

# Schedule 1                      Dictionary

## Part 1                              Defined terms

### 1.1      Defined terms

Table 1.1 (Defined terms) in schedule 1 (Dictionary) identifies the terms used in the planning scheme which are defined in this section.

**Table 1.1      Defined terms**

above awning sign	BOD <sub>5</sub>	covenant
acceptable solution	boundary clearance	crime prevention through environmental design principles (CPTED)
access area	brothel	crop related activity
access drive	buffer	crossover
access strip	builders display	cul-de-sac
acid sulfate soil	building	cultural heritage significance
acoustic fence	building clearance	cultural significance
active frontage	building envelope	cumulative impact
actual acid sulfate soil (AASS)	building sales	curtilage
adjacent	building site	cycle lane
adjoining premises	building work	cycle path
adult shop	bulk	cycleway
adverse impact	bulky nature	cycleway hierarchy
advertisement hoarding	bunting	cycleway network
advertising	bushfire	dB(A)
afflux	business	dedicate
air emission sensitive place	business activity	dedicated road
allotted area	calendar year	deep planting
ambient	car	defined area map (DA map)
amenity	caravan	defined flood event
animal	carriageway	defined term map (DT Map)
animal enclosure	catering activity	defined use
animal related activity	centres zone	densely planted landscape area
annexed unit	channel	design vehicle
Annual exceedance probability (AEP)	character area	designated site
applicable code	chemical and physical fertility	desired environmental outcome
approved drawing	class 1 building	development
aquaculture	class 10 building	development application
Archerfield aviation buffer area	clean industrial use	development approval
articulation	code	development infrastructure
assessable development	code assessable development	device
assessment category	code assessment	directional sign
assessment criteria	commencement date	disaster
assessment provision	commercial use	district
assessment table	community activity	district cycleway
associated activity	community facility	district map (DSD Map)
associated residential activity	community infrastructure	district retail centre
attractive	community infrastructure designation	district service function
Australian Height Datum (AHD)	community title lot	DNRM On-Site Sewerage Code
AV	compatibility	document
average recurrence interval (ARI)	concealment	dog
B99	concrete batching plant	domestic animal
background noise level	conservation area	driveway
balcony	consistent development	dwelling unit
banner sign	consistent development table	earthworks
bed and banks	container	easy walking distance
bed and breakfast	contaminated land	ecological sustainability
best practice environmental management	controlled activity	ecosystem
biochemical oxygen demand (BOD)	core area	effluent
biodiversity	counterdisaster	endangered regional ecosystem

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endemic	impact assessment	major centres zone
engineering work	inconsistent development	major noise source
environment	industrial access road	major retail centre
environmental harm	industrial collector road	major road
environmental nuisance	industrial road	major service function
environmental weed	industrial use	major urban collector (access permitted) road
erosion	industry	major urban collector (limited access) road
esplanade	infrastructure	manoeuvring area
excavating	integrated	manufacturing/processing activity
exempt development	integrated development assessment system (IDAS)	mass
exhibit	interference	mass movement
existing lawful use	intrusive noise	material change of use
exterior	investigation zone	medium density residential development
extractive resources	keeper	medium rise
fabric	key site	minor building work
façade	knowledge based business	minor road
face area	koala	minor urban collector road
family day care	koala habitat	mitigation
fence	Koala Habitat Areas	mixed use development
filling	Koala habitat trees	motel
fire hazard	$L_{A10(18 \text{ hour})}$	motor vehicle
Flood	$L_{A_{bg}}$	multi-unit residential activity
flood hazard	$L_{A_{eq}(24 \text{ hour})}$	native animal
flooding	$L_{A_{eq}(9 \text{ hour})}$	native plant
floor area	$L_{A_{max,adj,T}}$	natural disaster
floor level	$L_{A_{max,T}}$	natural hazard
footpath	land	natural physical process
form	land contamination	natural resource
former Acts	land degradation	nature conservation law
free standing sign	land sales	nature conservation value
front	landmark building	neighbourhood
frontage	landscape and recreation area	neighbourhood cycleway
garden	landscape area	newspaper
glare	landscaped pedestrian area	noise emission
good	landscaping	noise immission
graffiti	landslide	noise sensitive place
gross floor area (GFA)	lawful non-conforming use	non urban and conservation zone
gross leasable area (GLA)	lawful use	non-native animal
ground floor	leachate	non-native plant
ground floor level	legal point of discharge	non-noise sensitive place
ground level	legibility	non-residential use
ground waters	linkage area	non-urban road
habitable room	local community facility	noxious industry
habitat	local government Act	nuisance
hanging sign	local government area	object
hazard	local government road	occupier
hazardous contaminant	local law	of concern regional ecosystem
hazardous industry	local public parks infrastructure	off street parking
heavy vehicle	local retail centre	on site sewerage area
height	local service function	on-premises sign
heritage place	locality	on-site sewerage facility
high density residential development	locality and zone code	open air
high rise	locality map (LO Map)	open space
highway	lot	open space network
hobby kennel	low density residential development	operational work
horizontal projecting wall sign	low rise	other use
household	main road	outermost projection
HRV	maintained	overall outcome
impact assessable development	major centre	overlay

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overlay and district code	reconfiguring a lot	SRV
overlay map (OL Map)	reconfiguring a lot codes	standard drawing
overwhelming community need	recreation activity	standard specification
overwhelming economic need	regional landscapes	State school
owner	relocatable home	State-controlled road
park	remaining bushland	steep lot
parking area	removal building	steep slope
parking space	reserve	storage/sales activity
parks hierarchy	residential use	storey
parks network	residential zone	stormwater
path	retail activity	stormwater drainage
pathway	retail centre hierarchy	stormwater drainage network
pavement	retail showroom	stormwater infrastructure
pedestrian network	retaining wall	stormwater installation
pedestrian path	reverse amenity impact	strategic community infrastructure
pedestrian thoroughfare	rhythm	strategic framework
permeability	riparian habitat	street
person	risk	street trees
pest	road	streetscape
pH	road	structure
plan of development	road boundary clearance	structure plan map (SP Map)
planning scheme area	road hierarchy	sub-area
planning scheme map	road network	sub-area map (SA Map)
planning scheme measure	road sign	sub-district
planning scheme policy	road transport activity	sub-district map (SD Map)
plant	road transport infrastructure	supervisory activity
plaza	roof sign	surface waters
plot ratio	rooming unit	surveillance
police beat	rubbish	swimming pool
portable sign	rural and rural residential road	tandem parking space
potential acid sulfate soil (pass)	rural residential use	telecommunications facilities (high impact)
poultry	rural use	telecommunications facilities (low impact)
powerline easement	scale	telecommunications facilities (medium impact)
powerline infrastructure	screen fence	temporary activity
predominant activity	screening	tidal waters
premises	secondary or indirect impact	Tingalpa Reservoir catchment
prescribed solution	self contained	top of bank
private open space	self-assessable development	tourist oriented development
private pool	sensitive area	town centre
prize home	service	trade waste
probable solution	service centre	traffic
property	setback	traffic lane
proposed lot	sewerage and water supply headworks contribution area	transit oriented development
prostitution	sewerage infrastructure	transport activity
protected area	sewerage service area	transport infrastructure
protection	sewerage system	transport zone
public place	shared path	tree
public recreation area	side and rear boundary clearance	trunk cycleway
public transport facility	sign	trust land
public transport infrastructure	significant tree	unzoned land
publication	significant vegetation	urban access road
publicise	single unit residential activity	urban arterial
publicises	site	urban arterial (dual carriageway) road
rail transport activity	site area	urban arterial (single carriageway) road
railway	site cover	urban arterial road
railway network	site density	urban road
real estate sign	Soil Erosion and Sediment Control Guidelines	urban water cycle management infrastructure
rear lot	specific outcome	use
reasonable walking distance	specified division	use category

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use class	vulnerable development	waters
use code	vulnerable people	waterway
vascular plant	vulnerable setting	waterway corridor
vehicle	waste	wetland
verge	waste container	wildlife corridor
vermin	water quality	woody stemmed plant
vertical projecting wall sign	water sensitive urban design	work
vessel	water service area	work code
view	water storage	worsening or nuisance
visibility	water supply infrastructure	zone
visual impact	water supply system	zone map (LZ map)
vulnerable area	watercourse	

***above awning sign*** means an on-premises sign attached to and supported above an awning.

***acceptable solution*** see section 1.2.17 (Structure of the codes).

***access area*** means that part of a parking area provided for a vehicle to egress and ingress the premises.

*Example* of an access area—A driveway.

***access drive*** for a community title lot or a rear lot, means the practical means of entry for a vehicle and a person to the lot.

***access strip*** means that part of a lot which is used solely for the provisions of access or the connection of infrastructure to a building on the lot.

***acid sulfate soil*** means actual acid sulfate soil and potential acid sulfate soil.

***acoustic fence*** means a fence that provides acoustic attenuation between a noise source and a noise sensitive place to achieve the relevant noise emission standards and noise immission standards in section 1.1 (Noise emission and noise immission standards) in schedule 3 (Standards).

***active frontage*** means a building front that ensures interactivity and encourages cross-movement between a public place and the building at ground level and above ground level, by the way the building is designed or orientated. A building provides an active frontage if the building—

- (a) avoids blank walls and facades; and
- (b) includes windows, openings, entry statements, balconies and awnings; and
- (c) uses a variety of materials, textures and colours; and
- (d) creates opportunities for surveillance and interface between different user groups; and
- (e) provides for a variety of activities to occur along the building front.

**actual acid sulfate soil (AASS)** means soil or sediment containing highly acidic soil horizons or layers affected by the oxidation of soil materials that are rich in iron sulphides, primarily pyrite.

*Example* of actual acid sulphate soils—Soils or sediment can usually be identified as being actual acid sulfate soils if they have a pH of 4 or less or by the presence of jarosite.

**adjacent** for the purpose of determining whether premises are adjacent to other premises identified in the planning scheme (**identified premises**), means premises which—

- (a) share a common boundary with the identified premises; or
- (b) are within 50 metres of the boundary of the identified premises.

**adjoining premises** means premises next to, abutting or touching and having a boundary or portion thereof, which is coterminous.

**adult shop** means an adult activity involving the use of premises for the sale of an article, a device, a publication or a medium or equipment on which material is recorded, which is related to or intended to be used in connection with sexual behaviour.

**adverse impact** in relation to the effect of an activity on the environment, means the impact, including any cumulative impact and secondary or indirect impact, of the activity and other related activities on the environment where the likelihood of the impact and the magnitude of the impact is identified as an adverse impact in Table 1.1B (Adverse impact) in schedule 1 (Dictionary).

**Table 1.1B Adverse impact**

Column 1 Likelihood of the impact on the environment	Column 2 Magnitude of the impact on the environment		
	Low	Moderate	High
Low	-	-	Adverse impact
Moderate	-	Adverse impact	Adverse impact
High	-	Adverse impact	Adverse impact

*Example* of an adverse impact—An effect of an activity on the environment is not an adverse impact if the likelihood of the impact and the magnitude of the impact is low.

**advertisement hoarding** means any sign, framework, sign board, notice board, wall, roof, fence or other structure, whether permanent or not, which is used for the exhibition of the display or advertising of a matter not exclusively related to a predominant activity forming part of the use of the premises.

**advertising** includes the use of any fixed or movable device, design, writing, structure, erection, publication, placard, signboard or sign of any kind whatsoever for the sale and exposing for sale of a good or a service.

**afflux** see section 4.3.3 (Definitions in Part 3).

**air emission sensitive place** means—

- (a) premises in the residential locality or the investigation locality; and
- (b) premises used for a park, a child care centre, a health care practice, an educational establishment, a hospital or a residential use.

**allotted area** in relation to a relocatable home park, means a defined area for the location of a caravan or a relocatable home in a relocatable home park.

**ambient** in relation to an element of the environment, means the level that constitutes the normal existing conditions with respect to the element of the environment.

**amenity** means the elements of the environment which maintain the cultural, economic, physical and social wellbeing of persons and communities in the relevant part of the planning scheme area.

**animal** includes any live mammal (other than a human being), reptile, amphibian, insect, bird, poultry and fish but does not include an animal excluded by a planning scheme policy having regard to the species, breed, sex, age, use or class of the animal.

**animal enclosure** means a building, structure or other thing within which an animal is enclosed.

**animal related activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**annexed unit** means a caravan, a building which is not a relocatable home or part of a building which is not a relocatable home, which is used in conjunction with a house.

**annual exceedance probability (AEP)** means the likelihood of occurrence of a flood of a given size or larger in any one year usually expressed as a percentage. For example, if a peak flood discharge of 500 has an AEP of 5%, it means that there is a 5% risk (i.e. probability of 0.05 or a likelihood of 1 in 20) of a peak flood discharge of 500 cubic metres per second or larger occurring in any one year. The AEP of a flood event gives no indication of when a flood of that size will occur next.

**applicable code** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>80</sup>

**approved drawing** means a plan or drawing approved by the local government as part of a development approval.

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<sup>80</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—  
**applicable code**, for development, means a code, including a concurrence agency code, that can reasonably be identified as applying to the development.

**aquaculture** see schedule (Definitions) in the *Fisheries Act 1994*. The term includes the cultivation of live fisheries resources for sale other than in the circumstances prescribed under a regulation.<sup>81</sup>

**Archerfield aviation buffer area** means the area that is identified as the Archerfield aviation buffer area on a defined area map in *Planning Scheme Policy No 4 (Defined area maps) 2006*.

**articulation** means the treatment of a building form or facade that creates or contributes to visual character and an active frontage. Articulation may include—

- (a) vertical and horizontal detail and projections; and
- (b) the use of or variations in colours, materials, patterns and textures; and
- (c) the use of architectural elements such as openings, entry statements, directional signage, exposure of fittings, distinction between the levels of a building, awnings, planters, balconies and the stepping of the built form.

**assessable development** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>82</sup>

**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—

- (a) exempt development; and
- (b) self-assessable development; and
- (c) assessable development requiring code assessment, referred to as code assessable development; and
- (d) assessable development requiring impact assessment, referred to as impact assessable development.<sup>83</sup>

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<sup>81</sup> *Fisheries Act 1994*, schedule (Definitions)—

**aquaculture** means the cultivation of live fisheries resources for sale other than in circumstances prescribed under a regulation.

<sup>82</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**assessable development** means—

- (a) development specified in schedule 8, part 1; or
- (b) for a planning scheme area—development that is not specified in schedule 8, part 1 but is declared under the planning scheme for the area to be assessable development.

<sup>83</sup> See section 1.2.10 (Assessment categories).

**assessment criteria** means a part of an assessment provision, comprising a code or otherwise, that establishes an outcome sought for self-assessable development and code assessable development.<sup>84</sup>

**assessment provision** means a provision which is an assessment category, an assessment criteria, a process consideration relevant to IDAS and a part of the planning scheme and a planning scheme policy necessary for an understanding of and applying a provision including a relevant planning scheme map and a schedule.

**assessment table** means a table that identifies the assessment category applying to development in a zone or an overlay.<sup>85</sup>

**associated activity** in respect of a predominant activity, means an activity which is—

- (a) specified in the definition of a use as an associated activity; and
- (b) carried out in conjunction with the predominant activity; and
- (c) subordinate to the predominant activity.

**associated residential activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**attractive** in relation to a development, means a development having qualities that arouse interest and pleasure in the observer.

**Australian Height Datum (AHD)** means the common national plane of level corresponding approximately to mean sea level.

**AV** means an articulated vehicle.

**average recurrence interval (ARI)** means the statistical estimate of the probability of a flood of a given size occurring. The ARI of a flood does not predict when a flood of that size will occur next.

*Example* of an average recurrence interval—A 1 in 100 year ARI statistical flood equates to an annual exceedance probability of 1%.

**B99** means a car.

**background noise level** means the background A-weighted sound pressure level as defined under *AS 1055.1 Acoustics - Description and Measurement of Environmental Noise: Part 1 - General Procedures* and measured in accordance with the Environmental Protection Agency's *Noise Measurement Manual*.

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<sup>84</sup> See section 1.2.11 (Assessment criteria).

<sup>85</sup> See section 1.2.7 (Assessment tables).



**balcony** means an unenclosed platform whether roofed or not, projecting from a building and directly accessible from the interior of the building.

**banner sign** means an on-premises sign which comprises only cloth, paper, flexible plastic, fabric of any kind or other non rigid material for backing.

**bed and banks** see schedule 4 (Dictionary) in the *Water Act 2000*.<sup>86</sup>

**bed and breakfast** means an activity carried on in a dwelling unit being the accommodation of travellers and tourists where the accommodation is not self-contained.

**best practice environmental management** see schedule 3 (Dictionary) in the *Environmental Protection Act 1994*.

*Example* of best practice environmental management—Energy efficiency, waste and wastewater reuse and recycling and waste avoidance.

**biochemical oxygen demand (BOD)** means the amount of oxygen used in the biochemical oxidation of an organic matter over a given time and at a given temperature.

**biodiversity** means the natural diversity of plants and animals together with the environmental conditions necessary for their survival. The four levels of biodiversity are genetic, species, ecosystem and regional diversity.

**BOD<sub>5</sub>** means the BOD over a 5 day period at a temperature of 20°C.

**boundary clearance** means the road boundary clearance and the side and rear boundary clearance.

**brothel** means an adult activity being the use of premises for a brothel as defined in schedule 4 (Dictionary) in the *Prostitution Act 1999*.<sup>87</sup>

**buffer** means an area of the land including waterways required for protective purposes through the maintenance of separation distances—

- (a) between different land uses; or
- (b) from a major noise source; or

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<sup>86</sup> *Water Act 2000*, schedule 4 (Dictionary)—

**bed and banks**, for a watercourse or lake, means land over which the water of the watercourse or lake normally flows or that is normally covered by the water, whether permanently or intermittently; but does not include land adjoining or adjacent to the bed or banks that is from time to time covered by floodwater.

<sup>87</sup> *Prostitution Act 1999*, schedule 4 (dictionary)—

**brothel** means premises made available for prostitution by 2 or more prostitutes at the premises.

(c) from a conservation area or a public recreation area.

**builders display** means the use of premises being an existing building for the sale of types of building designs and construction.

**building** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>88</sup>

**building clearance** in relation to a building or a structure, means the shortest distance measured horizontally from the outermost projection of the building or the structure to the outermost projection of another building or structure.

**building envelope** means the area of a lot defined on a plan by metes and bounds within which all development including but not limited to a building, structure, private open space, driveway, parking area, garage, carport, building pad, cleared garden area and a disposal area for any on-site sewerage facility must be confined.

**building sales** means the use of premises being part of a building for the sale of all or part of the building within which the premises is located.

**building site** means the area of the premises upon which a building or a structure is to be erected.

**building work** see section 1.3.5 (Definitions for terms used in development) in the *Integrated Planning Act 1997*.<sup>89</sup>

**bulk** in relation to a building or structure, means the size of a building or a structure and its relationship to other buildings or structures, open areas and property boundaries. The term includes—

- (a) the size of a building or a structure; and
- (b) the area of the premises upon which a building or a structure is located and in the case of a residential use, the number of dwelling units in the building or the structure, in relation to the area of the premises; and

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<sup>88</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**building** means a fixed structure that is wholly or partly enclosed by walls and is roofed, and includes a floating building and any part of a building.

<sup>89</sup> *Integrated Planning Act 1997*, section 1.3.5—

**building work** means—

- (a) building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure; or
- (b) work regulated under the *Standard Building Regulation 1993*; or
- (c) excavating or filling—
  - (i) for, or incidental to, the activities mentioned in paragraph (a); or
  - (ii) that may adversely affect the stability of a building or other structure, whether on the land on which the building or other structure is situated or on adjoining land; or
- (d) supporting (whether vertically or laterally) land for activities mentioned in paragraph (a).

- (c) the shape of a building or a structure; and
- (d) the location of the exterior walls of a building or a structure in relation to the property boundaries, to other walls of the same building or structure, to legally required windows or to other buildings or structures; and
- (e) all open areas relating to a building or a structure and their relationship to the open areas.

**bulky nature** in relation to a good, means a good which is not easily carried or conveyed by hand.

**bunting** means cloth, paper, flexible plastic, fabric of any kind or other rigid material which is used as a flag or other decoration.

**bushfire** means an uncontrolled burning in a forest, scrub or grassland of vegetation which is also referred to as a wildfire.

**business** in relation to the definition of home business, means the supply of a good or a service and includes—

- (a) the display of a good; and
- (b) the sale of a good or a service; and
- (c) the advertising of a good or a service; and
- (d) engaging in a trade.

**business activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**calendar year** in relation to a temporary activity means a period of 365 days commencing on the first day that the temporary activity is carried out.

**car** see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*.<sup>90</sup>

**caravan** means a structure, a vehicle or a trailer designed, adapted or used for residential accommodation which is capable of being registered pursuant to the *Transport Operations (Road Use Management) Act 1995*. The term includes an

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<sup>90</sup> *Transport Operations (Road Use Management) Act 1995*—

**car** means a motor vehicle (other than a motorbike) that—

- (a) is not more than 4.5t gross vehicle mass; and
- (b) is built or fitted to carry no more than 12 adults, including the driver.

approved attached annexe where the floor area of the annexe is no greater than the floor area of the structure, the vehicle or the trailer.

**carriageway** means the portion of a road including the pavement and shoulders and any median.

**catering activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**centres zone** means a zone in the centres locality.

**channel** means an open conduit, either naturally or artificially, which—

- (a) periodically or continuously contains moving water; or
- (b) forms a connecting link between two bodies of water.

**character area** means a place, area, land, landscape, building or work which has special physical characteristics that set it apart from its surroundings and contributes to its individuality.

*Example* of a character area—A public recreation area, a conservation area, a streetscape, an entrance to the local government area, a landscape feature (such as a hill, a ridgeline, the crests and upper slopes of a ridge and an escarpment), a vista, a landmark, a town centre, a focal point, a plaza, a public square and open space.

**chemical and physical fertility** of soil includes water holding capacity, soil structure, organic matter, soil biology and nutrients.

**class 1 building** see Part A3.1 (Classifications) in the *Building Code of Australia 1996*.<sup>91</sup>

**class 10 building** see Part A3.2 (Classifications) in the *Building Code of Australia 1996*.<sup>92</sup>

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<sup>91</sup> *Building Code of Australia 1996*, Part A3.1 (Classifications)—

**class 1 building** is one or more buildings which in association constitute—

- (a) **Class 1a**—a single dwelling being—
  - (i) a detached house; or
  - (ii) one of a group of two or more attached dwellings, each being a building, separated by a *fire-resisting* wall, including a row house, terrace house, town house or villa unit; or
- (b) **Class 1b**—a boarding house, guest house, hostel or the like—
  - (i) with a total area of all floors not exceeding 300 m<sup>2</sup> measured over the enclosing walls of the Class 1b; and
  - (ii) in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a *private garage*.

<sup>92</sup> *Building Code of Australia 1996*, Part A3.1 (Classifications)—

**clean industrial use** means a general industry or a light industry which requires a clean or controlled environment and does not have an adverse impact.

*Examples* of a clean industrial use—Technology, scientific, education and industrial research and development facilities, a film studio and a recording studio.

**code** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>93</sup>

**code assessable development** means assessable development that requires code assessment under the *Integrated Planning Act 1997*.<sup>94</sup>

**code assessment** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>95</sup>

**commencement date** means the day upon which the planning scheme commenced.

**commercial use** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**community activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**community facility** means infrastructure, other than development infrastructure, established primarily for the benefit of and to service the population of the community in which it is located.

*Example* of a community facility—A hospital, a sporting facility or a recreation facility.

**community infrastructure** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>96</sup>

**community infrastructure designation** see the definition of designated land in schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>97</sup>

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**class 10 building** – a non-habitable building or structure—

(a) **Class 10a**—a non-habitable building being a *private garage*, carport, shed, or the like; or

(b) **Class 10b**—a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.

<sup>93</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**code** means a document or part of a document identified as a code—

(a) in a planning instrument; or

(b) for IDAS in this Act or another Act; or

(c) in a preliminary approval.

<sup>94</sup> See section 1.3.3 (Code assessable development).

<sup>95</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**code assessment** means the assessment of development by the assessment manager only against the common material and applicable codes (other than codes, or parts of codes, a concurrence agency is required to assess an application against).

<sup>96</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**community infrastructure** means community infrastructure stated in schedule 5.

**community title lot** means a lot which is—

- (a) a lot or common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
- (b) a lot or common property to which the *Building Units and Group Titles Act 1980* continues to apply; or
- (c) a community thoroughfare or a precinct thoroughfare under the *Mixed Use Development Act 1993*; or
- (d) a primary thoroughfare or a secondary thoroughfare under the *Integrated Resort Development Act 1987* or the *Sanctuary Cove Resort Act 1985*.

**compatibility** in relation to development, means harmony in the appearance of two or more external design features in the same vicinity.

**concealment** in relation to development, means a space that by its concealed nature is not easily visible and as such provides the opportunity for the concealment of a potential offender and a victim as well as the opportunity for an illegitimate use, anti-social activity and a crime.

**concrete batching plant** means an activity being the storage, loading and batching of materials required for the making of concrete which is transported in an agitator truck.

**conservation area** means an area for the protection of an element of the environment and includes land in a protected area.

**consistent development** see section 1.2.13 (Consistent development).

**consistent development table** means a table that identifies development that is consistent development in a zone.

**container** means a prefabricated metal or similar structure manufactured for the purpose of storage and transport of materials by land or sea.

*Example* of a container—A shipping container.

**contaminated land** see schedule 3 (Dictionary) in the *Environmental Protection Act 1994*.<sup>98</sup>

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<sup>97</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—  
**designated land** means land designated under chapter 2, part 6.

<sup>98</sup> *Environmental Protection Act*, schedule 3 (Dictionary)—  
**contaminated land** means land contaminated by a hazardous contaminant.

**controlled activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**core area** means the area that is identified as a core area on a defined area map in *Planning Scheme Policy No. 4 (Defined area maps) 2004*.

**counterdisaster** means the planning, organisation, coordination or implementation of measures that are necessary or desirable to prevent, minimise or overcome the effects of a disaster upon members of the public or any property. The term includes—

- (a) the conduct of or participation in training for those purposes; and
- (b) civil defence measures necessary to combat the effects of enemy attack or hostilities.

**covenant** means a covenant under section 97A (Covenant by registration) of the *Land Title Act 1994* or section 373A (Covenant by registration) of the *Land Act 1994*.

**crime prevention through environmental design principles (CPTED)** means a holistic approach to the design of a building, a structure and a space to ensure a reduction in the fear and incidence of crime as well as an improvement in the well being of people and communities by reducing criminal opportunity and fostering positive social interaction among legitimate users of a building, a structure or a space.

*Example of CPTED—*

- A building, a structure or a space is easily observed by people passing, living, working or recreating nearby.
- An access to a building, a structure or a space is restricted.
- A building, a structure or a space has the appearance of being owned.

**crop related activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**crossover** means a constructed crossing on a verge for access by a vehicle to premises.

**cul-de-sac** means a street, one end of which, is closed and consists of a turn around.

**cultural heritage significance** see schedule (Dictionary) in the *Queensland Heritage Act 1992*.<sup>99</sup>

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<sup>99</sup> *Queensland Heritage Act*, schedule (Dictionary)—

**cultural heritage significance**, of a place or object, includes its aesthetic, architectural, historical, scientific, social or technological significance to the present generation or past or future generations.

***cultural significance*** of a place or an object, means the aesthetic, historic, scientific, or social significance or special value for the present community and future generations.

***cumulative impact*** in relation to a development means the collective effects of the development in combination with other development.

***curtilage*** means the area of the premises which is—

- (a) occupied by a dwelling unit, an ancillary building and structure and the yard; and
- (b) enclosed or can be considered to be enclosed.

***cycle lane*** means the area within a carriageway which is constructed for cycle traffic.

***cycle path*** means the area within a cycleway which is constructed for cycle traffic only.

***cycleway*** means the area within which a cycle path, a shared path or a cycle lane is located.

***cycleway hierarchy*** means the hierarchy of cycleways identified in section 2.1 (Cycleway hierarchy) in schedule 2 (Infrastructure hierarchy) and includes the cycleways identified as being of a type of cycleway in DT Map 2 or in a planning scheme policy.

***cycleway network*** means the cycleway network identified in DT Map 2.

***dB(A)*** means the sound level expressed in decibels using the A-weighting network.

***dedicate*** means—

- (a) transfer to the local government whether in trust or otherwise; or
- (b) surrender to the State and subsequent gazettal as a reserve under the trusteeship of the local government.

***dedicated road*** means land which is dedicated for public use as a road.

***deep planting*** mean landscaping comprising deep rooted plants which is provided in a soil profile that does not have an intrusion or a structure below the surface of the ground.

***defined area map (DA map)*** means a map forming part of a planning scheme policy identifying an area defined in schedule 1 (Dictionary) by reference to a defined area map in a planning scheme policy.

***defined flood event*** has the meaning given in section 4.3.3 (Definitions in Part 3).



**defined term map (DT Map)** means a map forming part of the planning scheme identifying an area identified by the planning scheme for the purposes of the planning scheme.

**defined use** in relation to a use category, means a use for a single purpose that is part of that use category.

*Example* of a defined use—A shop is a defined use within the use category of retail activity.

**densely planted landscape area** see section 5.3.7 (Specific outcomes and prescribed solutions for landscaping).

**design vehicle** means a vehicle specified as a design vehicle in respect of a use or use class in Table 5.3.4E (Design vehicles for manoeuvring areas).

**designated site** means the premises designated on a structure plan map on which a landmark building is to be developed.

**desired environmental outcome** means an outcome to be achieved for the planning scheme area or a relevant locality which must not be compromised by a decision in respect of a development application.<sup>100</sup>

**development** see section 1.3.2 (Meaning of Development) in the *Integrated Planning Act 1997*.<sup>101</sup>

**development application** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>102</sup>

**development approval** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>103</sup>

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<sup>100</sup> See section 2.1.3 (Key elements of planning schemes), section 3.5.4 (Code assessment) and section 3.5.5 (Impact assessment) of the *Integrated Planning Act 1997*.

<sup>101</sup> *Integrated Planning Act 1997*, section 1.3.2—  
**development** is 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.

<sup>102</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—  
**development application** means an application for a development approval.

<sup>103</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—  
**development approval** means a decision notice or a negotiated decision notice that—  
(a) approves, wholly or partially, development applied for in a development application (whether or not the approval has conditions attached to it); and

**development infrastructure** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>104</sup>

**device** in relation to advertising, means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, signboard, notice of a sign, publication or sign of any kind.

**directional sign** means an on-premises sign showing access to the premises.

**disaster** means an event, whether natural or caused by a human act or omission, that causes or threatens to cause—

- (a) widespread or severe property loss or damage; or
- (b) widespread or severe human injury or illness; or
- (c) loss of human life.

*Example* of a disaster—

- A natural disaster.
  - An explosion, fire, gas leak, fuel or oil spill or any accident.
  - An infestation, plague or epidemic.
  - A failure of, or disruption to, an essential service or infrastructure.
  - An attack against the State.
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(b) is in the form of a preliminary approval, a development permit or an approval combining both a preliminary approval and a development permit in the one approval.

<sup>104</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**development infrastructure** means—

- (a) land or works, or both land and works for—
  - (i) urban and rural residential water cycle management infrastructure (including infrastructure for water supply, sewerage, collecting water, treating water, stream managing, disposing of waters and flood mitigation); or
  - (ii) transport infrastructure (including roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycle ways, pathways, ferry terminals and the local function, but not any other function, of State-controlled roads); or
  - (iii) local public parks infrastructure (including playground equipment, playing fields, courts and picnic facilities); or
- (b) land, and works that ensure the land is suitable for development, for local community facilities, including, for example—
  - (i) community halls or centres; or
  - (ii) public recreation centres; or
  - (iii) public libraries.

**district** means an identified geographical area within the planning scheme area into which an overlay is divided by the planning scheme for the purposes thereof and which is identified on a district map.

**district cycleway** means a cycleway specified as a district cycleway in section 2.1 (Cycleway hierarchy) in schedule 2 (Infrastructure hierarchy) and includes a cycleway specified as a district cycleway in DT Map 2.

**district map (DSD Map)** means a map forming part of the planning scheme indicating the division of an overlay into districts and sub-districts.

**district retail centre** means all the adjoining and adjacent premises in a particular area of the centres locality which are included in a district centre in the retail centre hierarchy.

**district service function** means a use which is a consistent development in the District Business zone.

**DNRM On-Site Sewerage Code** means the Department of Natural Resources and Mines On-Site Sewerage Code.

**document** see schedule 3 (Definitions) in the *Evidence Act 1977*.<sup>105</sup>

**dog** means an animal of the canine species and includes the male and female of the species.

**domestic animal** means an animal, other than a bee, which is being kept—

- (a) in or about a dwelling unit for the interest, enjoyment or protection of residents of the dwelling unit; and
- (b) in accordance with *Local Law No. 4 (Animal Management) 2002*.

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<sup>105</sup> *Evidence Act 1977*, schedule 3 (Definitions)—

**document** includes, in addition to a document in writing—

- (a) any part of a document in writing or of any other document as defined herein; and
- (b) any book, map, plan, graph or drawing; and
- (c) any photograph; and
- (d) any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatever; and
- (e) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (f) any film, negative, tape or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (g) any other record of information whatever.

**driveway** means a private roadway providing access for a vehicle to the premises.

*Example* of a driveway—An access drive.

**dwelling unit** means premises used for residential accommodation of one household which is self contained and may include the keeping of a domestic animal.

**earthworks** means—

- (a) operational work involving engineering work; and
- (b) building work involving excavating, filling or a retaining wall.

**easy walking distance** means a travel path between 2 points where—

- (a) the travel path complies with all road signs and official traffic signs; and
- (b) the distance of the travel path does not exceed 400 metres; and
- (c) the gradient of the travel path does not exceed 15% for greater than 10% of the travel path.

**ecological sustainability** see section 1.3.3 (Meaning of ecological sustainability) of the *Integrated Planning Act 1997*.<sup>106</sup>

**ecosystem** means the systems of plants, animals and micro-organisms together with the non-living components of their environment and related ecological processes.

**effluent** see schedule 1, item 1 (Applied Provisions) in the *Standard Plumbing and Drainage Regulation 2003*.<sup>107</sup>

**endangered regional ecosystem** means a plant community which forms part of an area shown as an endangered regional ecosystem on a regional ecosystem map under the *Vegetation Management Act 1999*.

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<sup>106</sup> *Integrated Planning Act 1997*, section 1.3.3 (Meaning of ecological sustainability)—

**ecological sustainability** is a balance that integrates—

- (a) protection of ecological processes and natural systems at local, regional, State and wider levels; and
- (b) economic development; and
- (c) maintenance of the cultural, economic, physical and social wellbeing of people and communities.

<sup>107</sup> *Standard Plumbing and Drainage Regulation 2003*, schedule 6 (Dictionary)—

**effluent** refers to the meaning contained in the glossary referred to schedule 1, item 1—

- 1. National Plumbing and Drainage Code—Part 0: Glossary of terms, but only the document published under the designation of AS/NZS 3500.0: 1995.

**endemic** in relation to a plant or an animal, means a plant or an animal which occurs naturally in the relevant area instead of being introduced directly or indirectly by human activity.

**engineering work** means the following aspects of operational work being—

- (a) extracting gravel, rock, sand or soil from the place where it occurs naturally; or
- (b) excavating or filling that materially affects premises or their use; or
- (c) undertaking work in, on, over or under premises that naturally affects premises or their use; or
- (d) undertaking operations of any kind and all things constructed or installed that allow taking, or interfering with water (other than using a water truck to pump water) under the *Water Act 2000*; or
- (e) undertaking—
  - (i) tidal works; or
  - (ii) works in a coastal management district.

**environment** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>108</sup>

*Example* of an element of the environment—Plants, animals, peoples and communities.

**environmental harm** see schedule 3 (Dictionary) in the *Environmental Protection Act 1994*.<sup>109</sup>

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<sup>108</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**environment** includes—

- (a) ecosystems and their constituent parts including people and communities; and
- (b) all natural and physical resources; and
- (c) those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony, and sense of community; and
- (d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a), (b) and (c) or affected by those matters.

<sup>109</sup> *Environmental Protection Act 1994*, section 14 (Environmental harm and nuisance)—

(1) **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.

(2) **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.

**environmental nuisance** see schedule 3 (Dictionary) in the *Environmental Protection Act 1994*.<sup>110</sup>

**environmental weed** means—

- (a) a plant identified by its common name in column 1 in Table 1.1C (Environmental weeds) in schedule 1 (Dictionary) and its scientific name in column 2 in Table 1.1C (Environmental weeds) in schedule 1 (Dictionary); and
- (b) a plant that is regulated by a local law of the local government on the basis that it is required to be eradicated, managed or controlled due to its adverse impact on the environment; and
- (c) a plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*.

**Table 1.1C Environmental weeds**

<b>Column 1 Common name</b>	<b>Column 2 Scientific name (Genus species)</b>
Asparagus Fern	<i>Asparagus africanus</i> <i>Asparagus aethiopicus</i> <i>Asparagus plumosus</i>
Balloon Vine	<i>Cardiospermum grandiflorum</i>
Cadaghi	<i>Corymbia torelliana</i>
Camphor Laurel	<i>Cinnamomum camphora</i>
Chinese Elm	<i>Celtis sinensis</i>
Cocos Palm	<i>Syagrus romanzoffianum</i>
Lantana	<i>Lantana spp.</i>
Madeira Vine	<i>Anredera cordifolia</i>
Mother’O’Millions	<i>Bryophyllum spp.</i>
Singapore Daisy	<i>Sphagneticola trilobata</i>
Slash Pine	<i>Pinus elliottii or Pinus radiata</i>
Cat’s claw creeper	<i>Macfadyena unguis-cati</i>
Salvinia	<i>Salvinia molesta</i>

<sup>110</sup> *Environmental Protection Act 1994*, schedule 3 (Dictionary)—  
**environmental nuisance** is unreasonable interference or likely interference with an environmental value caused by—

- (a) noise, dust, odor, light; or
- (b) an unhealthy, offensive or unsightly condition because of contamination; or
- (c) another way prescribed by regulation.

Column 1 Common name	Column 2 Scientific name (Genus species)
Cabomba/fanwort	<i>Cabomba caroliniana</i>
Water hyacinth	<i>Eichhornia crassipes</i>
Glush weed	<i>Hygrophila costata</i>
Green panic and guinea grass	<i>Panicum maximum</i>
Ochna	<i>Ochna serrulata</i>
Parramatta grass	<i>Sporobolus africanus</i>
Giant Parramatta grass	<i>Sporobolus fertilis</i>
Senegal tea	<i>Gymnocoronis spilanthoides</i>
Alligator weed	<i>Alternanthera philoxeroides</i>
Leucaena	<i>Leucaena leucocephala</i>
Para grass	<i>Brachiaria mutica</i>
Water lettuce	<i>Pistia stratiotes</i>
Wild tobacco tree	<i>Solanum mauritianum</i>

**erosion** means—

- (a) the detachment and movement of soil or rock fragments; or
- (b) the wearing away of the land surface by water, wind, ice and gravity.

**esplanade** means a strip of land along a watercourse.

**excavating** means the removal of any material or substance from the land to lower the ground level of the land and **excavation** has the corresponding meaning.

**exempt development** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>111</sup>

**exhibit** in relation to an advertisement hoarding or an on-premises sign includes the painting, writing, drawing, depiction, making, erection, affixing, putting up, operation of or transport of an advertisement hoarding or an on-premises sign.

**existing lawful use** means a lawful use which involves the ongoing use of the premises.

**exterior** in relation to a building or a structure, means the facade of a building or a structure and any external features of a building or a structure visible from a public place.

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<sup>111</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**exempt development** is development other than assessable or self-assessable development.

***extractive resources*** means clay, sand, gravel, ore, rock, stone, minerals or other similar substance.

***fabric*** means all the physical material of the place.

***facade*** means the front of a building.

***face area*** in relation to an advertising device, means where the advertising device has—

- (a) only one face, the greater of the area of—
  - (i) the advertisement panel or board as installed; or
  - (ii) a rectangular figure best enclosing the advertising message, logo or figure; and
- (b) more than one face, the sum of the area of each of the faces where each face is calculated separately in accordance with paragraph (a).

***family day care*** means an activity carried on in a house being the reception, minding and care of children—

- (a) for a day or part of a day for fee or reward; and
- (b) by a person residing in the house; and
- (c) where the number of children (excluding children permanently residing in the house) who have not yet commenced school does not exceed 7.

***fence*** means an artificially constructed barrier used to enclose, screen or separate an area.

***filling*** means the deposit of any material or substance on land to raise the ground level of the land.

***fire hazard*** means anything that because of its flammable or combustible nature, position, or quantity, exposes a person or other property to a significant risk of damage or destruction by fire.

***flood*** see section 4.3.3 (Definitions in Part 3).

***flood hazard*** see section 4.3.3 (Definitions in Part 3).

***flooding*** see section 4.3.3 (Definitions in Part 3).

***floor area*** in relation to—

- (a) a single detached class 1 building, means the floor area as defined in section 5 (Definitions) in the *Standard Building Regulation 1993*; and



- (b) other buildings, means the total area of all floors in the building measured to the inside of the external walls including—
- (i) all internal walls, windows, columns and elevator shafts; and
  - (ii) all internal and external stairs, landings, ramps, escalators or other means of access between the floor levels of the building.

**floor level** means the level of a floor in a building.

**footpath** see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*. The term also includes a plaza, a mall, a square, court or other public place specified to be a footpath in a planning scheme policy.<sup>112</sup>

**form** in relation to a building or a structure, means the two dimensional shape, outline or silhouette of the building or the structure.

**former Acts** means the *Local Government (Planning and Environment) Act 1990* and the *Local Government Act 1936*.

**free standing sign** means an on-premises sign permanently attached to the ground on its own supportive structure independent of any building.

**front** in relation to a building, means the elevation of a building which is opposite the road providing the primary access to the premises.

**frontage** means the boundary of a lot which adjoins—

- (a) a road; or
- (b) an access restriction strip which adjoins a road.

**garden** means an area of land used for the predominant purpose of growing vegetables, fruit, flowers, ornamental plants or other similar plants for the benefit or consumption of the occupants of the land and not commercial gain.

**glare** means a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

**good** includes an animal, a plant, a vehicle, an article and machinery.

**graffiti** means destruction, damage or defacement caused by—

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<sup>112</sup> *Transport Operations (Road Use Management) Act 1995*—

**footpath** means an area open to the public that is designated for, or has as 1 of its main uses, use by pedestrians.

- (a) spraying, writing, drawing, marking or otherwise applying paint or another marking to a surface; or
- (b) scratching or etching.

**gross floor area (GFA)** of premises means the sum of the floor area of all buildings located on the premises—

- (a) inclusive of the area of any balcony, whether roofed or not; and
- (b) exclusive of the area exclusively used for the parking, loading and manoeuvring of a vehicle.

**gross leasable area (GLA)** of premises means the sum of the floor area of all buildings located on the premises—

- (a) inclusive of the area of any external use area and roofed balcony; and
- (b) exclusive of—
  - (i) an area used for a building service, a public toilet, a ground floor public lobby and a public mall in a shopping centre; and
  - (ii) an area exclusively used for the parking, loading and manoeuvring of a vehicle.

**ground floor** in relation to a building which contains more than one storey, means the storey that is the one closest to the ground level where the distance between the ground level and the ceiling, measured at the middle of the face of the front wall of the building is greater than the distance between the ground level and the floor.

**ground floor level** means the level of the ground floor.

**ground level** of the land means where—

- (a) the level of the land has not been altered, the level of the land; or
- (b) the level of the land has been lawfully altered, the as constructed finished surface level of the land; or
- (c) the level of the land has been unlawfully altered, the level of the land determined by the local government pursuant to a development permit for engineering work.

**ground waters** means water occurring under the surface of the ground in a geological structure or formation or in an artificial landfill.

**habitable room** see Part A1.1 (Definitions) in the *Building Code of Australia 1996*.<sup>113</sup>

**habitat** means the combination of factors both biotic and abiotic that meet the requirements of a particular species of a plant or an animal.

**hanging sign** means an on-premises sign suspended from a bracket attached to a wall or a pole.

**hazard** means a situation or a condition with the potential for loss or harm to the community, property or the environment and includes a natural hazard.

*Example* of a hazard—Traffic, blasting, effluent, construction safety, land contamination, fire hazard, land degradation, electromagnetic fields, electromagnetic radiation, a nuisance, environmental harm and an environmental nuisance.

**hazardous contaminant** see schedule 3 (Dictionary) in the *Environmental Protection Act 1994*.<sup>114</sup>

**hazardous industry** means a noxious or hazardous industry the operation of which involves the use of a hazardous contaminant. The term includes—

- (a) a category 1 hazardous industry, which is a hazardous industry where the likelihood of the risk to the environment and the magnitude of the risk to the environment has the values specified in the Table 1.1D (Categories of hazardous industry) in schedule 1 (Dictionary); and
- (b) a category 2 hazardous industry, which is a hazardous industry where the likelihood of the risk to the environment and the magnitude of the risk to the environment has the values specified in the Table 1.1D (Categories of hazardous industry) in schedule 1 (Dictionary); and
- (c) a category 3 hazardous industry, which is a hazardous industry where the likelihood of the risk to the environment and the magnitude of the risk to the

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<sup>113</sup> *Building Code of Australia 1996*, Part A1.1 (Definitions)—

**habitable room** means a room used for normal domestic activities, and—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but
- (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

<sup>114</sup> *Environmental Protection Act 1994*, schedule 3 (Dictionary)—

**hazardous contaminant** means a contaminant that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of—

- (a) its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity or flammability; or
- (b) its physical, chemical or infectious characteristics.

environment has the values specified in the Table 1.1D (Categories of hazardous industry) in schedule 1 (Dictionary); and

- (d) a category 4 hazardous industry, which is a hazardous industry where the likelihood of the risk to the environment and the magnitude of the risk to the environment has the values specified in the Table 1.1D (Categories of hazardous industry) in schedule 1 (Dictionary).

**1.1D Categories of hazardous industry**

Column 1 Likelihood of the risk to the environment	Column 2 Magnitude of the risk to the environment		
	Low risk	Moderate risk	High risk
Low risk.	Category 1	Category 2	Category 3
Moderate risk.	Category 2	Category 3	Category 4
High risk.	Category 3	Category 4	Category 4

**heavy vehicle** see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*.<sup>115</sup>

**height** in relation to a building or a structure, means the vertical distance from ground level to—

- (a) in the case of a building, the highest point of the roof or parapet of the building; or
- (b) in the case of a structure, the highest point of the structure.

**heritage place** means a place, area, land, landscape, building or work which is of cultural significance and may include components, contents, spaces and views that are of cultural significance.

*Example* of a heritage place—A place identified as a heritage place in the heritage places area.

<sup>115</sup> *Transport Operations (Road Use Management) Act 1995*—

**heavy vehicle** means—

- (a) a vehicle with a GVM of more than 4.5t; or
- (b) a public passenger vehicle; or
- (c) another vehicle providing services on a road for which a licence is required under a transport Act; or
- (d) a vehicle transporting dangerous goods—
- (i) for reward; or
- (ii) if the amount of dangerous goods is greater than the amount prescribed under a regulation;
- or
- (e) a vehicle used for driver training for reward.

**high density residential development** means residential development with a net residential density of 66 dwelling units per hectare or greater.

**high rise** in relation to a building or a structure, means a building or a structure which has a height in excess of 20 metres from natural ground level.

**highway** means a road which complies with the design requirements for a highway and includes a road specified as a highway in DT Map 1 or a planning scheme policy.

**hobby kennel** means a kennel where 5 to 9 dogs are kept (including the breeding, boarding or training of dogs) on the premises.

**horizontal projecting wall sign** means an on-premises sign attached to and projecting from the facade of a building to a road with the greater dimension being the projecting horizontal distance.

**household** means an individual or a group of individuals whether related or unrelated living together as a single domestic unit.

**HRV** means a heavy rigid vehicle.

**impact assessable development** means assessable development that requires impact assessment under the *Integrated Planning Act 1997*.<sup>116</sup>

**impact assessment** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>117</sup>

**inconsistent development** see section 1.2.14 (Inconsistent development).

**industrial access road** means a road which complies with the design requirements for an industrial access road and includes a road specified as an industrial access road in a planning scheme policy.

**industrial collector road** means a road which complies with the design requirements for an industrial collector road and includes a road specified as an industrial collector road in a planning scheme policy.

**industrial road** means a road which is an industrial access road or an industrial collector road.

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<sup>116</sup> See section 1.3.4 (Impact assessable development).

<sup>117</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—  
**impact assessment** means the assessment (other than code assessment) of—  
(a) the environmental effects of proposed development; and  
(b) the ways of dealing with the effects.

**industrial use** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**industry** includes an activity being—

- (a) the production, manufacture or assembly of a good; or
- (b) the collection, storage, dismantling, recycling or recovery of a good; or
- (c) the extraction of gravel, rock, sand, stone, soil or a similar substance from the place where it occurs naturally; or
- (d) the servicing, repairing or restoring of a good; or
- (e) being the installation of a good.

**infrastructure** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*. The term also includes a service.<sup>118</sup>

**integrated** in relation to the development of premises, means development which is planned, designed and constructed to incorporate common or related siting, design and construction elements.

**integrated development assessment system (IDAS)** see section 3.1.3 (What is IDAS) in the *Integrated Planning Act 1997*.<sup>119</sup>

**interference** includes damage, destruction, tampering, removal, alteration, defacing, disturbance or change and **interfere** has the corresponding meaning.

**intrusive noise** see schedule 4 (Dictionary) in the *Environmental Protection (Noise) Policy 1997*.<sup>120</sup>

**investigation zone** means a zone in the investigation locality.

**keeper** means the keeper of an animal under *Local law No. 4 (Animal Management) 2002*.<sup>121</sup>

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<sup>118</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**infrastructure** includes land, facilities, services and works used for supporting economic activity and meeting environmental needs.

<sup>119</sup> *Integrated Planning Act 1997*, section 3.1.1 (what is IDAS)—

**IDAS** is the system detailed in this chapter for integrating State and local government assessment and approval processes for development.

<sup>120</sup> *Environmental Protection Act 1994*, schedule 3 (Dictionary)—

**intrusive noise** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration—

- (a) is clearly audible to, or can be felt by, an individual; and
- (b) annoys the individual.

**key site** means land which is identified for a particular form of development in a structure plan map.

**Koala** means an animal of the species *Phascolarctos Cinereus*.

**Koala habitat** see Annex 8 of the *South East Queensland Regional Plan Interim Guideline: Koalas and Development*.<sup>122</sup>

**Koala Habitat Areas** see Annex 8 of the *South East Queensland Regional Plan Interim Guideline: Koalas and Development*.<sup>123</sup>

**Koala habitat trees** see Annex 8 of the *South East Queensland Regional Plan Interim Guideline: Koalas and Development*.<sup>124</sup>

**knowledge based business** means an activity involved in scientific research, consultancy services, technical services, data processing services, information storage and retrieval services, market research services or business services.

**L<sub>A10(18 hour)</sub>** means the A-weighted sound pressure level that is equaled or exceeded for 10% of an 18 hour period. In practice this is calculated as the arithmetic mean of each of the 18 hourly L<sub>10</sub> levels between 6 am and 12 midnight on an average weekday.

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<sup>121</sup> *Local Law No. 4 (Animal Management) 2004*, schedule (Dictionary)—

**keeper** of an animal means:

- (a) in the case of an animal which is registered under this local law—
  - (i) the person in whose name the animal is registered under this local law; or
  - (ii) the person (other than an authorised person) who has the immediate custody and control of the animal; or
  - (iii) if the person who has the immediate custody and control of an animal is a minor, the minor's parent or guardian; or
- (b) in the case of an animal which is not registered under this local law:
  - (i) the person (other than an authorised person) who has the immediate custody and control of the animal; or
  - (ii) if the person who has the immediate custody and control of an animal is a minor, the minor's parent or guardian; or
- (c) in the case of an animal which is not registered under this local law and which is not under the immediate custody or control of a person—
  - (i) the occupier of the premises on which the animal is ordinarily kept; and
  - (ii) the owner of the premises on which the animal is ordinarily kept if there is no occupier of the premises.

<sup>122</sup> *South East Queensland Regional Plan Interim Guideline: Koalas and Development, Annex 8*—  
**Koala habitat** means areas containing woodlands or forests with trees predominantly of the genera *Eucalyptus*, *Corymbia*, *Angophora*, or *Lophostemon*. Koala habitat also includes areas that are partially cleared.

<sup>123</sup> *South East Queensland Regional Plan Interim Guideline: Koalas and Development, Annex 8*—  
**Koala Habitat Areas** are areas mapped as either a Koala Conservation Area, Koala Sustainability Area or an Urban Koala Area.

<sup>124</sup> *South East Queensland Regional Plan Interim Guideline: Koalas and Development, Annex 8*—  
**Koala habitat trees** are trees of the genera: *Eucalyptus*, *Corymbia*, *Angophora*, or *Lophostemon*.

***L<sub>Abg</sub>*** means the minimum average background sound pressure level for the time period nominated.

***L<sub>Aeq(24 hour)</sub>*** means the A-weighted equivalent continuous sound pressure level measured over a 24 hour period.

***L<sub>Aeq(9 hour)</sub>*** means the A-weighted equivalent continuous sound pressure level measured between the hours of 10pm and 7am.

***L<sub>Amax.adj.T</sub>*** means the A-weighted sound pressure level obtained by using time weighting 'F' and arithmetically averaging the maximum levels of noise under investigation, unaffected by extraneous noise, and is adjusted for tonality and impulsiveness as specified in *AS1055-1997* during time interval 'T'.

***L<sub>Amax.T</sub>*** means the maximum A-weighted sound pressure level in a specified time interval or event, such as the passby of a train.

***land*** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>125</sup>

***land contamination*** means an action that results in land becoming contaminated land.

***land degradation*** see schedule (Dictionary) in the *Vegetation Management Act 1999*.<sup>126</sup>

***land sales*** means the use of premises being part of a subdivisional estate for the sale of land within the subdivisional estate including any building which may be erected on the land.

***landmark building*** means a building or a group of buildings having special architectural or aesthetic value in the planning scheme area.

***landscape and recreation area*** means any private or communal area of a residential use which is—

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<sup>125</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

***land*** includes—

- (a) any estate in, on, over or under land; and
- (b) the airspace above the surface of land and any estate in the airspace; and
- (c) the subsoil of land and any estate in the subsoil.

<sup>126</sup> *Vegetation Management Act 1999*, schedule (Dictionary)—

***land degradation*** includes the following—

- (a) soil erosion;
- (b) rising water tables;
- (c) the expression of salinity;
- (d) mass movement by gravity of soil or rock;
- (e) stream bank instability;
- (f) a process that results in declining water quality.



- (a) wholly or predominantly open to the sky (notwithstanding that a part of the space may be shaded), and developed with any one of the following—
  - (i) landscaping; or
  - (ii) a swimming pool; or
  - (iii) a tennis court; or
  - (iv) a children’s play area; or
  - (v) outdoor entertainment; or
  - (vi) a recreation area; and
- (b) not occupied by a structure other than—
  - (i) a glass house, a green house, a bush house, a shade house, a summer house, a pergola or other garden structure; or
  - (ii) a privacy screen or a windbreak; or
  - (iii) a children’s roofed play area; or
  - (iv) pool filtration equipment; or
  - (v) a storage area locker or the like for equipment used in outdoor recreational activities on the premises; or
  - (vi) a fence, a wall or a security screen; and
- (c) not used for vehicle movement or parking; and
- (d) in the area of a communal area not used for clothes drying or the storage of garbage.

The term includes an area which is—

- (a) provided on a structural deck which is not higher than the roof of the ground storey; and
- (b) readily accessible to the residents of the premises, and
- (c) designed, developed and capable of being maintained as lawn and garden for the whole of the structural deck.

**landscape area** means an area of the premises for which landscaping is required to be undertaken.

**landscaped pedestrian area** means an area within the premises which adjoins the building facade and is paved and contains street furniture, shade protection and landscaping.

**landscaping** means the treatment of a site for the purpose of enhancing or protecting the amenity of premises and the zone and sub-area. The term includes—

- (a) the erection of a fence, wall or other structure; and
- (b) the planting of plants; and
- (c) the formation of banks, terraces or other filling or excavation; and
- (d) the laying out of gardens, courtyards and paths; and
- (e) the inclusion of other features.

**landslide** means a movement of material downslope in a mass as a result of shear failure at the boundaries of the mass.

**lawful non-conforming use** means an existing lawful use in respect of which development is an inconsistent development and as such is in conflict with the planning scheme.

**lawful use** see section 1.3.4 (Meaning of lawful use) in the *Integrated Planning Act 1997*.<sup>127</sup>

**leachate** means the soil constituent that is washed out from a mixture of solid soils.

**legal point of discharge** see Part 3.02 (Legal and town planning aspects) in QUDM.<sup>128</sup>

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<sup>127</sup> *Integrated Planning Act 1997*, section 1.3.4 (Meaning of lawful use)—

A use of premises is a **lawful use** of the premises if—

- (a) the use is a natural and ordinary consequence of making a material change of use of the premises; and
- (b) the making of the material change of use was in accordance with this Act.

<sup>128</sup> Queensland Urban Drainage Manual, part 3.02 (Legal and town planning aspects) states as follows—

“In order to determine whether a lawful point of discharge exists at a particular location, there is a two point test:

- (a) That the location of the discharge is under the lawful control of the Local Authority or other statutory authority from whom permission to discharge has been received. This will include park, drainage or road reserve, stormwater drainage easement; and
- (b) That in discharging in that location, the discharge will not cause an actionable nuisance (i.e. a nuisance for which the current or some future neighbouring proprietor may bring an action or claim for damages arising out of the nuisance). In general terms this implies no worsening as a result of the discharge.

**legibility** means the ability of a person who is unfamiliar with an area to be able to find their way. Legibility instils a sense of confidence in users of a public place and can be achieved through the identification of designated routes, signage, lighting and landscaping.

**linkage area** means the area that is identified as a linkage area on a defined area map in *Planning Scheme Policy No. 4 (Defined area maps) 2004*.

**local community facility** is a category of infrastructure being development infrastructure for local community facilities.

*Example* of a local community facility—A community hall, a community centre, a public recreation centre and a public library.

**local government Act** see schedule (Dictionary) in the *Local Government Act 1993*.<sup>129</sup>

**local government area** see schedule (Dictionary) in the *Local Government Act 1993*.<sup>130</sup>

**local government road** means—

- (a) a road as defined in schedule (Dictionary) in the *Local Government Act 1993*; and

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Where the conditions of the first test have not been satisfied prior to development, it will be necessary to obtain a lawful point of discharge. This will usually be achieved by the acquisition of stormwater drainage easements or drainage reserves over one or more downstream properties until the conditions of the second test have been met. It will normally be necessary for a large part of the design to have been completed prior to determining the extent of any necessary easements.

It should be noted that there is no statutory test for what is a lawful point of discharge.

Note also that a watercourse may not necessarily constitute a lawful point of discharge, unless the requirements of the above two tests can be satisfied.”

<sup>129</sup> *Local Government Act 1993*, schedule (Dictionary)—

**local government act** means an Act under which a local government may exercise the jurisdiction of local government, and includes, for example—

- (a) this Act; and
- (b) the *Integrated Planning Act 1997*; and
- (c) the *Plumbing and Drainage Act 2002*; and
- (d) the *Water Act 2000*, chapter 3; and
- (e) an interim development control provision; and
- (f) a local law; and
- (g) a planning scheme.

<sup>130</sup> *Local Government Act 1993*, schedule (Dictionary)—

**local government area** means a part of the State that is established as a local government area under this Act.

- (b) a mall, square, court or other public place under the local government's control which is specified in a planning scheme policy to be a local government road.<sup>131</sup>

**local law** see section 850 (Meaning of local law) in the *Local Government Act 1993*. The term also includes any subordinate local law and an approval granted pursuant to the local law.<sup>132</sup>

**local public parks infrastructure** means a category of infrastructure being development infrastructure for local public parks infrastructure.

*Example* of local public parks infrastructure—Park land, playground equipment, playing fields, courts, fields, picnic facilities, stormwater installation, drainage, landscaping, irrigation, earthworks, paths, parking areas, fencing, lighting, safety camera, toilets, seating tables, taps and bubbler, shade structures, artwork, signs, activity areas and score board.

**local retail centre** means all the adjacent and adjoining premises in a particular area of the centres locality which are included in a local centre in the retail centre hierarchy.

**local service function** means a use which is a consistent development in the Local Business zone.

**locality** means an identified geographical area within the planning scheme area made up of a number of zones into which the planning scheme area is divided by the planning scheme for the purposes thereof and which is identified on the locality map.

**locality and zone code** see Chapter 3 (Assessment provisions for localities, zones and sub-areas).

**locality map (LO Map)** means a map forming part of the planning scheme indicating the division of the planning scheme area into localities.

**lot** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>133</sup>

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<sup>131</sup> *Local Government Act 1993*, schedule (Dictionary)—

**road** means—

- (a) an area of land dedicated to public use as a road; or
- (b) an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; or
- (c) a bridge, culvert, ferry, ford, tunnel or viaduct; or
- (d) a pedestrian or bicycle path; or
- (e) a part of an area, bridge, culvert, ferry, ford, tunnel, viaduct or path mentioned in paragraphs (a) to (d);

but does not include a State-controlled road under the *Transport Infrastructure Act 1994*.

<sup>132</sup> *Local Government Act 1993*, section 850 (Meaning of local law)—

A **local law** is a law made by a local government.

<sup>133</sup> *Integrated Planning Act 1997*, section 1.3.5 (definition of terms used in development)—

**low density residential development** means residential development with a net residential density of up to 25 dwelling units per hectare.

**low rise** in relation to a building or a structure, means a building or a structure which has a height which does not exceed 12 metres from natural ground level.

**main road** means a road which complies with the design requirements for a main road and includes a road specified as a main road in DT Map 1 or a planning scheme policy.

**maintained** means preserved in a condition or a state of equivalent quality to that which was—

- (a) in the case of assessable development, approved by the development approval; and
- (b) in the case of self-assessable development, required by the acceptable solutions of the applicable code.

**major centre** means all the premises in a particular area of the centres locality which are included in a major centres zone.

**major centres zone** means a centres zone other than the Local Business zone and the District Business zone.

**major noise source** means—

- (a) a road transport activity limited to a major road; and
- (b) a rail transport activity.

**major retail centre** means all the adjacent and adjoining premises in a particular area of the centres locality which are included in a major retail centre in the retail centre hierarchy.

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**lot** means—

- (a) a lot under the *Land Title Act 1994*; or
- (b) a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*; or
- (c) common property for a community titles scheme under the *Body Corporate and Community Management*
- (d) a lot or common property to which the *Building Units and Group Titles Act 1980* continues to apply; or
- (e) a community or precinct thoroughfare under the *Mixed Use Development Act 1993*; or
- (f) a primary or secondary thoroughfare under the *Integrated Resort Development Act 1987* or the *Sanctuary Cove Resort Act 1985*.

**major road** means a road which is—

- (a) a major urban collector (limited access) road; and
- (b) an urban arterial (dual carriageway) road; and
- (c) an urban arterial (single carriageway) road; and
- (d) an urban arterial road; and
- (e) a main road; and
- (f) a highway.

The term includes a major road specified as a major road in DT Map 1 or a planning scheme policy.

**major service function** means a use which is a consistent development in the relevant major centre zone.

**major urban collector (access permitted) road** means a road which complies with the design requirements for a major urban collector (access permitted) road and includes a road specified as a major urban collector (access permitted) road in DT Map 1 or a planning scheme policy.

**major urban collector (limited access) road** means a road which complies with the design requirements for a major urban collector (limited access) road and includes a road specified as a major urban collector (limited access) road in DT Map 1 or a planning scheme policy.

**manoeuvring area** means that part of a parking area provided for a vehicle to manoeuvre into a parking space or to a position at a loading bay or a pickup/setdown area.

**manufacturing/processing activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**mass** in relation to a building or a structure, means the three dimensional shape or outline or bulk of the building or the structure.

**mass movement** means soil creep, earth flow, slumping, landslide, subscale or rock avalanche.

**material change of use** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>134</sup>

**medium density residential development** means residential development with a net residential density of between 26 and 65 dwelling units per hectare.

**medium rise** in relation to a building or a structure, means a building or a structure which has a height in excess of 12 metres from natural ground level but does not exceed 20 metres from natural ground level.

**minor building work** means building work in relation to an existing building in which the gross floor area of the modified existing building—

- (a) does not exceed the gross floor area of the existing building; or
- (b) exceeds the gross floor area of the existing building by less than 25m<sup>2</sup> or 20% of the gross floor area of the existing building whichever is the lesser.

**minor road** means a road which is not a major road.

**minor urban collector road** means a road which complies with the design requirements for a minor urban collector road and includes a minor urban collector road specified as a minor urban collector road in a planning scheme policy.

**mitigation** means any measure to reduce the severity of an adverse impact.

**mixed use development** means premises used for both a residential use and a non-residential use being a commercial use which is in close proximity, designed as a unified complementary whole and functionally integrated to the use of a shared parking area and a shared pedestrian area.

**motel** means an activity being the residential accommodation of travellers which comprise serviced rooms or suites, each containing its own bathroom.

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<sup>134</sup> *Integrated Planning Act 1997*, section 1.3.5 (Definition of terms used in development)—

**material change of use**, of premises, means—

- (a) generally—
  - (i) the start of a new use of the premises; or
  - (ii) the re-establishment on the premises of a use that has been abandoned; or
  - (iii) a material change in the intensity or scale of the use of the premises; or
- (b) for administering IDAS under the *Environmental Protection Act 1994* for environmentally relevant activities (other than for a mining activity, a petroleum activity or a mobile and temporary environmentally relevant activity)—
  - (i) the start of a new environmentally relevant activity on the premises; or
  - (ii) an increase in the threshold of an environmentally relevant activity on the premises; or
  - (iii) the re-establishment on the premises of an environmentally relevant activity that has been abandoned; or
  - (iv) a material change in the intensity or scale of an environmentally relevant activity on the premises.

**motor vehicle** see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*.<sup>135</sup>

**multi-unit residential activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**native animal** means an animal that is indigenous to Australia.

**native plant** means a plant that is indigenous to Australia.

**natural disaster** means a natural hazard event that severely disrupts the fabric of a community and requires the intervention of the various levels of government to return the community to normal.

**natural hazard** means a naturally occurring situation or condition with the potential for loss or harm to personal health and safety, property of the community or the environment.

*Example* of a natural hazard—A flood hazard, a bushfire, a landslide, an earthquake, a seismic sea wave, a cyclone, a storm, a tornado, an eruption or other natural happening.

**natural physical process** includes erosion, accretion, mass movement, flooding and ground water recharge processes.

**natural resource** see section 1.2.3(3) (What advancing this Act's purpose includes) in the *Integrated Planning Act 1997*.<sup>136</sup>

*Example* of a natural resource—Land, soil, an extractive resource, a mineral resource, timber and waters.

**nature conservation law** means State or Commonwealth legislation which protects flora and fauna.

*Example* of a nature conservation law—The *Nature Conservation Act 1992* and the *Environmental Protection and Biodiversity Conservation Act 1999* are nature conservation laws.

**nature conservation value** means an element of the environmental values of the natural environment.

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<sup>135</sup> *Transport Operations (Road Use Management) Act 1995*—

**motor vehicle** means a vehicle propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.

<sup>136</sup> *Integrated Planning Act 1997*, section 1.2.3(2) (What advancing this Act's purpose includes)—

**natural resources** includes biological, energy, extractive, land and water resources that are important to economic development because of their contribution to employment generation and wealth creation.



*Example* of a nature conservation value—Land, soil, bushland, habitat, wetland, waterway, waters, landscape features (such as a hill, a ridgeline and an escarpment), a scenic view, visual amenity and open space.

***neighbourhood*** means an area of a community with characteristics that distinguish it from other community areas.

***neighbourhood cycleway*** means a cycleway specified as a neighbourhood cycleway in section 2.1 (Cycleway hierarchy) in schedule 2 (Infrastructure hierarchy) and includes a neighbourhood cycleway in DT Map 2.

***newspaper*** see section 5 (Definitions) in the *Printing and Newspapers Act 1981*.<sup>137</sup>

***noise emission*** in relation to a place, means the generation of the noise from the source to an external place.

***noise immission*** in relation to a place, means the receiving of the noise at the place from an external source.

***noise sensitive place*** see schedule 4 (Dictionary) in the *Environmental Protection (Noise) Policy 1997* and includes a dwelling unit.<sup>138</sup>

***non-native animal*** means an animal which is not a native animal.

***non-native plant*** means a plant which is not a native plant.

***non-noise sensitive place*** means premises which is not a noise sensitive place.

***non-residential use*** means a use which is not a residential use.

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<sup>137</sup> *Printing and Newspapers Act 1981*, section 5 (Definitions)—

***newspaper*** includes a paper or pamphlet containing any public news, intelligence, occurrences or any remarks or observations thereon or upon any political matter, printed for sale or distribution, and published periodically or in parts or numbers at intervals not exceeding 31 days between the publication of any 2 such papers or pamphlets or parts or numbers, but does not include any document published in the cause of his or her duty by the Government Printer, or any paper containing only matter wholly of a commercial nature.

<sup>138</sup> *Environmental Protection (Noise) Policy 1997*, schedule 4 (Dictionary)—

***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.

**non urban and conservation zone** means a zone in the non urban and conservation locality.

**non-urban road** means a road which is a rural and rural residential road.

**noxious industry** means a noxious or hazardous industry the operation of which does not involve the use of a hazardous contaminant. The term includes—

- (a) a category 1 noxious industry, where the adverse impacts of the activity are contained within the premises and are managed to ensure occupational health and safety; and
- (b) a category 2 noxious industry, where the likelihood of the risk to the environment and the magnitude of the risk to the environment are managed to ensure no adverse impact on the environment; and
- (c) a category 3 noxious industry, where the likelihood of the risk to the environment and the magnitude of the risk cannot be managed to ensure no adverse impact on the environment.

**nuisance** see section 6 (Commission of a nuisance) in *Local Law No. 10 (Public Health) 1999*.<sup>139</sup>

**object** includes a vehicle but not a building or a structure.

**occupier** of premises means the person who has the control or the management of the premises.

**of concern regional ecosystem** means a plant community which forms part of an area shown as an of concern regional ecosystem on a regional ecosystem map in the *Vegetation Management Act 1999*.

**off street parking** means vehicle parking within the boundaries of a lot.

**on-premises sign** means any sign, framework, signboard, notice board, wall, roof, fence or other structure, whether permanent or not, which is used for the exhibition of the display or advertising of a matter which is exclusively related to the predominant activity forming part of the use of the premises.

**on-site sewerage area** means the area specified as the on-site sewerage area in DT Map 6.

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<sup>139</sup> *Local Law No. 10 (Public Health) 1999*, section 6 (Commission of a nuisance)—  
**nuisance** means a matter specified in section 6 (Commission of a nuisance of *Local Law No. 10 (Public Health) 1999*.

**on-site sewerage facility** see schedule (Dictionary) in the *Plumbing and Drainage Act 2003*.<sup>140</sup>

*Example* of an on-site sewerage facility—A septic tank system and an aerated wastewater treatment system.

**open air** means any place not within the confines of a building.

**open space** means land required for recreational, ecological, amenity or property protection purposes, including any park, buffer or esplanade.

**open space network** means the open space network comprising—

- (a) parks; and
- (b) land in the Public Open Space zone of the non urban and conservation locality.

**operational work** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>141</sup>

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<sup>140</sup> *Plumbing and Drainage Act 2003*, schedule (Dictionary)—

**on-site sewage facility** means a facility installed on premises for—

- (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent—
  - (i) on the premises; or
  - (ii) off the premises by—
    - (A) common effluent drainage; or
    - (B) collection from a tank on the premises; or
- (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises.

<sup>141</sup> *Integrated Planning Act 1997*, section 1.3.5 (Definitions used in development)—

**operational work** means—

- (a) extracting gravel, rock, sand or soil from the place where it occurs naturally; or
- (b) conducting a forest practice; or
- (c) excavating or filling that materially affects premises or their use; or
- (d) placing an advertising device on premises; or
- (e) undertaking work in, on, over or under premises that materially affects premises or their use; or
- (f) clearing vegetation, including vegetation to which VMA applies; or
- (g) undertaking operations of any kind and all things constructed or installed that allow taking, or interfering with, water (other than using a water truck to pump water) under the Water Act 2000; or
- (h) undertaking—
  - (i) tidal works; or
  - (ii) work in a coastal management district; or
- (i) constructing or raising waterway barrier works; or
- (j) performing work in a declared fish habitat area; or
- (k) removing, destroying or damaging a marine plant.

**other use** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**outermost projection** means the outermost projection of any part of a building or a structure—

- (a) which includes—
  - (i) in the case of a roof—
    - (A) the outside face of the fascia; or
    - (B) the roof structure where there is no fascia; or
  - (ii) an attached sunhood or the like; and
- (b) which does not include a retractable blind, fixed screen, rainwater fitting or ornamental attachment.

**overall outcome** see section 1.2.17 (Structure of the codes).

**overlay** means an identified geographical area within the planning scheme area into which the planning scheme area is divided by the planning scheme for the purposes thereof and which is identified on an overlay map.

**overlay and district code** see Chapter 4 (Assessment provisions for overlays, districts and sub-districts).

**overlay map (OL Map)** means a map forming part of the planning scheme indicating the division of the planning scheme area into overlays.

**overwhelming community need** in relation to a development means the circumstances where—

- (a) the community would experience an extremely large adverse economic, social or environmental impact if the development were not to proceed; and
- (b) the development would provide extremely large overall social, economic and environmental benefits to the community; and
- (c) the development cannot be accommodated in the locality, zone and sub-area intended for the development within the life of the planning scheme as a result of its locational requirements or environmental effects; and
- (d) the development would be consistent with the character and amenity of the existing and future development of the locality, zone and sub-area in which it is proposed to be located; and
- (e) the development cannot be located on an equally viable alternative site which is better suited to the development; and

- (f) there is no prudent and feasible alternative to the carrying out of the development.

*Example* of paragraph (c)—Development for a residential use or a commercial use has relatively few locational requirements which would allow development of this type to satisfy paragraph (c).

**overwhelming economic need** in relation to development means the circumstances where—

- (a) the development will not have an extremely large adverse effect on the economic viability of an existing development; and
- (b) the community would experience an extremely large adverse economic impact if the development were not to proceed.

**owner** in relation to—

- (c) premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for the premises if the premises were let to a tenant at a rent; and
- (a) property other than premises, means the person who has a legal or a beneficial interest in the property.

**park**—

1. In relation to a vehicle, see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*.<sup>142</sup>
2. In relation to an area comprising part of the open space network, means—
  - (a) local public parks infrastructure; and
  - (b) an area of land required for a recreational, ecological or amenity purpose which is a park as defined in the schedule (Dictionary) in *Local Law No. 5 (Parks) 2001*.<sup>143</sup>

**parking area** means an area which is provided for a parking space, a manoeuvring area and an access area and includes a landscape area in the parking area.

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<sup>142</sup> *Transport Operations (Road Use Management) Act 1995*, schedule 4 (Dictionary)—**park** includes to stop the vehicle and allow the vehicle to stay, whether or not the driver leaves the vehicle.

<sup>143</sup> *Local Law No. 5 (Parks) 2001*, schedule (Dictionary)—**park** means land in the local government area which is—

- (a) a public place which the local government has resolved be set apart for recreation or environmental purposes; or
- (b) a local government road which is not constructed for use by motor vehicles.

**parking space** means that part of a parking area which is provided for the parking of a vehicle.

**parks hierarchy** means the hierarchy of parks identified in section 3.1 (Parks hierarchy) in schedule 2 (Infrastructure hierarchy) and includes the parks identified as being a type of park on DT Map 3 or in a planning scheme policy.

**parks network** means the parks network identified in DT Map 3.

**path** means a pedestrian path, a cycle path and a shared path.

**pathway** means the area within which a pedestrian path or a shared path is located.

**pavement** means the portion of a road, excluding shoulders, placed above the subgrade, that supports and forms a running surface for vehicular traffic.

**pedestrian network** means pathways and those parts of the road network and open space network which is intended for pedestrian traffic.

**pedestrian path** means the area within a pathway which is constructed for pedestrian traffic only.

**pedestrian thoroughfare** means an area whether it is a public place or not—

- (a) which is separated from vehicular traffic; and
- (b) to which an adjacent development provides an active frontage and direct pedestrian access.

The area includes a landscaped pedestrian area.

**permeability** means a pattern of development which provides for accessibility by means of a number of alternative paths or ways through the development such that the development does not surround itself with or include barriers to movement. For the purposes of the term, the greater the number of routes, such as mid-block pedestrian links through a development, the better the permeability of the development.

**person** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>144</sup>

**pest** means a declared pest as defined in the schedule (Dictionary) in *Local Law No. 10 (Public Health) 1999*.<sup>145</sup>

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<sup>144</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**person** includes a body of persons, whether incorporated or unincorporated.

<sup>145</sup> *Local Law No. 10 (Public Health) 1999*, schedule (Dictionary)—

**pH** means a measure of the acidity or the alkalinity of a soil or water body on a logarithmic scale of 0 to 14 where—

- (a) a pH of less than 7 is acid; and
- (b) a pH of 7 is neutral; and
- (c) a pH of greater than 7 is alkaline.

**plan of development** means a plan, a document or an agreement approved by the local government or entered into by the local government with an applicant which shows, describes, delineates, limits or provides a detailed plan, a standard or a guideline for the proposed development or the approved development of the premises.

**planning scheme area** see section 2.1.2 (Area to which planning schemes apply) in the *Integrated Planning Act 1997*.<sup>146</sup>

**planning scheme map** means a map forming part of the planning scheme which is identified in schedule 4 (Planning scheme maps).

**planning scheme measure** means a provision of the planning scheme and a planning scheme policy that facilitates the achievement of a described environmental outcome.

**planning scheme policy** see section 2.1.16 (Meaning of planning scheme policy) in the *Integrated Planning Act 1997*.<sup>147</sup>

**plant** means a tree, a bush, a shrub, a grass or other vascular plant and includes any part of a tree, a bush, a shrub, a grass or other vascular plant.

**plaza** means an open space which—

- (a) is improved with amenities such as seating, drinking and ornamental fountains, art, and landscaping, for use by pedestrians; and
- 

**declared pest** means a plant or animal declared to be a pest by a subordinate local law after consultation with the chief executive of the department which administers the *Land Protection (Pest and Stock Route Management Act) 2002*.

<sup>146</sup> *Integrated Planning Act 1997*, section 2.1.2 (Area to which planning schemes apply)—

**planning scheme area**—

- (1) A local government's planning scheme applies to the whole of the local government's area (the planning scheme area).
- (2) The local government may also apply its planning scheme for assessing prescribed tidal work in its tidal area to the extent stated in a code for prescribed tidal work under this Act.

<sup>147</sup> *Integrated Planning Act 1997*, section 2.1.16 (Meaning of planning scheme policy)—

A **planning scheme policy** is an instrument that—

- (a) supports the local dimension of a planning scheme; and
- (b) supports local government actions under this Act for IDAS and for making or amending its planning scheme; and
- (c) is made by a local government under this division.

- (b) is open to the public on a controlled basis; and
- (c) has a frontage; and
- (d) is adjoined by a building which has an active frontage to the plaza.

**plot ratio** means the ratio of gross floor area to the area of the site.**police beat** means the use of premises by Queensland Police which operates only within standard business hours and employs a maximum of 3 staff at any particular period of time.

**portable sign** means an on-premises sign not permanently attached to the ground, a building or a structure, that may be easily relocated.

**potential acid sulfate soil (PASS)** means soil or sediment containing iron sulphides or other sulphidic material that has not been exposed to air and oxidised.

*Example* of potential acid sulfate soil—Soils or sediment can usually be identified as being potential acid sulfate soils if they have a pH of 4 or more, and may be neutral or slightly alkaline.

**poultry** means a class of bird including a duck, a goose, a guinea fowl, a chicken, a rooster, a cock, a hen, a pheasant, a peacock and the like.

**powerline easement** means an easement in respect of powerline infrastructure in favour of an electricity service provider over land in the powerline infrastructure area for the purpose of the transmission of electricity.

**powerline infrastructure** means infrastructure specified on OL Map 9 used for the transmission of electricity and includes a powerline and a sub station.

**predominant activity** means the main activity or activities carried out on the premises which is not ancillary to another activity.

*Example* of a predominant activity—If premises are being used for a car depot then—

- (a) the predominant activity is the storage of a motor vehicle whether or not the motor vehicle is available for hire; and
- (b) the associated activity would be an office and the servicing of a motor vehicle stored on the premises where the activity is carried out in conjunction with the predominant activity and is subordinate to the predominant activity.

**premises** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>148</sup>

**prescribed solution** means an acceptable solution and a probable solution.

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<sup>148</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**premises** means—

- (a) a building or other structure; or
- (b) land (whether or not a building or other structure is situated on the land).



**private open space** means a useable open space adjoining and directly accessible to a dwelling unit which is reserved for the exclusive use of a resident of the dwelling unit and their guests.

**private pool** means a swimming pool that is used in connection with a dwelling unit and is available only to the residents of the dwelling unit and their guests.

**prize home** means the use of premises being an existing dwelling unit for the purposes of offering the dwelling unit as a prize.

**probable solution** see section 1.2.17 (Structure of the codes).

**property** means premises, a good or other thing.

**proposed lot** means that part of a premises proposed to be created as a lot as a result of a reconfiguring a lot.

**prostitution** means an adult activity being the use of premises for prostitution as defined in section 229E (Meaning of prostitution) in the *Criminal Code* which is not a brothel.<sup>149</sup>

**protected area** see schedule (Dictionary) in the *Nature Conservation Act 1992*. The term includes an area that is or includes a critical habitat which is defined in a conservation plan under the *Nature Conservation Act 1992*.<sup>150</sup>

**protection** includes conservation, preservation and management and **protect** has a corresponding meaning.

**public place** means—

- (a) a road; or

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<sup>149</sup> *The Criminal Code*, section 229E (Meaning of prostitution)—

**prostitution** means matters defined in section 229E (Meaning of prostitution) in the *Criminal Code*.

<sup>150</sup> *Nature Conservation Act 1992*, section 14 (Classes of protected areas to which Act applies)—The classes of protected areas to which this Act applies are—

- (a) national parks (scientific); and
- (b) national parks; and
- (c) national parks (Aboriginal land); and
- (d) national parks (Torres Strait Islander land); and
- (e) national parks (recovery); and
- (f) conservation parks; and
- (g) resources reserves; and
- (h) nature refuges; and
- (i) coordinated conservation areas; and
- (j) wilderness areas; and
- (k) World Heritage management areas; and
- (l) international agreement areas.

- (b) trust land; or
- (c) a reserve; or
- (d) premises of which the local government is the owner or the occupier; or
- (e) a plaza; or
- (f) premises specified as a public place in a planning scheme policy.

**public recreation area** means an area used for public recreation.

**public transport facility** includes a train station, a bus station or a passenger terminal.

*Example* of a public transport facility—A bus stop is not a bus station

**public transport infrastructure** means the infrastructure which is required to provide a service for the public by a vehicle such as a bus or a rail transport activity using specific routes and schedules.

*Example* of public transport infrastructure—A bus stop and a bus shelter.

**publication** means any printed matter or written matter and includes a book, a pamphlet, a leaflet, a circular, a handbill, a notice, a ticket, a voucher, a pass, an advertisement, a poster, a magazine or other periodical publication but does not include a newspaper.

**publicise** means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

**rail transport activity** means the use of premises for the construction, maintenance and operation of—

- (a) rail transport infrastructure as defined in schedule 3 (Dictionary) in the *Transport Infrastructure Act 1994*;
- (b) rail maintenance depots, rail workshops and rail freight centres directly connected to and operationally connected with rail transport infrastructure; and
- (c) rolling stock.

**railway** see schedule 6 (Dictionary) in the *Transport Infrastructure Act 1994*.<sup>151</sup>

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<sup>151</sup> *Transport Infrastructure Act 1994*, schedule 3 (Dictionary)—

**railway** does not include a light rail or light rail transport infrastructure, and for chapter 7, part 3, see also section 121.

**railway network** means the railway network identified in the zone maps as Transport zone (railway).

**real estate sign** means an on-premises sign displaying premises for sale or lease.

**rear lot** means a lot which has access to a road by means only of—

- (a) an access strip which is part of the lot; or
- (b) an easement over adjoining land.

**reasonable walking distance** means a travel path between 2 points where—

- (a) the travel path complies with all road signs and official traffic signs; and
- (b) the distance of the travel path does not exceed 800 metres; and
- (c) the gradient of the travel path does not exceed 15% for greater than 10% of the travel path.

**reconfiguring a lot** see section 1.3.5 (Definitions for terms used in development) in the *Integrated Planning Act 1997*.<sup>152</sup>

**reconfiguring a lot codes** see Part 4 of Chapter 5 (Assessment criteria for development of a stated purpose or of a stated type).

**recreation activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**regional landscapes** means an area that supports regionally significant landscape values as identified in the South East Queensland Regional Plan.

**relocatable home** means a class 1 building under the *Building Code of Australia 1996* which is—

- (a) constructed away from the premises at which it is erected; and

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<sup>152</sup> *Integrated Planning Act 1997*, section 1.3.5 (Definitions for terms used in development)—**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, or an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997) 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.

- (b) designed to be moved from one location to another; and
- (c) ordinarily able to be moved.

**remaining bushland** means a plant community which forms part of an area that is identified as remaining bushland on a defined area map in *Planning Scheme Policy No. 4 (Defined area maps) 2004*.

**removal building** means a building or a structure which is to be transported to the premises on, across or over a road.

**reserve** means land which is placed under the control of the local government pursuant to legislation.

**residential use** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**residential zone** means a zone in the residential locality.

**retail activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**retail centre hierarchy** means the hierarchy of centres specified in the centres locality and zones code in the assessment provisions applicable to the centres locality.

**retail showroom** means a shop where a minimum of 70% of the GLA of the development is used for the sale in a predominantly indoor setting of a good of a bulky nature.

*Example* of a good of a bulky nature—Agricultural equipment; automotive parts; barbecue equipment; outdoor furniture; timber, hardware and building supplies; bicycles, camping and fitness equipment; curtains and furnishings; floor coverings and floor and wall tiles; furniture; lawnmowers, motor vehicles, trailers, boats and caravans; industrial machinery and plant equipment; non-portable appliances being washing machines, dishwashers, clothes dryers, refrigerators, hot water systems, air-conditioning systems; and swimming pools, spa and pool equipment.

**retaining wall** means a wall or a similar structure used to retain or restrain the lateral forces of soil or other materials.

**reverse amenity impact** means the situation where an existing development would have an adverse impact on the amenity of a proposed development such that if the proposed development was carried out the carrying out of the existing development would be curtailed or prevented.

*Example* of a reverse amenity impact—An existing development such as an extractive industry which would have an adverse impact on a future residential use such that if the residential use was development the operation of the extractive industry may be curtailed or prevented.

**rhythm** in relation to a building and a structure, means the overall pattern of buildings, structures and building elements and the extent to which they are harmonious or discordant.

**riparian habitat** means a habitat that is significantly influenced by water and occurs within or adjacent to a waterway or a wetland.

**risk** means a concept used to describe the likelihood of a harmful consequence arising from the interaction of a hazard, the community and the environment.

**road** means a local government road and a State-controlled road.

**road boundary clearance** in relation to a building or a structure, means the shortest distance measured horizontally from the outermost projection of the building or the structure to the vertical projection of the frontage exclusive of road widenings and corner truncations.

**road hierarchy** means the hierarchy of roads identified in section 1.1 (Road hierarchy) in schedule 2 (Infrastructure hierarchy) and includes the roads identified as being a type of road on DT Map 1 or in a planning scheme policy.

**road network** means the road network identified in DT Map 1.

**road sign** means a device, other than an official traffic sign, that publicises—

- (a) the name of a road in the local government area; or
- (b) other information of use to road users.

**road transport activity** means the use of premises for the construction, maintenance and operation of road transport infrastructure.

**road transport infrastructure** see schedule 6 (Dictionary) in the *Transport Infrastructure Act 1994*.<sup>153</sup>

**roof sign** means an on-premises sign erected on a roof or the parapet of a building.

**rooming unit** means any part of a building used for residential accommodation of one household which is not self-contained and may include the keeping of a domestic animal.

**rubbish** includes garden clippings, tree prunings, building materials, fill and spoil.

**rural and rural residential road** means a road which complies with the design requirements for a rural and rural residential road and includes a road specified as a rural and rural residential road in a planning scheme policy.

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<sup>153</sup> *Transport Infrastructure Act 1994*, schedule 6 (Dictionary)—  
**road transport infrastructure** includes transport infrastructure relating to roads.

**rural residential use** means a use being agriculture, animal husbandry, a wholesale plant nursery or a retail plant nursery.

**rural use** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**scale** in relation to a building or a structure, means the relative size of a building compared to adjacent buildings or the relative size of components of a building when compared with similar components on adjacent buildings.

**screen fence** means a fence that conceals from a viewer in an adjoining premises the activity that is conducted behind the fence.

**screening** means a method of shielding or obscuring one object or use from another.

**secondary or indirect impact** in relation to development, means an effect caused by and resulting from the development although it is later in time or further removed in distance but still reasonably foreseeable.

**self-assessable development** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>154</sup>

**self contained** in relation to a dwelling unit and an annexed unit, means the provision of a kitchen, bathroom, sanitary facilities and laundry facilities.

**sensitive area** in relation to telecommunication facilities, means—

- (a) land in the residential locality; and
- (b) land used for a residential use; and
- (c) a conservation area; and
- (d) a character area; and
- (e) a heritage place; and
- (f) a public recreation area; and
- (g) an area of environmental significance as defined in section 2.5 (Area of environmental significance) in the *Telecommunications (Low-Impact Facilities) Determination 1997*.<sup>155</sup>

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<sup>154</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**self-assessable development** means—

- (a) development specified in schedule 8, part 2; or
- (b) for a planning scheme area—development that is not specified in schedule 8, part 2 but is declared under the planning scheme for the area to be self-assessable development.

**service**—

1. In relation to infrastructure, means—
  - (a) electricity; and
  - (b) telecommunications; and
  - (c) gas; and
  - (d) a service specified in a planning scheme policy.
2. In relation to development, means the provision of assistance or advice which may or may not involve the provision of a good.

**service centre** means all the adjacent and adjoining premises in a particular area of the centres locality which are included in a service centre in the retail centre hierarchy.

**setback** in relation to a building or a structure means—

- (a) the road boundary clearance; and
  - (b) the side and rear boundary clearance; and
- 

- <sup>155</sup> *Telecommunications (Low-Impact Facilities) Determination 1997*, section 2.5 (Area of environmental significance)—area of environmental significance—
- (a) an area is an area of environmental significance if its is identified property for section 3A of the World Heritage Properties Conservation Act 1983.
  - (b) an area is an area of environmental significance if its is an identified property (within the meaning of section 3A of the World Heritage Properties Conservation Act 1983).
  - (c) an area is an area of environmental significance if its is a place that Australia is required to protect by the terms of a listed international agreement.
  - (d) an area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory—
    - (i) it is designated a reserve for nature conservation purposes; and
    - (ii) the principal purpose of the designated reserve is for nature conservation.
  - (e) an area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or Territory, is protected from significant environmental disturbance.
  - (f) an area is an area of environmental significance if its is entered in the Register of the National Estate or the Interim List for that Register.
  - (g) an area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
  - (h) an area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it is—
    - (i) entered in a register; or
    - (ii) otherwise identified;as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

(c) the building clearance.

**sewerage and water supply headworks contribution area** means the area specified as the sewerage and water supply headworks contribution area in DT Map 5.

**sewerage infrastructure** means infrastructure for sewerage.

*Example* of sewerage infrastructure – Sewerage system, on-site sewerage facility.

**sewerage service area** means the service area for the provision of a sewerage service to customers declared under the *Water Act 2000*.

**sewerage system** see schedule (Dictionary) in the *Plumbing and Drainage Act 2002*.<sup>156</sup>

**shared path** means the area within a cycleway or a pathway which is constructed for the shared use of cycle traffic and pedestrian traffic.

**side and rear boundary clearance** in relation to a building or a structure, means the shortest distance measured horizontally from the outermost projection of the building or the structure to the vertical projection of the boundary of the lot but does not include a road boundary clearance.

**sign** means a device that publicises a matter.

**significant tree** means a tree which—

- (a) is either 4 metres in height; or
- (b) has a stem or trunk with a circumference of 40 centimetres or more measured at 1 metre from the ground.

**significant vegetation** means a plant which is in—

- (a) the vegetation management area overlay; or
- (b) the wetland and waterway area overlay; or
- (c) the powerline infrastructure area overlay.

**single unit residential activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

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<sup>156</sup> *Plumbing and Drainage Act 2002*, schedule (Dictionary)—

**sewerage system** means infrastructure used to receive, transport and treat sewage or effluent, including, for example, sewers, access chambers, vents, engines, pumps, structures, machinery and outfalls.



**site** means the premises in respect of which development is to be carried out including the whole or part of one lot or more than one lot.

**site area** means the area of the site.

**site cover** means the area of a site covered or proposed to be covered by a building or a structure which is expressed as a percentage and measured to—

- (a) include a covered car parking area and the area contained within the projection of the outer limits of a building onto a horizontal plane; and
- (b) exclude—
  - (i) a driveway and a turning area; and
  - (ii) a building or a structure used for a recreational purpose and included in a landscape and recreation area; and
  - (iii) a roof overhang and a sun hood; and
  - (iv) a balcony whether roofed or not.

**site density** means the maximum number of dwelling units or lots permitted on a particular site expressed as a ratio between the number of dwelling units or lots and the area of the site where the area of the site excludes—

- (a) a driveway and a turning area; and
- (b) any balance area and land set aside for a public recreation purpose or a conservation purpose.

**Soil Erosion and Sediment Control Guidelines** means the document titled *Soil Erosion and Sediment Control : Engineering Guidelines for Construction Sites*, dated June 1996 published by the Institute of Engineers Australia (Queensland Division).

**specific outcome** see section 1.2.17 (Structure of the codes).

**specified division** in relation to a planning scheme map or a defined area map in *Planning Scheme Policy No. 4 (Defined area maps) 2004*, means an area identified in the planning scheme map or the defined area map.

**SRV** means a small rigid vehicle.

**standard drawing** means a plan or a drawing identified as a standard drawing in a planning scheme policy.

**standard specification** means a specification identified as a standard specification in a planning scheme policy.

**State-controlled road** means a State-controlled road under the *Transport Infrastructure Act 1994*.<sup>157</sup>

**State school** means the use of premises by the Crown or an instrumentality of the Crown for a primary school or a secondary school.

**steep lot** means a lot which contains a slope of 15% or greater.

**steep slope** means land with a slope of 15% or greater.

**storage/sales activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**storey** see Part A1.1 (Definitions) in the *Building Code of Australia 1996*.<sup>158</sup>

**stormwater** means rainfall that runs off a hard surface such as compacted soil, a roof and a parking area or off ground that has become saturated.

**stormwater drainage** see schedule (Dictionary) in the *Local Government Act 1993*.<sup>159</sup>

**stormwater drainage network** means the network of stormwater drainage identified in DT Map 4.

**stormwater infrastructure** means infrastructure for stormwater.

*Example* of stormwater infrastructure – Stormwater drainage, a stormwater installation, infrastructure for collecting water, treating water, stream managing, disposing of waters and flood mitigation.

**stormwater installation** see schedule (Dictionary) in the *Local Government Act 1993*.<sup>160</sup>

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<sup>157</sup> *Transport Infrastructure Act 1994*, schedule 6 (Dictionary)—

**State controlled road** means a road or land, or part of a road or land, declared under section 24 to be a State-controlled road, and, for chapter 6, part 5, division 2, subdivision 2, see section 53.

<sup>158</sup> *Building Code of Australia 1996*, Part A1.1 (Definitions)—

**storey** means a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not—

- (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) accommodation intended for not more than 3 vehicles; or
  - (iv) a combination of the above; or
- (b) a mezzanine.

<sup>159</sup> *Local Government Act 1993*, schedule (Dictionary)—

**stormwater drainage** means a drain, channel, pipe, chamber, structure, outfall or other work used to receive, store, transport or treat stormwater.

<sup>160</sup> *Local Government Act 1993*, schedule (Dictionary)—

***strategic community infrastructure*** means—

- (a) a police and emergency services facility including an emergency shelter; and
- (b) a hospitals and an associated institution; and
- (c) a facility for the storage of valuable records or items of cultural or historic significance including a facility for the storage of public records under the *Public Records Act 2002*; and
- (d) a wastewater treatment facility and potable water treatment facility; and
- (e) a power stations; and
- (f) an electricity sub-station; and
- (g) a gas supply station.

***strategic framework*** means statements and a map that reflect the desired environment outcomes and summarise the approach taken by the planning scheme measures to achieve the desired environmental outcomes, in terms of—

- (a) the major land use allocations; and
- (b) the major infrastructure provision; and
- (c) the major valuable features; and
- (d) the manner in which the effects of development are intended to be managed having regard to the land use allocation, the infrastructure provision and the valuable features.<sup>161</sup>

***street*** means a road which is an urban road or an industrial road.

***streetscape*** means the view of a road and associated public spaces and private spaces that is constituted by the design, location, orientation, dimensions, type, mass, form, rhythm and scale of urban form elements such as buildings, roads, footpaths, plants, open spaces, services, signage and street furniture.

***street tree*** means a tree specified in Table 1.1E (Street trees) in schedule 1 (Dictionary).

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***stormwater installation***, for premises, means roof gutters, downpipes, subsoil drains and stormwater drainage for the premises, but does not include any part of a local government's stormwater drainage.

<sup>161</sup> See section 1.2.3 (Strategic framework) and section 2.2.1 (Purpose of the strategic framework).

**Table 1.1E Street trees**

<b>Column 1 Botanical name</b>	<b>Column 2 Common name</b>
Banksia integrifolia	Coast Banksia
Brachychiton acerifolius	Flame Tree
Backhousia myrtifolia	Grey Myrtle
Cupaniopsis anacardioides	Tuckeroo
Eucalyptus robusta	Swamp Mahogany
Harpullia pendula	Tulipwood
Jagera pseudorhus	Foambark
Melaleuca quinquenervia	Broad Leaf Paperbark
Syzygium australe	Creek Cherry
Syzygium luehmanii	Cherry Satinash
Tristaniopsis laurina	Water Gum
Xanthostemon chrysanthus	Golden Penda

**structure** see schedule (Dictionary) in the *Local Government Act 1993*. The term includes a structure as defined in schedule (Dictionary) in the *Building Act 1975* and any other thing specified in a planning scheme policy.<sup>162</sup>

**structure plan map (SP Map)** means a map forming part of the planning scheme indicating the desired outcome for a zone or a sub-area.

**sub-area** means an identified geographical area within the planning scheme area into which a zone is divided by the planning scheme for the purposes thereof and which is identified on a sub-area map.

**sub-area map (SA Map)** means a map forming part of the planning scheme indicating the division of a zone into a sub-area.

**sub-district** means an identified geographical area within the planning scheme area into which a district is divided by the planning scheme for the purposes thereof and which is identified on a district map or a sub-district map.

**sub-district map (SD Map)** means a map forming part of the planning scheme indicating the division of a district into a sub-district.

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<sup>162</sup> *Local Government Act 1993*, schedule (Dictionary)—  
**structure** means anything built or constructed whether or not attached to land.  
*Building Act 1975*, schedule (Dictionary)—  
**structure** includes a wall or fence and anything fixed to or projecting from a building, wall, fence or other structure.

**supervisory activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**surface waters** means waters other than ground waters, including water flowing in a waterway.

**surveillance** includes—

- (a) informal surveillance such as by a casual observer; and
- (b) formal surveillance such as—
  - (i) organised surveillance by a trained security guard, an attendant and other trained personnel; and
  - (ii) mechanical surveillance by a security camera.

**swimming pool** see schedule (Dictionary) in the *Building Act 1975*. The term includes a swimming pool which is within or on a building.<sup>163</sup>

**tandem parking space** means an angle parking space for two vehicles where the second vehicle is parked obstructing the exit of the first vehicle.

**telecommunications facilities (high impact)** means telecommunications facilities, other than telecommunication facilities (low impact), which is—

- (a) a freestanding tower or pole (including any associated antennae)—
  - (i) which—
    - (A) has a height which exceeds 5 metres; and

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<sup>163</sup> *Building Act 1975*, schedule (Dictionary)—

**swimming pool** means an excavation or structure—

- (a) capable of being filled with water to a depth of 300mm or more; and
- (b) capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity; and
- (c) solely or principally used, or designed, manufactured or adapted to be solely or principally used, for the purposes mentioned in paragraph (b) despite its current use; and includes a spa pool, spa tub or similar thing (whether portable or fixed) and a wading pool (other than a portable wading pool), but does not include—
  - (d) a fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes; or
  - (e) a dam or tank solely or principally used, or designed, manufactured or adapted to be solely or principally used, for aquaculture, marine research or storage of water; or
  - (f) a watercourse; or
  - (g) a portable wading pool.

- (B) is on premises in a sensitive area or adjoins a sensitive area;  
or
- (ii) which has a height which exceeds 10 metres; and
- (b) a telecommunication equipment cabinet which has—
  - (i) a base area exceeding 5m<sup>2</sup>; or
  - (ii) a height which exceeds 2.5 metres.

***telecommunications facilities (low impact)*** means a low impact facility as defined in section 6 (Installation of facilities) of schedule 3 (Carriers' powers and immunities) in the *Telecommunications Act 1997*.<sup>164</sup>

***telecommunications facilities (medium impact)*** means telecommunication facilities which are not telecommunication facilities (high impact) or telecommunication facilities (low impact).

***temporary activity***<sup>165</sup> means an activity—

- (a) which would be a defined use specified in column 1 of Table 1.1F (Temporary activities) in schedule 1 (Dictionary) but for the fact that the activity—
  - (i) does not involve work which is permanent; and
  - (ii) is carried out—
    - (A) within the limitations specified in column 2 of Table 1.1F (Temporary activities) in schedule 1 (Dictionary); and
    - (B) for a limited period not exceeding the period specified in column 3 of Table 1.1F (Temporary activities) in schedule 1 (Dictionary); or

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<sup>164</sup> *Telecommunications Act 1997*, section 6(3) (Installation of facilities), schedule 3 (Carriers' powers and immunities)—  
***telecommunications facilities (low impact)***—The Minister may, by written instrument, determine that a specified facility is a low-impact facility for the purposes of this clause. The determination has effect accordingly.

<sup>165</sup> A temporary activity is not development for the purposes of the planning scheme pursuant to section 1.3.1 (Temporary activity).

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- (b) which would be operational work being the placement of an advertising device being an on-premises sign on premises but for the fact that the on-premises sign—
- (i) does not involve work which is permanent; and
  - (ii) is either—
    - (A) publicising an activity which is a temporary activity; or
    - (B) a real estate sign.

**Table 1.1F Temporary activities**

<b>Column 1 Defined Use</b>	<b>Column 2 Limitations on the scope of the activity</b>	<b>Column 3 Maximum period of the activity</b>
Car park.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity; or (d) developed for a recreation activity.	14 days per calendar year.
Car wash.	If— (a) limited to a manual car wash; and (b) located on premises— (i) in the centres zones; or (ii) developed for a community activity being a child care centre, a community care centre, an educational establishment, a hospital, local utilities or a place of worship; or (iii) developed for a recreation activity.	1 day per week.
Commercial premises.	If located on premises— (a) in the centres zones; or (b) developed for a community activity being a child care centre, a community care centre, an educational establishment, a hospital or a place of worship; or (c) developed for a recreation activity.	14 days per calendar year.
Educational establishment.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity being a car park, a child care centre, a community care centre or local utilities; or (d) developed for a recreation activity.	14 days per calendar year.

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<b>Column 1 Defined Use</b>	<b>Column 2 Limitations on the scope of the activity</b>	<b>Column 3 Maximum period of the activity</b>
Food outlet.	If located on premises— (a) limited to a light refreshment booth; and (b) located on premises— (i) in the Centres zones; or (ii) developed for a child care centre, community care centre, an educational establishment, local utilities or a place of worship; or (iii) developed for a recreation activity.	1 day per week.
	If— (a) limited to open air dining; and (b) carried out with a lawful use of adjoining premises for a food outlet; and (c) located on premises in the Transport zone.	Not applicable.
Health care practice.	If located on premises— (a) in the centres zones; or (b) developed for a child care centre, a community care centre or a place of worship; or (c) developed for a recreation activity.	14 days per calendar year.
Home business.	If— (a) limited to the sale of a good only in the form of a garage sale; and (b) conducted by a resident of the dwelling unit.	4 days per calendar year.
Hotel.	If— (a) limited to open air dining; and (b) carried out with a lawful use of adjoining premises for a hotel; and (c) located on premises in the Transport zone.	Not applicable.
Indoor entertainment.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity being a car park, a child care centre, a community care centre or local utilities; or (d) developed for a recreation activity.	14 days per calendar year.
	If— (a) limited to an art exhibition or a fashion parade; and (b) located on premises used for a residential use.	2 days per calendar year.
Light industry.	If— (a) limited to film production; and (b) conducted on location.	90 days per calendar year.



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<b>Column 1 Defined Use</b>	<b>Column 2 Limitations on the scope of the activity</b>	<b>Column 3 Maximum period of the activity</b>
Market.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity being a child care centre, a community care centre, an educational establishment, a hospital, local utilities or a place of worship; or (d) developed for a recreation activity.	14 days per calendar year.
Open air display.	If located on premises— (a) in the centres zones; or (b) developed for a community activity being a hospital, an educational establishment or a place of worship; or (c) developed for a recreation activity.	14 days per calendar year.
Outdoor entertainment.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity being a car park, a child care centre, a community care centre or local utilities; or (d) developed for a recreation activity; or (e) with a minimum area of 2 hectares.	14 days per calendar year.
Place of worship.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity being a car park, a child care centre, a community care centre or local utilities; or (d) developed for a recreation activity.	14 days per calendar year.
Relocatable home park.	If— (a) located on premises upon which— (i) a house has been destroyed or is unfit for human habitation if the person residing on the premises was previously the occupier of the house that has been destroyed or is unfit for human habitation; or (ii) building work for a house is being carried out by or on behalf of the person residing on the premises; and (b) limited to a caravan or a relocatable home.	180 days per calendar year.
	If— (a) limited to camping; and (b) carried out in conjunction with— (i) a community activity being an educational establishment or a place of worship; or (ii) a recreation activity.	14 days per calendar year.

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Column 1 Defined Use	Column 2 Limitations on the scope of the activity	Column 3 Maximum period of the activity
Restaurant.	If— (a) limited to open air dining; and (b) carried out with a lawful use of adjoining premises for a restaurant; and (c) located on premises in the Transport zone.	Not applicable.
Retail plant nursery.	If located on premises— (a) in the centres zones; or (b) in the Transport zone; or (c) developed for a community activity being a child care centre, a community care centre, an educational establishment, hospital, local utilities or a place of worship; or (d) developed for a recreation activity.	14 days per calendar year.
Shop.	If— (a) limited to the sale of a good only; and (b) located on premises— (i) located in the centres zones; or (ii) developed for a community activity being a child care centre, a community care centre, an educational establishment or a place of worship.	4 days per calendar year.

***tidal waters*** see schedule (Dictionary) of *Coastal Protection and Management Act 1994*.<sup>166</sup>

***Tingalpa Reservoir catchment*** means the area that is identified as the Tingalpa Reservoir catchment on a defined area map in *Planning Scheme Policy No. 4 (Defined area maps) 2006*.

***top of bank*** in relation to a watercourse, means a point or a line which is the beginning of a significant change in the ground level from which the ground land slopes downward toward the bed of the watercourse. Where two or more slopes are located together, the slope that is the highest and farthest away from the watercourse shall be the slope considered to be the top of the bank.

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<sup>166</sup> *Coastal Protection and Management Act 1994*, schedule (Dictionary)—

***tidal waters*** means—

- (a) the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides; or
- (b) the water downstream from a downstream limit declared under a regulation.

**tourist oriented development** means a development which primarily caters for holiday makers and day trippers.

*Example* of a tourist oriented development—A theme park, a zoo, a wildlife sanctuary, a ski park and a museum.

**town centre** means premises comprising a plaza and an adjoining building where the building—

- (a) is arranged in a manner that addresses the plaza; and
- (b) provides pedestrian linkages to the plaza; and
- (c) provides an active frontage to the plaza.

**trade waste** see schedule 4 (Dictionary) in the *Water Act 2000*.<sup>167</sup>

**traffic** includes the use by a person of a road or the presence therein or thereon of a person, vehicle, tram, train, animal or other moveable article or thing whatsoever.

**traffic lane** means a lane in a carriageway designated for the movement of traffic.

**transit oriented development** means a mixed use development which is—

- (a) integrated with a public transport facility or located within easy walking distance of a public transport facility; and
- (b) designed with an emphasis primarily on—
  - (i) pedestrian access to the premises rather than vehicle access and parking areas; and
  - (ii) the use of public transportation.

**transport activity** see section 2.1 (Defined use classes and use categories) in schedule 1 (Dictionary).

**transport infrastructure** means a category of infrastructure being development infrastructure for transport infrastructure and includes a road transport activity.

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<sup>167</sup> *Water Act 2000*, schedule 4 (Dictionary)—

**trade waste** means water-borne waste from business, trade or manufacturing premises, other than—

- (a) waste that is a prohibited substance; or
- (b) human waste; or
- (c) stormwater.

*Example* of transport infrastructure—Roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycleways, pathways, ferry terminals and the local function but not any other function of State-controlled roads.

***transport zone*** means a zone in the transport locality.

***tree*** means a woody stemmed plant.

***trunk cycleway*** means a cycleway specified as a trunk cycleway in section 2.1 (Cycleway hierarchy) in schedule 2 (Infrastructure hierarchy) and includes a cycleway specified as a trunk cycleway in DT Map 2.

***trust land*** means land dedicated as a reserve or granted in trust under the *Land Act 1994* and for which the local government is the trustee under the *Land Act 1994*.

***unzoned land*** means premises not included within a zone.

***urban access road*** means a road which complies with the design requirements specified for an urban access road and includes a road specified as an urban access road in a planning scheme policy.

***urban arterial*** means—

- (a) an urban arterial (single carriageway) road; and
- (b) an urban arterial (dual carriageway) road; and
- (c) an urban arterial road.

***urban arterial road*** means a road which complies with the design requirements for an urban arterial road and includes a road specified as an urban arterial road in DT Map 1 or a planning scheme policy.

***urban arterial (dual carriageway) road*** means a road which complies with the design requirements for an urban arterial (dual carriageway) road and includes a road specified as an urban arterial (single carriageway) road in DT Map 1 or a planning scheme policy.

***urban arterial (single carriageway) road*** means a road which complies with the design requirements for an urban arterial (single carriageway) road and includes a road specified as an urban arterial (single carriageway) road in DT Map 1 or in a planning scheme policy.

***urban road*** means a road which is—

- (a) an urban access road; and
- (b) a minor urban collector road; and
- (c) a major urban collector (access permitted) road.

**urban water cycle management infrastructure** means a category of infrastructure being development infrastructure for urban and rural residential water cycle management infrastructure.

*Example* of urban water cycle management infrastructure—Infrastructure for water supply, sewerage, collecting water, treating water, stream managing, disposing of water and flood mitigation.

**use** see schedule 10 (Dictionary) in the *Integrated Planning Act 1997*.<sup>168</sup>

**use category** in relation to a use class, means the defined uses that are part of that use class.

*Example* of a use category—A retail activity is a use category within the use class of commercial use.

**use class** means a group of use categories comprising defined uses having different purposes but broad characteristics in common.

*Example* of a use class—A commercial use is a use class that includes the use category of catering activity, retail activity and business activity.

**use code** see Part 2 (Use codes) of Chapter 5 (Assessment criteria for development of a stated purpose or of a stated type).

**vascular plant** means a plant with a separate xylem and phloem.

**vehicle** see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*. The term includes anything specified as a vehicle in a planning scheme policy.<sup>169</sup>

**verge** means the portion of the road reserve between the edge of the carriageway and the adjacent property boundary.

**vermin** see section 180 (Definitions) in the *Health Regulation 1996*.<sup>170</sup>

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<sup>168</sup> *Integrated Planning Act 1997*, schedule 10 (Dictionary)—

**use**, in relation to premises, includes any use incidental to and necessarily associated with the use of the premises.

<sup>169</sup> *Transport Operations (Road Use Management) Act 1995*, schedule 4 (Dictionary)—

**vehicle** includes any type of transport that moves on wheels and a hovercraft but does not include a train or tram.

<sup>170</sup> *Health Regulation 1996*, section 180 (Definitions)—

**vermin** means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

**vertical projecting wall sign** means an on-premises sign attached to and projecting from the facade of a building with the greater dimension being the projecting vertical distance.

**vessel** see schedule 4 (Dictionary) in the *Transport Operations (Road Use Management) Act 1995*.<sup>171</sup>

**view** means a range of sight toward an object of significance.

**visibility** means the ability of a space to see and be seen which ensures that a public place is subject to informal surveillance by the maximum number of people.

**visual impact** means a modification or a change that is incompatible with the scale, form, texture or colour of the existing natural or man made landscape.

**vulnerable area** means an area of the planning scheme area which may of itself attract crime and nuisance behaviour based on crime statistics or public perceptions of an unsafe place.

**vulnerable development** means a use which is—

- (a) an adult activity, a hotel or a detached bottle shop; or
- (b) in a vulnerable area which generates people movement or activity at times when there are less than normal business hour levels of informal surveillance or formal surveillance; or
- (c) operating after 10.00pm over a 24 hour period.

*Example* of paragraph (c)—An automatic teller machine, a public toilet, a telephone booth, a service station, an educational establishment and a public transport facility.

**vulnerable people** means persons or groups of persons who are likely to—

- (a) perceive themselves as being unsafe or insecure or at risk of violence in the community; and
- (b) be perceived by others to be vulnerable and therefore potential victims.

*Example* of vulnerable person—Persons with disabilities, older persons, students, ethnic minorities, young persons and women.

**vulnerable setting** means a setting which—

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<sup>171</sup> *Transport Operations (Road Use Management) Act 1995*, schedule 4 (Dictionary)—**vessel** means any ship, boat, punt, ferry, air cushion vehicle and every other kind of vessel used or apparently designed for use in navigation whatever may be the means of its propulsion.

- (a) is isolated or concealed; or
- (b) otherwise generates a poor perception of safety especially where regular after hours use is anticipated.

*Example of a vulnerable setting—*

- An access route to and from vulnerable development.
- An entrances and an exit to a venue and a car park.
- A concealment point and landscaping.

**waste** see section 13 (Waste) in the *Environmental Protection Act 1994*. The term includes a matter specified in a planning scheme policy.<sup>172</sup>

**waste container** means a weather proof container for the storage of waste which—

- (a) is vermin proof; and
- (b) can be readily cleansed; and
- (c) is constructed of a durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leak proof; and
- (f) minimises the loss of material into the environment.

**water quality** of receiving waters includes the physical, chemical and biological characteristics of the receiving waters.

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<sup>172</sup> *Environmental Protection Act 1994*, section 13 (Waste)—

**waste**—

- (1) **Waste** includes any thing, other than a resource approved under subsection (4), that is—
  - (a) left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or
  - (b) surplus to the industrial, commercial, domestic or other activity generating waste.

*Example of paragraph (a)—*

*Abandoned or discarded material from an activity is left over, or an unwanted by-product, from the activity.*

- (2) **Waste** can be a gas, liquid, solid or energy, or a combination of any of them.
- (3) A thing can be waste whether or not it is of value.
- (4) The administering authority may approve a resource, or a stated type of resource, for subsection (1) if its considers the resource, or type of resource, has a beneficial use other than disposal.

*Example of beneficial use for subsection (4)—*

*Re-using or recycling a resource.*

**water sensitive urban design** means a holistic design approach to the management of stormwater incorporating—

- (a) the protection and the enhancement of the environmental values of the receiving waters; and
- (b) the use of plants as a form of stormwater treatment; and
- (c) water conservation using the reuse of stormwater and the planting of native plants which are water efficient; and
- (d) a multi-disciplinary approach to the design of stormwater management; and
- (e) best practice environmental management.

**water service area** means the service area for the provision of a retail water service to customers declared under the *Water Act 2000*.

**water storage** means a dam or other constructed water improvement that is lawfully used as a source of water for a potable purpose or a non-potable purpose.

**water supply infrastructure** means infrastructure for water supply.

*Example* of water supply infrastructure – Water supply system and a water tank.

**water supply system** see schedule 6 (Dictionary) in the *Standard Plumbing and Drainage Regulation 2003*.<sup>173</sup>

**watercourse** see schedule 4 (Dictionary) in the *Water Act 2000*.<sup>174</sup>

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<sup>173</sup> *Standard Plumbing and Drainage Regulation 2003*, schedule 6 (Dictionary)—

**water supply system** means infrastructure to reticulate and supply water, whether or not used also to store or treat water, and consisting of water mains, property services and some or all of the following—

- (a) valves;
- (b) engines;
- (c) pumps;
- (d) structures;
- (e) machinery;
- (f) works not mentioned in paragraphs (a) to (e).

<sup>174</sup> *Water Act 2000*, schedule 4 (Dictionary)—

- (1) **Watercourse** means river, creek or stream in which water flows permanently or intermittently—
  - (a) in a natural channel, whether artificially improved or not; or
  - (b) in an artificial channel that has changed the course of the watercourse;but in any case, only—
  - (c) unless a regulation under paragraph (d), (e) or (f) declares otherwise—at every place upstream of the point (point A) to which the high spring tide ordinarily flows and reflows, whether due to a natural cause or to an artificial barrier; or



**waters** include—

- (a) surface waters; and
- (b) ground waters; and
- (c) the beds and banks of a watercourse; and
- (d) tidal waters.

**waterway** means—

- (a) a watercourse; or
- (b) tidal waters; or
- (c) a gully; or
- (d) a natural drainage path; or
- (e) a channel.

**waterway corridor** means the land, including plants, within 30 metres of—

- (a) the high or outer bank of a waterway; or
- (b) the centre line of the waterway where the bank is not visible.

**wetland** means a plant community which forms part of an area of permanent, periodic or intermittent inundation, whether natural or artificial, static or flowing, fresh, brackish or saline, including areas of marine water the depth of which at low tide does not exceed 6 metres.<sup>175</sup> The term—

- (a) does not include a water storage; and
- (b) does include—

- 
- (d) if a regulation has declared an upstream limit for the watercourse—the part of the river, creek or stream between the upstream limit and point A; or
  - (e) if a regulation has declared a downstream limit for the watercourse—the part of the river, creek or stream upstream of the limit; or
  - (f) if a regulation has declared an upstream and a downstream limit for the watercourse—the part of the river, creek or stream between the upstream and the downstream limits.
- (2) **Watercourse** includes the bed and banks and any other element of a river, creek or stream confining or containing water.

<sup>175</sup> This definition is from the *Strategy for the Conservation and Management of Queensland's Wetlands* (1999) prepared by the Environmental Protection Agency of the State of Queensland.

- (i) a wetland included in the wetland and waterway area; and
- (ii) a lake; and
- (iii) a lagoon.

*Example* of a wetland—A wetland may include an artificial wetland created by human endeavours whether directly or indirectly such as a stormwater quality improvement device, an old sand extraction area and detention basin.

**wildlife corridor** means habitat which provides for the movement of fauna and the exchange of genetic material and social interactions.

**woody stemmed plant** means a plant within which ligneous material has formed in the stem or the trunk of the plant.

**work** means development other than a material change of use or reconfiguring a lot.

**work code** see Part 3 (Work codes) of Chapter 5 (Assessment criteria for development of a stated purpose or of a stated type).

**worsening or nuisance** see Part 3.01(d) (Legal and town planning aspects) in QUDM<sup>176</sup>.

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<sup>176</sup> *Queensland Urban Drainage Manual*, part 3.10(d) (Legal and town planning aspects)—

**worsening or nuisance**—

Where, as a result of the development or drainage works the downstream owner suffers a loss of enjoyment of his property, or suffers actual physical damage to his property, this is considered to be worsening, or nuisance causing damage. This may be because of increased peak discharges, flood levels, frequency of flooding, sedimentation or scour effects, or increased duration of inundation.

It is important to understand some basic principles of law as outlined in two landmark cases (Gartner v. Kidman (1962) 108 CLR 12 and Rudd v. Hornsby Shire Council (1975) 31 LGRA 120)

- (a) An upstream proprietor cannot be held liable merely because surface water flows naturally from his land onto the lower land of his neighbour.
- (b) He may be liable if he causes the water flow in a more concentrated form than it naturally would.
- (c) A downstream owner, while he has not action against his higher neighbour because of the natural unconcentrated flow of water from his land, is not bound to receive it. However, he may do no more than is reasonably necessary to protect his enjoyment of his own land without injuring his neighbour and without diverting the surface water onto the land of a third proprietor.
- (d) He may recover damages, or in appropriate cases, obtain an injunction against the proprietor of higher land who may be liable because he has concentrated or altered the natural flow.
- (e) The carrying out of drainage works by a Local Authority on its own behalf under the Local Government Act or any other Act places a duty of care upon the Local Authority. Where a developer (or a Local Authority acting as developer) undertakes works under the subdivision of land provisions of the Local Government (Planning and Environment) Act or any Act under which the Local Authority is required to give its approval, a duty of care is placed upon both the Local Authority (as approving authority) and the developer.

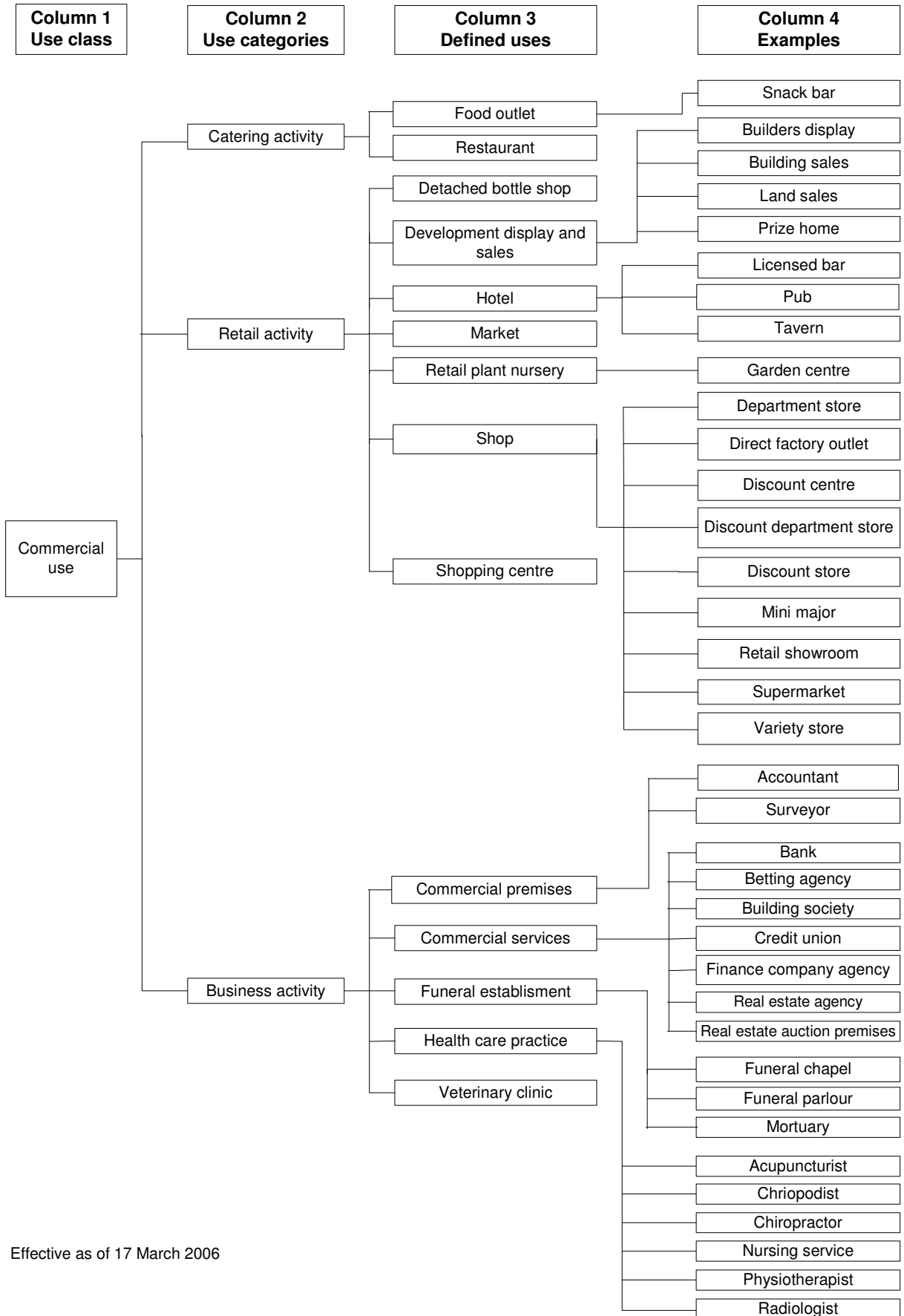
**zone** means an identified geographical area within the planning scheme area based on land use allocations into which a locality is divided by the planning scheme for the purposes thereof and which is identified on a localities and zones map.

**zone map (LZ Map)** means a map forming part of the planning scheme indicating the division of the planning scheme area into zones.

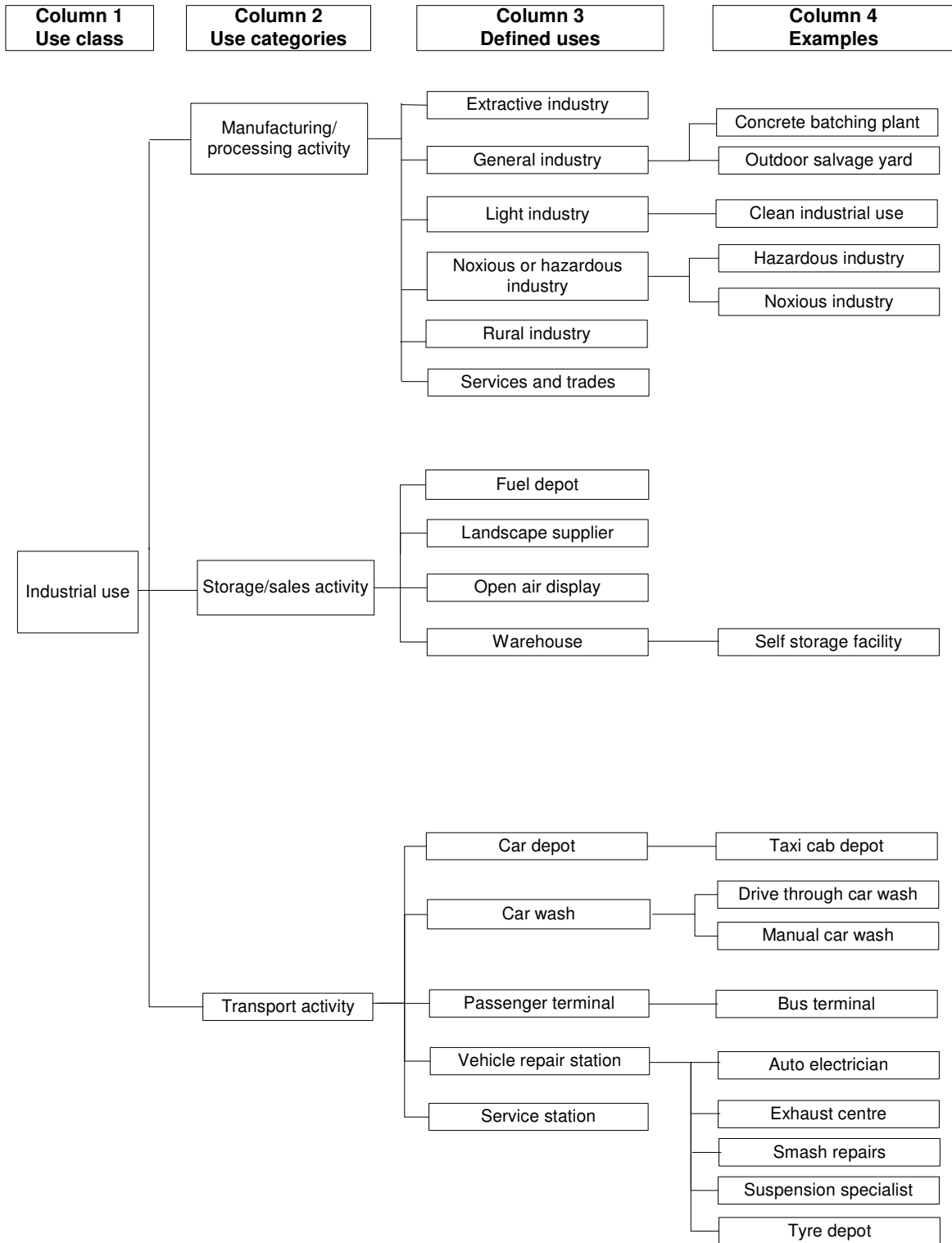
- 
- (f) It must also be emphasised that compensation paid to the property owner in respect of land or easement acquisition is merely payment for the right to discharge. Such payment is not intended to “compensate” for any potential nuisance which may be caused to the property owner as a result of the discharge. Any such nuisance may be actionable in law under legal principles. The presence of a compensation clause in an Act of Parliament should not be considered as the authorisation of a nuisance by a Statutory Authority.



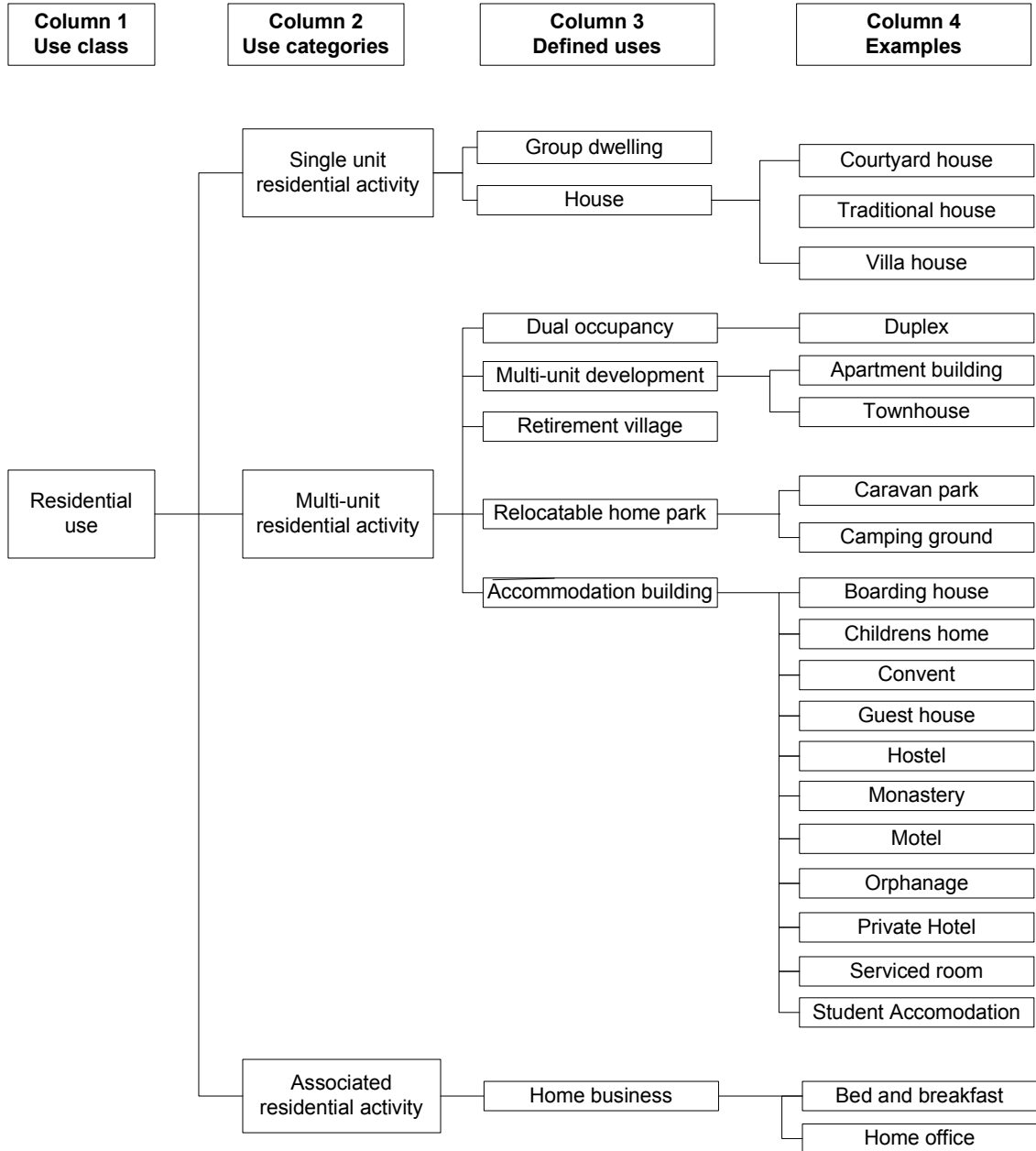
Figure 2.1A Commercial use



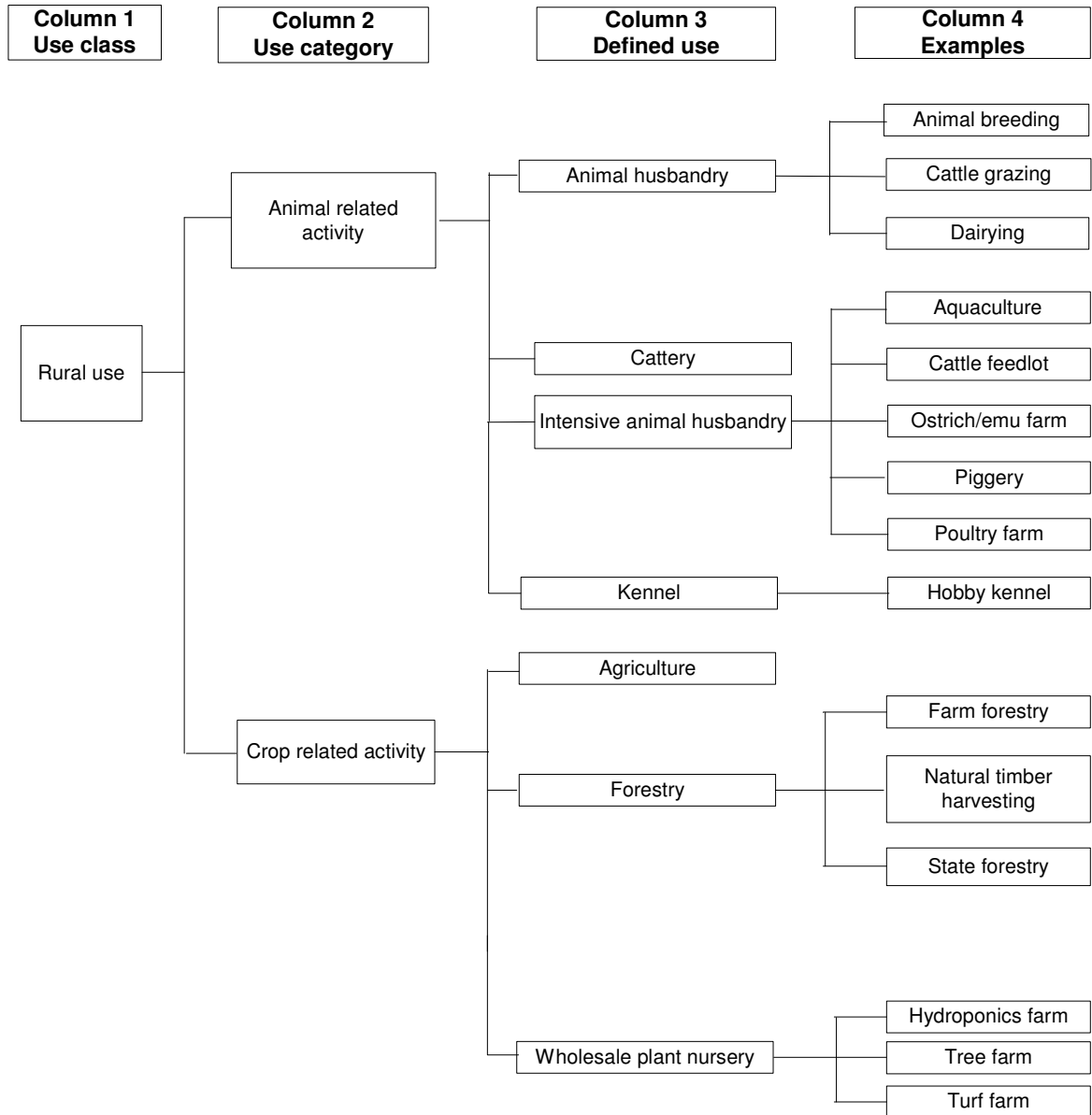
**Figure 2.1B Industrial use**



**Figure 2.1C Residential use**

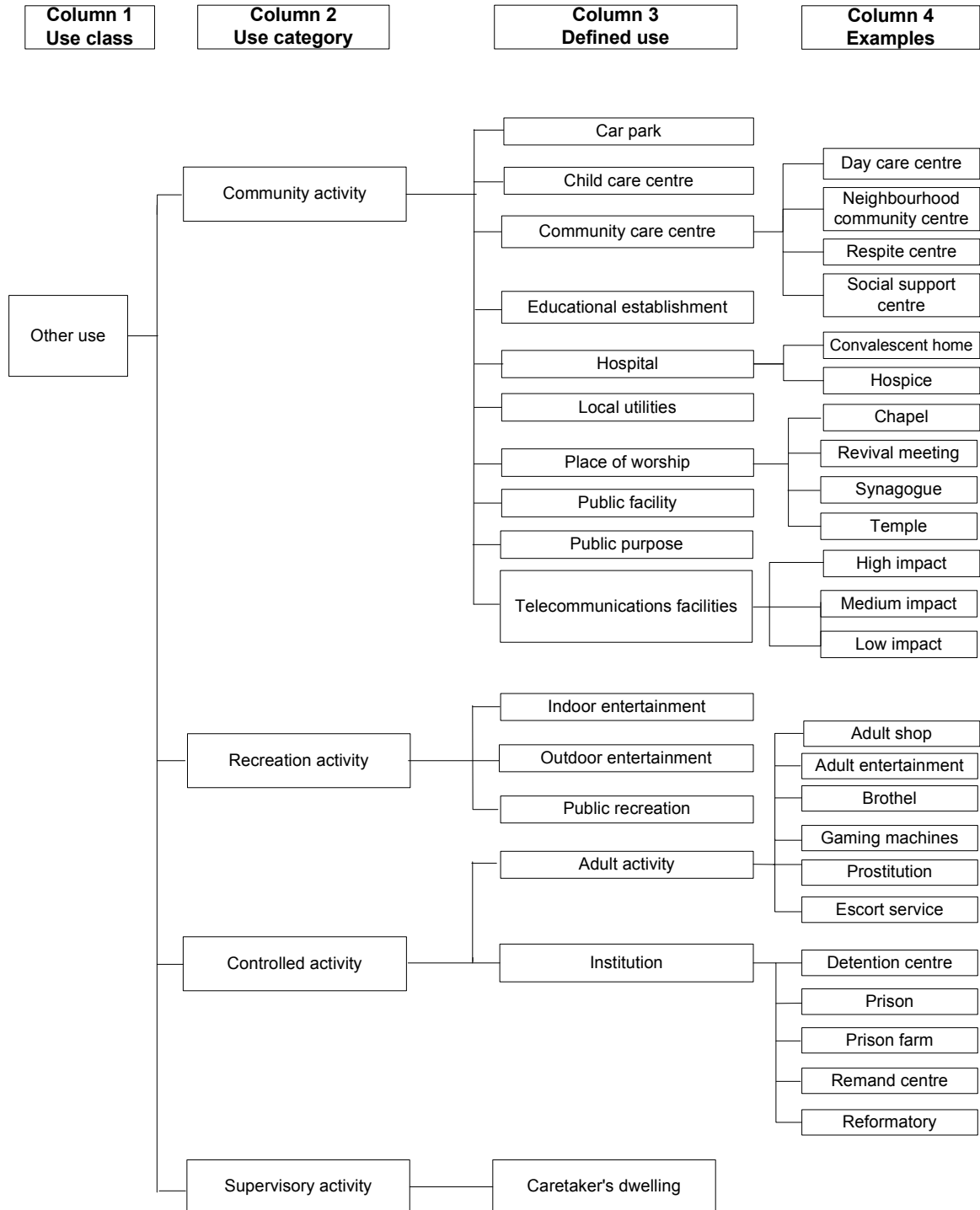


**Figure 2.1D Rural use**





**Figure 2.1E Other use**



## 2.2 Defined use activities

Table 2.2A (Defined use activities) in schedule 1 (Dictionary) identifies the purposes for which a material change of use is carried out which is defined in this section.

**Table 2.2A Defined use activities**

accommodation building	fuel depot	outdoor entertainment
adult activity	funeral establishment	passenger terminal
agriculture	general industry	place of worship
animal husbandry	group dwelling	public facility
car depot	health care practice	public purpose
car park	home business	public recreation
car wash	hospital	relocatable home park
caretaker's dwelling	hotel	restaurant
cattery	house	retail plant nursery
child care centre	indoor entertainment	retirement village
commercial premises	institution	rural industry
commercial services	intensive animal husbandry	service station
community care centre	kennel	services and trades
detached bottle shop	landscape supplier	shop
development display and sales	light industry	shopping centre
dual occupancy	local utilities	telecommunication facilities
educational establishment	market	vehicle repair station
extractive industry	multi-unit development	veterinary clinic
food outlet	noxious or hazardous industry	warehouse
forestry	open air display	wholesale plant nursery

**accommodation building** means the use of premises for providing residential accommodation in a rooming unit or a dwelling unit which is not a defined use. The use also includes an associated activity being—

- (a) a restaurant; or
- (b) the use of the premises for residential accommodation by any person engaged in the use of the premises; or
- (c) indoor entertainment being a function centre.

*Example* of an accommodation building—Boarding house, children's home, convent, guest house, hostel, monastery, motel, orphanage, private hotel, serviced rooms and student accommodation.

**adult activity** means the use of premises for—

- (a) an adult shop; or

- (b) the operation of adult entertainment as defined in section 103E(2) (Adult entertainment code) in the *Liquor Act 1992*<sup>177</sup> by a person who is required to be approved by the State government; or
- (c) a brothel; or
- (d) the operation of gaming machines as defined in schedule (Dictionary) in the *Gaming Machine Act 1991*<sup>178</sup> or entertainment machines by a person who is required to be approved by the State government; or
- (e) prostitution; or
- (f) an escort service.

**agriculture** means the use of premises for the growing of agricultural produce which is not grown for the primary purpose of consumption by the occupiers of the premises. The use also includes an associated activity being—

- (a) horticulture, viticulture and the like; or
- (b) the carrying out of irrigation work, drainage work and other physical improvements being a building and a structure.

**animal husbandry** means the use of premises for the keeping, breeding or depasturing of animals being birds, insects, reptiles and other animals, other than domestic animals, whether or not the animal is temporarily enclosed in a building or a structure.

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<sup>177</sup> *Liquor Act 1992*, section 103E(2)—  
**adult entertainment**—

- (1) The code prescribes the live entertainment that may be performed for an audience, by a person performing an act of an explicit sexual nature (adult entertainment), on licensed premises or premises to which a general purpose permit or restricted club permit relates under an adult entertainment permit.
- (2) Adult entertainment does not include the performance of the following acts—
  - (a) sexual intercourse;
  - (b) masturbation;
  - (c) oral sex.

<sup>178</sup> *Gaming Machine Act 1991*, schedule (Dictionary)—

**gaming machine** means any device that is so designed that—

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
  - (b) it may be operated, wholly or in part—
    - (i) by the insertion of a gaming token into the device; or
    - (ii) by the use of gaming machine credits; or
    - (iii) by the electronic transfer of credits of gaming machine tokens to the device; or
    - (iv) by the use of gaming tokens held, stored or accredited by the device or elsewhere; and
  - (c) because of making a bet on the device, winnings may become payable;
- but does not include any device declared under section 343 not to be a gaming machine.

*Example* of animal husbandry—Animal breeding, bee keeping, cattle grazing and dairying.

**car depot** means a use of premises for the storage of a motor vehicle whether or not the motor vehicle is available for hire. The use also includes an associated activity being a vehicle repair station limited to the servicing of a motor vehicle stored on the premises.

*Example* of a car depot—A taxi cab depot.

**car park** means the use of premises for the parking of a motor vehicle whether or not a fee is charged, where the parking is not required by a lawful use of the premises.

**car wash** means the use of premises for the sale of a service being the cleaning or detailing of a motor vehicle.

*Example* of a car wash—A drive through car wash and a manual car wash.

**caretaker's dwelling** means the use of premises for one dwelling unit on one lot for caretaking purposes associated with a non-residential use on the same premises.

**cattery** means the use of premises for the keeping (including breeding, boarding or training) of more than 4 cats.

**child care centre** see schedule 2 (Dictionary) in the *Child Care Act 2002*.<sup>179</sup>

**commercial premises** means the use of premises for an office associated with—

- (a) an administrative, secretarial or management service; or
- (b) the practice of a profession (other than as part of a health care practice).

*Example* of a commercial premises to which paragraph (a) applies—Premises used by a modelling agency and serviced offices.

*Example* of a commercial premises to which paragraph (b) applies—Premises used by an accountant, a lawyer, a surveyor and an engineer.

**commercial services** means the use of premises for a business which advertises or displays its business for direct dealings with the public.

*Example* of commercial services—A bank, building society, credit union, finance company agency, real estate agency, real estate auction premises and a betting agency such as the TAB.

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<sup>179</sup> *Child Care Act 2002*, schedule 2 (Dictionary)—

**child care centre** means the premises in which child care is provided under a licence for a centre based service.

**community care centre** means the use of premises, not involving residential accommodation or a child care centre, for the supervision, assistance or care of persons.

*Example* of a community care centre—A day care centre, a neighbourhood community centre, a respite centre and a social support centre.

**detached bottle shop** means the use of premises for the retail sale of liquor where the premises is required to be licensed under the *Liquor Act 1992*.

**development display and sales** means the use of premises for—

- (a) a builder's display; or
- (b) building sales; or
- (c) land sales; or
- (d) a prize home.

*Example* of a display home—A builders display home and an art union prize home.

**dual occupancy** means the use of premises for providing residential accommodation being—

- (a) a building comprising only 2 lots used for dwelling units; or
- (b) land comprising a lot used for only 2 dwelling units.

*Example* of a dual occupancy—Duplex.

**educational establishment** means the use of premises being a non-state school, college, university, technical institute, academy, public lecture hall or similar educational centre. The use also includes an associated activity being—

- (a) a community activity that is a community care centre or a place of worship; or
- (b) a recreation activity that is outdoor entertainment or indoor entertainment; or
- (c) a health care practice.

**extractive industry** means premises used for—

- (a) extracting gravel, rock, sand, stone, soil or a similar substance from the place where it occurs naturally, not being an extractive activity which is subject to the *Mineral Resources Act 1989*; or
- (b) the storage, crushing, screening, processing, blending or treatment (not involving a concrete batching plant) of material extracted from the premises

pursuant to paragraph (a) or from other premises which is used for an extractive industry; or

- (c) the transport of material extracted from the premises pursuant to paragraph (a) or extracted from other premises which is used for an extractive industry.

**food outlet** means the use of premises for the preparation and sale to the public of food, whether or not it is consumed on the premises.

**forestry** means the use of premises for the planting, growing or harvesting of trees as a commercial venture.

*Example of forestry*—Farm forestry, natural timber harvesting and State forestry.

**fuel depot** means the use of premises for the storage and wholesale distribution of a petroleum product or other flammable fuel.

**funeral establishment** means the use of premises for an undertaker in carrying out that person's occupation.

*Example of a funeral establishment*—A funeral depot, funeral parlour and mortuary.

**general industry** means the use of premises for an industry which is not defined as an extractive industry, services and trades, light industry, noxious or hazardous industry or a rural industry.

*Example of a general industry*—A concrete batching plant, a brewery, the manufacturing of a vehicle or machinery, a food processing plant and a salvage yard which is carried out in a predominantly outdoor setting.

**group dwelling** means the use of premises for providing residential accommodation being a building comprising one dwelling unit on one lot where the household involves—

- (a) unrelated persons who require supervision, assistance or care; and
- (b) adults residing on the premises providing such supervision, assistance or care.

*Example of a group dwelling*—A half-way house or a house for physically or intellectually impaired persons or persons recovering from a psychiatric illness.

**health care practice** means the use of premises for the medical or para-medical care and treatment of a person not resident on the premises. The use also includes an associated activity being a shop where the GLA does not exceed 100m<sup>2</sup>.

*Example of a health care practice*—Acupuncturist, chiropodist, chiropractor, nursing service, physiotherapist and radiologist.

**home business** means the use of premises comprising a dwelling unit for a business where the business is—

- (a) operated by a person who is permanently residing in the dwelling unit; and
- (b) subordinate to the use of the dwelling unit.

*Example* of a home business—A bed and breakfast, commercial cooking, hairdresser, home office, sewing and alterations, photography studio, playgroup and recording studio.

**hospital** means the use of premises for the medical care or treatment of a sick or injured person (whether or not the person temporarily resides on the premises). The use also includes an associated activity being—

- (a) a community activity being a child care centre, a community care centre, an educational establishment and a place of worship; or
- (b) a recreation activity that is outdoor entertainment or indoor entertainment; or
- (c) a health care practice; or
- (d) the use of the premises for residential accommodation by any person engaged in the use of the premises; or
- (e) a food outlet; or
- (f) a shop where the GLA does not exceed 100m<sup>2</sup>; or
- (g) a funeral establishment.

*Example* of a hospital—A convalescent home and a hospice.

**hotel** means the use of premises for the retail sale of liquor which is the subject of a general licence under the *Liquor Act 1992*. The use includes an associated activity being—

- (a) a food outlet; or
- (b) a restaurant; or
- (c) indoor entertainment; or
- (d) a micro-brewery; or
- (e) a betting agency; or
- (f) the use of premises for residential accommodation.

*Example* of a hotel—A licensed bar, a pub and a tavern.

**house** means the use of premises providing residential accommodation being a building comprising one dwelling unit on one lot. The use also includes an associated activity being—

- (a) family day care; and
- (b) an annexed unit; and
- (c) other buildings and structures including a swimming pool, a garage, a carport, shed, greenhouse and the like.

*Example* of a house—A courtyard house, a traditional house and a villa house.

**indoor entertainment** means the use of premises which occurs primarily indoors for—

- (a) any form of entertainment, game, recreation or sport; or
- (b) an activity of an incorporated or unincorporated association of persons.

The use also includes an associated activity being—

- (a) a food outlet; or
- (b) a restaurant; or
- (c) a betting agency where the premises is the subject of a licence under the *Liquor Act 1992*; or
- (d) the sale to the public of liquor pursuant to a licence under the *Liquor Act 1992*; or
- (e) a shop where the GLA does not exceed 100m<sup>2</sup> and involves the sale of a good or a service related to an activity which characterises the use of the premises; or
- (f) a spa pool, sauna, solarium or other sport or recreation facility.

*Example* of an indoor entertainment activity—An amusement arcade containing automatic or other machines intended for entertainment or amusement; art gallery; billiard saloon; bowling centre; cinema; circus (indoor); concert hall; convention centre; dance hall; exhibition hall; function centre; gymnasium; indoor cricket; indoor swimming pool (public); licensed club; meeting hall (not being a place of worship); museum; nightclub; skating rink (indoor); squash court; stadium; theatre; tourist attraction (indoor); a youth centre; exposition and organised indoor events such as a fashion parade, an organised party, a school formal and award presentations.

**institution** means the use of premises—

- (a) for the care, treatment or residential accommodation of a mentally ill person admitted thereto pursuant to legislation; or



- (b) for the detention, reform or training of a person admitted thereto pursuant to legislation.

*Example* of an institution to which paragraph (b) applies—A detention centre, prison, prison farm, remand centre, and reformatory.

***intensive animal husbandry*** means the use of premises for the keeping (including the breeding, feeding and watering) of an animal (other than the keeping of a domestic animal) being—

- (a) cattle, sheep, goats, deer, alpacas, kangaroos and the like, in permanent stables, stalls, compounds or yards as distinct from the keeping of such animals on a range or green pasture; or
- (b) horses for commercial uses; or
- (c) a pig; or
- (d) more than twenty poultry including duck, geese, fowl, turkey and their young; or
- (e) more than one hundred birds (other than those referred to in paragraph (d) and (f)) not including their chicks; or
- (f) ostriches, emus and the like; or
- (g) fish or other aquatic species as part of aquaculture.

*Example* of an intensive animal husbandry—Aquaculture, cattle feedlot, ostrich/emu farm, piggery and poultry farm.

***kennel*** means the use of premises for the keeping (including breeding, boarding or training) of 5 or more dogs.

*Example* of a kennel—A hobby kennel.

***landscape supplier*** means the use of premises for the sale to the public of landscape supplies such as horticultural products, sand, soil, screenings, timber logs, sleepers and other garden and landscaping materials.

***light industry*** means the use of premises for carrying on an industry being—

- (a) an activity specified in column 1 of Table 2.2B (Light industry) in schedule 1 (Dictionary); or
- (b) the preparation, manufacture or assembly of a good specified in column 2 of Table 2.2B (Light industry) in schedule 1 (Dictionary); or
- (c) the mixing, blending or packaging of a good specified in column 3 of Table 2.2B (Light industry) in schedule 1 (Dictionary).

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The term includes an associated activity being a shop where the GLA does not exceed 10% of the total GLA of the development and involves the sale of a good related to an activity which characterises the use of the premises.

**Table 2.2B Light industry**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Bookbinding. Cabinet making or shop fitting. Contractor's yard. Light engineering workshop (light). Engraving other than by hand. Film studio. Glass cutting or silvering. Milk depot. Paint storage (not being a noxious or hazardous industry). Panel beating (not being part of a vehicle repair station). Salvage yard which is carried out in a predominantly indoor setting. Signwriting. Spray painting where in a totally enclosed building or booth (not being part of a vehicle repair station). Stereo type making. Timber yard (not being a sawmill). Transport terminal.	Aids and appliances for disabled persons. Artificial flowers. Blinds. Brooms, brushes, bristle or hair goods. Cameras or other portable photographic equipment. Canvas goods, tents and camping soft goods. Clocks and watches. Clothing and clothing accessories. Coir goods. Confectionary. Cork goods. Cosmetics. Doors, windows and the like. Drawing or writing goods. Electrical advertising signs Felt goods. Fibreglass products. Footwear. Fur goods. Furniture. Leadlights. Musical instruments. Paper goods, paper board goods. Small goods. Sports equipment (other than ammunition, a vehicle and a water craft). String and string goods. Textile goods. Travelling bags. Twine and twine goods. Umbrellas.	Food, drink or tobacco. Stock or poultry foods. Printing and paper products.

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Column 1	Column 2	Column 3
	Wire goods (other than barbed wire, wire mesh, wire netting, wire rope and cable).	

*Example* of a light industry—A clean industrial use.

**local utilities** means the use of premises for an activity by—

- (a) the local government; or
- (b) a joint local government of which the local government is a component local government; or
- (c) a corporatised corporation under the *Local Government Act 1993*; or
- (d) a permissible company, a partnership or an association of persons formed by the local government pursuant to the *Local Government Act 1993*<sup>180</sup>; or
- (e) an authority established under a local law; or
- (f) a person authorised by the local government for the purpose of assisting the local government in the exercise of the local government's jurisdiction to ensure the good rule and government of its territorial unit<sup>181</sup>.

The use includes an activity which would otherwise be a separately defined use if it was not being carried out by an entity referred to in paragraphs (a) to (f).

*Example* of paragraph (f) – Identilite street signs, bus seats and bus shelters erected by a person other than the local government pursuant to a contract with the local government on which is exhibited advertising.

**market** means the use of premises for the sale of readily portable goods, arts or crafts, produce and the like to the public from a temporary stall or a structure not enclosed within a building.

*Example* of a market—A fresh fruit stall, car boot sale, a swap meet and a flea market.

**multi-unit development** means the use of premises for providing residential accommodation being—

- (a) a building comprising more than 2 lots used for dwelling units; or

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<sup>180</sup> See section 25 (Jurisdiction of local government) of the *Local Government Act 1993*.

<sup>181</sup> See section 497 (Specific enterprise powers) of the *Local Government Act 1993*.

- (b) land comprising a lot used for more than 2 dwelling units.

*Example* of a multi-unit development—An apartment building and a townhouse.

***noxious or hazardous industry*** means the use of premises for carrying on an industry—

- (a) specified in column 1 of Table 2.2C (Noxious or hazardous industry) in schedule 1 (Dictionary), whether or not the activity is ancillary to a predominant activity; or
- (b) being the manufacture of a good specified in column 2 of Table 2.2C (Noxious or hazardous industry) in schedule 1 (Dictionary); or
- (c) which requires isolation from a building or area of human activity or occupation because of the adverse impact such an activity might have on the amenity of the building or area or the health of its occupants.

The use does not include an activity which is ancillary to an extractive industry, salvage yard or concrete batching plant unless the activity is specified in paragraph (a).

*Example* of a noxious or hazardous industry—A hazardous industry and a noxious industry.

**Table 2.2C Noxious or hazardous industry**

Column 1	Column 2
Cleaning, descaling or treatment of metal or masonry or other articles by abrasive blasting other than by a wet process or other than in a totally enclosed booth or a building.	Acids, alkalis and chemical products.
A process of cleaning, descaling or treatment by immersion in a chemical bath of timber, plastics, alloys, non-ferrous and ferrous metals, and the like.	Ammunition and explosives.
The manufacture of coal products or charcoal products as fuel for use in slow combustion engines, barbecues and household fireplaces.	Asbestos products.
Crushing or screening recycled building materials, stone, gravel or sand.	Chemicals where there is a risk of explosion or the escape of toxic gas or fire or a potential combination of such events.
Handling coal, gravel, sand, crushed stone, or recycled materials by mechanical installation except where the handling of such materials is	Cement or lime.
	Flock.
	Flammable or combustible liquids by refining and including any products composed of flammable or combustible liquid and resins, waxes or pigments.
	Natural gas as defined in the <i>Petroleum Act 1923</i> <sup>182</sup> but not including carbonated water gas,

<sup>182</sup> *Petroleum Act 1923*, section 2 (Definitions)—

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Column 1	Column 2
<p>fully enclosed.</p> <p>Heat treatment in a kiln of minerals (including clay), timber, or the products of powder metallurgical processes.</p> <p>Hot dip galvanising, electroplating, electrostatic coating of metals or manufactured goods or processes of a like nature.</p> <p>An incinerator being a specifically designed structure which consumes or is capable of consuming in excess of one tonne of material per hour, whether or not the activity is ancillary to a use not being a crematorium.</p> <p>The preparation of foods for animal consumption by cooking, refining, purifying, irradiation, extracting, smoking, curing, salting, dehydrating, conserving or like means.</p> <p>Processing natural rubber and manufactured rubber compound products by heat or vulcanisation.</p> <p>The processing or treatment of animal, fish or bird carcasses or parts of them by boiling, heating, washing, crushing, burial, tanning or scouring other than in the production of foods and including the extraction of fat and the production of animal by-products including glue.</p> <p>The processing of raw plastic.</p> <p>The slaughtering of livestock at an abattoir, slaughter-house or knackery, or poultry shed.</p> <p>High temperature processes of smelting, alloying or refining of metals, ores or semi-processed ores (including the reclamation of metal from scrap).</p> <p>The storage of bones, hides, skins or tallow.</p> <p>The storage of radioactive or toxic material or the manufacture of isotopes or irradiated material (other than food) or devices.</p> <p>The tanning and curing of animal and reptile skins or hides.</p> <p>Woolscouring.</p>	<p>producer gas or water gas where those gases are immediately used by a gas engine.</p> <p>Photographic film other than non-flammable film.</p> <p>Poisons listed in schedules 5, 6 or 7 of <i>The Poisons Regulations of 1973</i>.</p> <p>Soap (where there is an extraction of fat).</p> <p>Solder.</p> <p>Tar.</p> <p>Zinc oxide by the continuation of a smelting process.</p>

*natural gas* means gas consisting primarily of hydrocarbons and obtained from boreholes or from crude oil.

***open air display*** means the use of premises for the sale in a predominantly outdoor setting of a good, vehicle, equipment or machinery of a bulky nature. The use also includes an associated activity being an industry limited to running repairs of a minor nature of a good, vehicle, equipment or machinery sold on the premises.

*Example* of a good, vehicle, equipment or machinery of a bulky nature—Agricultural equipment and machinery, boats, caravans, machinery, motor vehicles, swimming pools, trailers and trucks.

***outdoor entertainment*** means the use of premises for any form of entertainment, game, recreation or sport which occurs primarily outdoors and for which admission is limited by a charge, an invitation or the like. The use also includes an associated activity being—

- (a) a food outlet where the GLA does not exceed 50m<sup>2</sup> and involves a kiosk or a light refreshment booth; or
- (b) the sale to the public of liquor pursuant to a licence under the *Liquor Act 1992*; or
- (c) a shop where the GLA does not exceed 100m<sup>2</sup> and involves the sale of a good or a service related to an activity which characterises the use of the premises; or
- (d) a spa pool, sauna, solarium or other sport or recreation facility.

*Example* of an outdoor entertainment activity—Boating; cycling track; drive-in theatre or outdoor film or theatre; equestrian centre; golf course; golf driving range; playing fields (where enclosed and a fee is charged for admission); race track; rifle or pistol range; swimming pool; tennis court; tourist attraction (outdoor); trail or mountain bike riding; trotting track; waterslide; zoo; fetes, fairs; carnivals; an animal related event such as an animal nursery, a dog show or trial, gymkhana, and a rodeo; concert; jamboree; motor vehicle event such as a car or bike show; fireworks; propagating plant event such as a flower show; orienteering and outdoor activities such as a sporting event.

***passenger terminal*** means the use of premises for the assembly and dispersal of passengers prior to or subsequent to their transportation.

*Example* of a passenger terminal—A bus terminal.

***place of worship*** means the use of premises for religious services. The use also includes an associated activity being—

- (a) a community activity being a carpark, a child care centre and an educational establishment; or
- (b) a recreational activity; or
- (c) the use of the premises for residential accommodation by any person engaged in the use of the premises; or

- (d) a shop where the GLA does not exceed 100m<sup>2</sup> and involves the sale of a good or a service related to an activity which characterises the use of the premises.

*Example* of a place of worship—A cathedral, a chapel, a church, a mosque, a revival meeting, a synagogue and a temple.

**public facility** means the use of premises by the Crown or an instrumentality of the Crown for a state school or a police beat.

**public purpose** means the use of premises by the Crown or an instrumentality of the Crown for a use which is not a defined use.

*Example* of a public purpose—A rail transport activity or a road transport activity.

**public recreation** means the use of premises for any form of entertainment, game, recreation, or sport which occurs on a public place or land owned by the Crown or a legal entity as trustee, for a public purpose. The use also includes an associated activity being a food outlet where the GLA does not exceed 50m<sup>2</sup> and involves a kiosk or a light refreshment booth.

*Example* of premises used for public recreation—Botanical garden; children's playground; environmental education, conservation, heritage and landscape amenity; fauna and flora sanctuary; park; public picnic ground; playing field or court (where unenclosed and no fee is charged); and youth group activity (including boy scouts, girl guides and police youth groups whether or not such purposes have limited or controlled access); community film event.

**relocatable home park** means the use of premises for residential accommodation which comprises the establishment of a relocatable home, a caravan which is not an annexed unit or a tent. The use also includes an associated activity being—

- (a) a shop where the GLA does not exceed 100m<sup>2</sup> which caters exclusively for the residents of the relocatable home park; or
- (b) the use of the premises for residential accommodation by any person engaged in the use of the premises; or
- (c) indoor entertainment which caters exclusively for the residents of the relocatable home park; or
- (d) outdoor entertainment which caters exclusively for the residents of the relocatable home park.

*Example* of a relocatable home park—A caravan which is not an annexed unit which is used for residential accommodation, a caravan park and a camping ground.

**restaurant** means the use of premises for the regular supply, by table service, of substantial meals to the public, primarily for consumption on the premises. The use also includes an associated activity being—

- (a) the provision of takeaway meals; or
- (b) the provision of music, entertainment and dancing.

**retail plant nursery** means the use of premises for the propagation and sale to the public of a plant. The use also includes an associated activity being a shop limited to the sale of gardening materials (such as seeds and other propagative plant material, fertiliser, weed control mixtures and bagged potting mix) and limited landscaping materials (such as paving blocks and concrete and timber products).

**retirement village** means the use of premises for residential accommodation exclusively by elderly or retired persons, where the premises—

- (a) include dwelling units, rooming units or nursing home facilities; and
- (b) provide on the premises, social and recreational facilities, including communal facilities; and
- (c) are of an integrated design and layout and are managed.

**rural industry** means the use of premises for the handling, treating, processing or packing of primary products produced on the land. The use also includes an associated activity being the servicing of plant and equipment used for the use of the premises.

**service station** means the use of premises for the storage and retail distribution of fuel for motor vehicles, the retail sale of petroleum products, motor vehicle parts and accessories, prepared food, beverages and motorist related products and the supply of compressed air. The use also includes an associated activity being—

- (a) a car wash being the manual washing of a motor vehicle; or
- (b) an open air display being the hiring of—
  - (i) not more than 2 motor vehicles; or
  - (ii) a trailer with a capacity of not more than 1 tonne.

**services and trades** means the use of premises for carrying on an industry being an activity which is—

- (a) specified in column 1 of Table 2.2D (Services and trades) in schedule 1 (Dictionary); or
- (b) the preparation, manufacture or assembly of a good specified in column 2 of Table 2.2D (Services and trades) in schedule 1 (Dictionary); or
- (c) the servicing, repairing or restoring of a good—



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- (i) specified in column 3 of Table 2.2D (Services and trades) in schedule 1 (Dictionary); or
- (ii) which is easily carried or conveyed by hand.

The use also includes an associated activity being a shop that involves the sale of a good related to an activity which characterises the use of the premises.

**Table 2.2D Service and trades**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Computer processes. Contract cleaning (depot only). Dressmaking, tailoring and millinery, including repairs and alterations. Engraving by hand. Laundering, dry cleaning or dyeing. Plan printing, document duplicating or copying. Photographic film processing. Picture framing. Painting. Screen printing.	Dental goods. Jewellery. Keys. Leather goods. Toys.	Aids and appliances for disabled persons. Antiques. Artificial flowers. Bicycles. Blinds. Brooms, brushes, bristles or hair goods. Cameras and other portable photographic equipment. Canvas goods, tents and camping soft goods. Clocks and watches. Coir goods. Cork goods. Dental goods. Electrical appliances. Fibreglass products. Footwear. Fur goods. Furniture. Gas appliances for domestic use. Jewellery. Leadlights. Leather goods. Locks. Mowers (including motor mowers) and garden appliances. Musical instruments. Optical goods (being spectacles and the like).

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Column 1	Column 2	Column 3
		Portable domestic appliances. Power tools. Scientific instruments. Sewing machines. Sewing machines. Sports equipment (other than ammunition, vehicles and water craft). Textile goods. Toys. Travelling bags. Twine and twine goods. Umbrellas.

**shop** means the use of premises, for the sale of a good or the provision of a personal service to the public, which is not a defined use. The use also includes an associated activity being the storage on the premises of the good being sold.

*Example* of a shop—An activity being a retail showroom, a department store, discount department store, variety store, mini-major, a direct factory outlet store and a supermarket.

**shopping centre** means the use of premises for a shop being a department store, discount department store, variety store, mini-major, a direct factory outlet store, a supermarket or other similar premises in conjunction with 1 or more shops, not being retail showrooms, which function as an integrated unit. The use also includes an associated activity being—

- (a) commercial premises; or
- (b) commercial services; or
- (c) food outlet; or
- (d) health care practice; or
- (e) restaurant; or
- (f) services and trades; or
- (g) veterinary clinic.

**telecommunication facilities** means the use of premises for a facility as defined in section 7 (Definitions) in the *Telecommunications Act 1997*.<sup>183</sup>

*Example* of telecommunication facilities—Telecommunication facilities (high impact), telecommunication facilities (medium impact) and telecommunication facilities (low impact).

**vehicle repair station** means the use of premises for an industry being the servicing of, the repairing of or the fitting of a part or accessory to a motor vehicle, a boat, agricultural machinery, a caravan and the like. The use also includes an associated activity being a shop where the GLA does not exceed 100m<sup>2</sup>.

The term does not include an activity ancillary to the use of a dwelling unit being day to day maintenance of a motor vehicle which is owned by the occupier of the premises and normally parked on the premises for use by the occupier of the premises.

*Example* of a vehicle repair station – A smash repairs, a tyre depot, auto electrician, suspension specialist and an exhaust centre.

**veterinary clinic** means the use of premises for the treatment of animals and domestic animals by a veterinarian. The use also includes an associated activity being the overnight accommodation of an animal on the premises.

**warehouse** means the use of premises for—

- (a) the storage and wholesale distribution of a good (other than a petroleum product or other flammable fuel); or
- (b) a self-storage facility.

The use also includes an associated activity being a shop that involves the sale of a good related to an activity which characterises the use of the premises.

**wholesale plant nursery** means the use of premises for the propagation and sale (other than to the public) of a plant.

*Example* of a wholesale plant nursery—A hydroponic farm tree farm, and a turf farm.

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<sup>183</sup> *Telecommunications Act 1997, section 7 (Definitions)*—**facility** means—

- (a) any part of the infrastructure of a telecommunications network; or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.