Hazard Management Area**” means for the purposes of interpreting the Natural Disaster Overlays Code, areas that are defined for the management of a hazard (flood, or bushfire), but may not reflect the full extent of the area that may be affected by the hazard. These areas are defined by the Natural Disaster Overlays – Flood Prone Land Overlay, the Natural Disaster Overlays – Bushfire Prone Land Overlay and the Natural Disaster Overlays – Landslide Prone Land Overlay. The natural hazard management area for landslide, referred to as Landslide Prone Land, is defined as all land with a slope of 15% or greater.

“**Noise Sensitive Uses**” means those uses which fall within the definition of Noise Sensitive Places under the *Environmental Protection Act - EP (Noise) P 1997*; which for the purpose of this Planning Scheme include:

- (i) a Dwelling;
- (ii) a Library, Childcare Centre, Kindergarten, School, College, University or other Educational Institution;
- (iii) a Hospital, Surgery or other Medical Institution;
- (iv) 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.

“**Operational Work**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Overall Outcomes**” means statements of desired outcomes that apply to the whole of a zone or overlay, identify the purpose of a code under s 3.5.13(2) of the *Integrated Planning Act 1997*, or both. They require the exercise of discretion to assess whether proposed development is consistent.

“**Overlay**” means an additional set of planning scheme provisions based on areas, places or sites having special attributes that affect the outcomes sought, as the attributes may:

- (i) make those areas, places or sites sensitive to effects of development, or
- (ii) constrain development due to an environmental hazard or the value of a resource.

Overlays need not cover the whole of the planning scheme area and may be presented in the scheme as a layer.

“**Perimeter Road**” means for the purposes of interpreting the Natural Disaster Overlays Code – Bushfire Prone Land, a road which serves as the outer edge or “buffer” between the Bushfire Prone Land and land uses that are sensitive to that particular hazard.

“**Person**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Power Station**” has the same meaning as defined in the *Environmental Protection Act 1994* for Environmentally Relevant Activity Number 18 – Power station.

“**Premises**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Principal Road**” means a road which carries through traffic but may also provide access to some abutting properties.

“**Private Open Space**” refer to the “landscaped areas” definition.

“**Probable Solutions**” means;

- (i) precise criteria that provide a guide for achieving a specific outcome in whole or part, but do not necessarily establish compliance with a code; and
- (ii) precise criteria in a code for code assessment.

“**Reconfiguring a Lot**” has the same meaning as in the *Integrated Planning Act 1997*.

“**Residential Accommodation Development**” means Multiple Dwellings, Retirement Villages and Dual Occupancy uses collectively.

“**Residential Street**” means a road providing access to abutting residential properties and carrying local traffic.

“**Riparian Corridor**” means that part of the landscape adjacent to streams, that exerts a direct influence on the stream or lake margins, and on the water and aquatic ecosystems contained within them. Riparian zones include the stream bank and a variable sized belt of land alongside the banks.

“**Riparian Vegetation**” has the same meaning as in the *Vegetation Management Act 1997*.

“**Risk**” means for the purposes of interpreting the Natural Disaster Areas Overlays, a concept used to describe the likelihood of harmful consequences arising from the interaction of hazards, community and the environment.

“**Road**” has the same meaning as in the *Transport Infrastructure Act 1994*.

“**Rural Road**” means a road which has the primary function of providing access to rural and/or rural residential properties.

“**Schedules**” means part of the planning scheme which provides details that support the assessment categories or provide other information for their interpretation such as the meaning of defined uses or other terms used in the scheme. A planning scheme policy may also have supporting schedules.

“**Scheme Measures**” means all provisions of a planning scheme and associated planning scheme provisions, including assessment provisions, introductory provisions and other provisions not used for development assessment.

“**Self Contained**” means for a Single Dwelling unit, that it contains kitchen, ablution and laundry facilities for the exclusive use of the household.

“**Short Term Future**” – means for the purposes of the Gracemere – Stanwell Zone a period of time into the future being within 5 years of the commencement of the planning scheme.

“**Site Area**” means that part of a lot or lots which is proposed to be used, is currently used, or is the subject of a development application.

“**Site Cover**” means the proportion of a site covered by a building, fixed structure, or outdoor storage area, excluding the area under eaves.

“**Small Lots**” means any lot which has an area less than the specified minimum lot size in the relevant Zone.

“**Specific Outcomes**” means statements of desired outcomes that contribute to the achievement of overall outcomes and may relate to the use of land, the provision of infrastructure, or specified effects of use or development on aspects of the environment. They require discretion to assess whether proposed development complies with the code.

“**State Assessment Requirements**” means the various assessment categories, assessment criteria, information and referral requirements established by the State under the *Integrated Planning Act 1997* and other related Acts, regulations and Integrated Development Assessment System codes.

“**Steep Slopes**” means the purposes of interpreting the Natural Disaster Areas Overlays, land which has a slope of 15% or greater, as determined by a slope analysis.

“**Sub-Area**” means an identified area within a zone with special attributes to which certain zone provisions apply. These are referred to as Areas or Precincts, depending on the Zone.

“**Supporting Documents**” means documents that are separate from the planning scheme that assist in its interpretation and use, including explanatory notes and user’s guides.

“**Temporary Advertising Device**” means any advertising device;

- (i) that does not require approval under the Building Code of Australia, and
- (ii) displayed at a general location for a maximum period of 14 days (for part or the whole of the day), consecutively or not, within a 3 month period.

“**Temporary Uses**” means any use of land;

- (i) that occurs as a once only occasion; or
- (ii) that occurs on an infrequent and irregular basis; or
- (iii) that occur no more than twice in a 12 month period; or
- (iv) that has a duration of less than 1 week.

Examples of temporary uses, despite the criteria above, are; Circuses, Weekend Festivals, School Fetes, Bullaramas, and Camp Drafts. These uses do not fall within any of the defined Use Classes, and are Exempt Development.

“**Total Use Area**“ means total area in square metres used for a purpose and includes all storeys of buildings, display areas, storage, outdoor dining areas, and entrances, but excludes car parking areas, access driveways, and landscaped areas.

“**Usable Landscaped Areas**“ refer to the “landscaped areas” definition.

“**Use**“ means in relation to a use class, a use for a single purpose that is part of that use class, such as “Animal husbandry/grazing” in a “Rural Uses” use class.

“**Use Class**“ means a group of uses having different purposes but broad characteristics in common, such as a “Rural Uses” use class that includes uses for Agriculture, Animal husbandry/grazing, Animal Husbandry, and the like.

“**User’s Guides**” means explanations of the development assessment system and how to use a planning scheme intended primarily for non-technical users of the scheme

“**Vegetated Buffer**” means a setback provided between a natural feature and the site area of a development, where existing vegetation is retained. The buffer excludes all buildings and structures, access driveways, car parking, effluent disposal areas and necessary excavation and filling.

“**Watercourse**” means a river, creek or stream in which water flows permanently or intermittently and includes the bed and banks and any other element of a river, creek or stream confining or containing water.

“**Works**” collectively refers to minor building work, building work, operational works – filling and excavating, work-roads, work-car parking and access, work – water and sewer, work – stormwater drainage, work – electricity, work – footpaths and cycleways, work- park provision, work- street trees, work – landscaping, clearing of vegetation on freehold land, reconfiguring a lot, and operational works associated with reconfiguring a lot

“**Zone**“ means;

- (i) the primary layer for organising the provisions of the planning scheme based on land use allocations.
- (ii) all parts of the planning scheme area are included in one zone only.
- (iii) a zone may incorporate distinct sub-areas; referred to as either Areas or Precincts.
- (iv) any provisions applicable to those sub-areas are integrated with the zone provisions.

Division 2: Explanatory Notes

2.2.1 Explanatory Notes Assist Interpretation of the Planning Scheme

The Fitzroy Shire Planning Scheme Explanatory Notes are declared to be extrinsic material under the *Statutory Instruments Act 1992*, section 15, which assist interpretation of provisions of this planning scheme.