

## **SCHEDULE 1 (CLAUSE 1.9) – INTERPRETATIONS**

This Schedule comprises two sets of definitions, 1. General Definitions and 2. Land Use Definitions.

### **1. GENERAL DEFINITIONS**

**absolute majority** : shall have the same meaning as given to the term in and for the purposes of the Local Government Act 1995.

**Act** : means the Town Planning and Development Act, 1928 (as amended).

**advertisement** : includes any sign or advertising device, and the term “advertising sign” has a corresponding meaning.

**advertising** : means the publication, display or presentation of any advertisement.

**advertising device** : means any object or structure on which any word, number, figure, image, drawing, representation or message whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed, or on which provision is made for the same, for the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever, and includes any airborne device anchored to any land or building or any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever.

**Agreed Detailed Area Plan** : means a Detailed Area Plan adopted and certified under the provisions of Clause 9.14 of the Scheme.

**Agreed Structure Plan** : means a structure plan adopted under the provisions of Part 9 of the Scheme.

**amenity** : means all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.

**amusement machine** : means any machine, game, device or games table, whether mechanical, electronic or computer powered, or a combination of these, operated by one or more players for amusement and recreation.

**applicant** : means a person who is applying or has applied to the Council for Planning Approval.

**battle-axe lot** : means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

**bay** see “car parking bay”

**building** : means any structure or appurtenance thereto whether fixed or moveable, temporary or permanent, and without limiting the generality of the foregoing includes a shed, stall, fence, wall, barrier, hoarding, outbuilding, tent, caravan or swimming pool.

**Building Code of Australia** : means the Building Code of Australia (as amended).

**building envelope** : means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings (not including boundary fences) and effluent disposal facilities on the lot must be contained.

**car parking bay** : means that area of a lot which is required for the parking of a stationary motor vehicle to the minimum dimensions specified by the Scheme, constructed and paved to the specifications set down by the Council and includes where the context permits an area considered appropriate by the Council for access and manoeuvring on the site to allow a vehicle to gain access to a parking bay but does not include crossovers, service areas and landscaping. The terms bay and parking bay have the same meaning.

**carry on** : means in connection with the use or other development of land the same as “carry out”.

**carry out** : means in connection with the use or other development of land the same as “carry on”.

**Cell** or **Cells** for the purpose of Part 10 of this Scheme means those parts of the Scheme area located in East Wanneroo identified by reference to the Draft Local Structure Plan submitted to Council on 10 September 1997 or as subsequently amended by an Agreed Structure Plan or Plans.

**Cell Account** or **Cell Accounts** for the purpose of Part 10 of this Scheme are the accounts into which the Cell Costs contributions of owners of land in such Cells are to be placed.

**Cell Costs** for the purpose of Part 10 of this Scheme are the costs of undertaking and completing the Cell Works.

**Cell Works** for the purpose of Part 10 of this Scheme are those general and specific works described in Schedule 9.

**City** : means the City of Wanneroo.

**Codes** : means the Residential Design Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1. The terms R Codes and Residential Codes have the same meaning.

**commercial vehicle** : means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any wheeled attachment to any of them or any wheeled article designed to be an attachment to any of them, and any bus or omnibus or any earthmoving machine whether self-propelled or not. If a truck, prime mover or other vehicle is attached to a trailer, semi-trailer or any other attachment, each trailer, semi-trailer or other attachment is to be regarded as a separate commercial vehicle. A loaded combination, such as a bobcat, forklift or other vehicle or attachment loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a

passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

**Commission** : means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).

**community purpose** : means the use of premises designed or adapted primarily for the provision of education, social, cultural and recreational facilities and services by organisations involved in activities for community benefit.

**conservation** : means, in relation to any place on the Heritage List (Clause 5.2.2), the management of that place in a manner that will:

- (a) enable the cultural heritage significance of that place to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting.

**Contributing Land** : means all land capable of being subdivided or developed by an Owner contained with a Cell referred to in Part 10 of the Scheme.

**convenience goods** : means goods sold or offered for sale by retail, and being goods ordinarily consumed on a regular basis by people residing in or resorting to the locality and includes food and other articles of household use, pharmaceutical products, newspapers and magazines.

**Council** : Council means the Council of the City of Wanneroo.

**cultural heritage significance** : has the same meaning given to the term in the Heritage of Western Australia Act 1990.

**curtilage** : in relation to a dwelling means the yard of the dwelling; or an area in the immediate vicinity of the dwelling, situated on the same lot as, and used for purposes ancillary to, the dwelling. The curtilage shall not include the area located between the frontage and the dwelling. The term shall have a like meaning in relation to land around buildings other than dwellings.

**density code** : means the code based on the number of dwellings permitted per hectare as provided in the Codes. The density code applicable to any land is shown on the Residential Density Code Map.

**Detailed Area Plan** : means a plan which enhances, elaborates and expands on the details or provisions contained in a proposed Structure Plan or Agreed Structure Plan and which provides a framework for future subdivision and development.

**development** : shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or places listed on the Heritage List any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

**development site** : means land the subject of an application for a Planning Approval.

**District** : means the municipal district of the City of Wanneroo.

**equipment hire**: means the use of land and/or buildings for the hire of domestic trailers and lawnmowers and other equipment of a like kind and may include the display of some items of that equipment, but does not include the hire of domestic or commercial motor vehicles, caravans or boats. Equipment hire is only to be considered for approval where it is to be conducted:

- (a) on a minor scale to be determined by the Council on each case but involving no more than 10 items of equipment;
- (b) in conjunction with and ancillary to a compatible predominant use such as ‘service station’ or ‘convenience store’; and
- (c) in a manner which does not adversely affect the function of the predominant use or detract from amenity.

**façade** : means the exposed face of a building facing any road or open space or the frontal outward appearance of the building.

**floor area** : shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1996.

**frontage** : when used in relation to a building that is used for:

- (a) residential purposes, has the same meaning given to the term in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two or more roads, the one to which the building or proposed building faces.

**Gazettal Date** : means the date on which the Scheme came into force; being the date on which notice of the Minister’s approval of the Scheme is published in the Government Gazette.

**gross floor area (GFA)** : has the same meaning as “floor area” in the Building Codes of Australia.

**gross leasable area (GLA)** : means, in relation to a building, the area of all floors capable of being occupied by a tenant for exclusive use, which area is measured from the centre line of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

**height** : when used in relation to a building that is used for:

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; and
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

**heritage list** : means a list of those places which, in the opinion of the Council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted.

**incidental use**: means a use of premises which is ancillary and subordinate to the predominant use.

**Infrastructure Cost or Costs** : for the purpose of Part 10 of the Scheme means the contribution of an owner of land in a Cell towards the Cell Costs.

**land** : shall have the same meaning given to the term in and for the purposes of the Act.

**lot** : shall have the same meaning as is given to it in and for the purposes of the Act and “allotment” has the same meaning, but shall not include a Strata or survey Strata lot.

**Local Reserve** : means land, other than a regional reserve, which is reserved for a specific purpose.

**low density** : in relation to residential development means a density less than R25 under the Codes.

**marina frontage** : means the boundary line between the marina and adjacent lots as defined on an Agreed Structure Plan.

**marina wall** : means a retaining wall constructed in a marina to retain a stabilised level land surface at or near the marina frontage.

**medium density** : in the case of residential development means a density between and including R25 and R60 under the Codes.

**Metropolitan Region Scheme** : means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the Government Gazette of August 9, 1963, and as amended from time to time.

**Metropolitan Region Scheme Reserve** : means land reserved under the Metropolitan Region Scheme.

**Minister** : means the Minister for Planning or the Minister in the Western Australian Government responsible for town planning.

**net lettable area** : means the area of all floors within the internal finished surfaces of permanent walls but excludes floor areas of:

- (a) stairs not in a fire rated enclosure, escalators, toilets, cleaners' cupboards, plant rooms and other service areas, except where such floor areas are for the exclusive use of the occupiers of the floor or building;
- (b) stairs in a fire rated enclosure, lift shafts and motor rooms, and lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of shared facilities or services for occupiers of the floor or building.

**non-conforming use** : means a use of land which although lawful immediately prior to the coming into operation of the Scheme is not in conformity with a provision of the Scheme dealing with the zoning or classification of land and the permissibility of uses on land so zoned or classified. The term shall apply in the same way to a use becoming unlawful as a result of an amendment of the Scheme. A use is not lawful for the purpose of this definition if any planning approval of the Council or other planning authority was not obtained.

**owner** : in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equality:

- (a) is entitled to the land for any estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

**parking bay** : see car parking bay.

**part** : means one of the Parts of the Scheme.

**place** : means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

**premises** : means any land, building or part thereof.

**proponent** : means a person or body who is applying or has applied to the Council for Planning Approval or an amendment to the Scheme, or who is applying or has applied to the Commission for approval to subdivide or amalgamate land. The term includes the Council proposing development or otherwise opting to initiate the preparation of a Structure Plan or a Detailed Area Plan or a person or body who is submitting or has submitted a Structure Plan or a Detailed Area Plan under Part 9 of the Scheme.

**public authority** : shall have the same meaning given to it in and for the purposes of the Act.

**public purposes** : includes Government and Local Authority Purposes.

**relevant date** : means the Gazettal Date or the date any relevant amendment to the Scheme is published in the Government Gazette.

**reserve** : means any land reserved for a public purpose.

**retail net lettable area** : means the net lettable area used for any of the purposes listed in Planning Landuse Category 5 – Shop/Retail (excluding hotels, taverns and nightclubs) of the WA Standard Landuse Classification (WASLUC).

**road verge** : see street verge

**rural-residential** : means a land use where land is utilised primarily for residential purposes in a rural landscape but often also for some form of limited agricultural or rural use.

**rural resource** : means a rural land use or basic raw material which has been deemed, in policies adopted by the Western Australian Planning Commission, to have State or regional strategic significance.

**Schedule** : means a schedule to the Scheme.

**Scheme** : means the City of Wanneroo District Planning Scheme No. 2.

**Scheme Area** : means the whole of the District of the City of Wanneroo as shown by the inner edge of the broken black line on the Scheme Map.

**sensitive use** : means any use in which people involved in that use may have reason to object to noise, dust, odour and other impacts which may arise from rural resource operations and includes, but is not limited to, residential, hospitals, schools, shops and all public establishments where food and drink is consumed.

**set back** : means the horizontal distance between a wall at any point and an adjacent lot boundary measured at right angles (90°) to the wall.

**street alignment** : means the boundary between the land comprising a road reserve and the land that abuts thereon.

**street verge** : means the land between the street alignment of any lot and the road pavement.

**structure plan** : means a document consisting of maps and text making provision for the subdivision and/or development of a specific area, and which provides a policy framework for such future subdivision and development.

**substantial development** : means in relation to a building the completion of the floor slab as defined in the Building Code of Australia 1988 (as amended).

**vehicle**: includes motorcycles, boats, caravans, trailers.

**wholesale** : means the sale of any goods to any person or persons other than the ultimate consumer of those goods.

**zone** : means a portion of the Scheme Area shown on the map by distinctive colouring, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land, but does not include reserved land.

## 2. LAND USE DEFINITIONS

**abattoir** : means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

**aged or dependent persons' dwelling** : means a dwelling designed and used solely for the accommodation of aged or dependent persons.

**amusement facility** : means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

**amusement parlour** : means any land or building, open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.

**animal husbandry** : means any land or buildings used for the breeding, keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots.

**aquaculture** : shall have the same meaning as given to the term in and for the purposes of the Fish Resources Management Act 1994.

**art gallery** : means any land or buildings used to display artworks which may be offered for sale.

**auction room** : means a room or rooms within a building in which goods are exposed or offered for sale by auction.

**bakery** : means any land or buildings used to make and/or display and sell bread and pastry products, and includes "hot bread" shops.

**bank** : means any land or building used for banking purposes.

**beauty parlour** : means any land or buildings used for beauty therapy purposes.

**bed & breakfast** : means any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of meals for guests.

**boat launching facility** : means any land or building used to launch or retrieve boats into and from the water and may include a boat ramp or slip way.

**camping ground** : means any land used for the lodging of persons in tents or other temporary shelters for holiday purposes together with ancillary facilities.

**caravan park** : means the use of land for parking caravans and/or the erection, placement and the use of cabins, holiday cottages, tents and other temporary shelters, together with ancillary facilities, for the purpose of providing accommodation for holiday purposes to members of the public and may include permanent accommodation.

**caretaker's dwelling** : means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

**car park** : means premises used primarily for the parking of private vehicles or taxis whether open to the public or not but does not include any part of a public road which is used for the through movement of traffic or premises on or in which vehicles are displayed for sale or premises set aside to meet a specific parking requirement under the Scheme. The term includes the land required on site for access and manoeuvring to enable vehicles to gain access to car parking bays.

**car wash** : means any land or buildings used for mechanical vehicle washing. Such uses may or may not be associated with a service station and may include such other uses considered by Council to be ancillary to the predominant use of the land.

**caretakers flat/house** : means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office, rural activity or recreation area carried on or existing on the same site.

**cattery** : means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One – General Sanitary Provisions (1927) for the purpose of keeping more than three (3) cats over the age of three (3) months.

**child care centre** : means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.

**cinema** : means any land or building containing a single screen where the public may view a motion picture.

**cinema complex** : means any land or building where the public may view a motion picture, and may include more than one cinema screen, and may include other minor and subsidiary amusements.

**civic building** : means premises designed used or intended to be used by any Federal, State or municipal government department, authority or body for the purpose of an office, hall or library, or a centre for cultural, recreational or social purposes, or for any other community service.

**club (non-residential)** : means premises used for the purpose of club premises by an incorporated club or incorporated association or other body of persons united by a common interest (whether those premises be licensed under the provisions of the Liquor Act 1970 as amended or re-enacted or not) and which premises are not otherwise classified under the provisions of the Scheme.

**concrete batching plant** : means land and buildings used for the storage and mixing of the constituent elements of concrete and includes the parking, maintenance, mechanical repair and refuelling of concrete mixing vehicles used to deliver concrete batched at the premises.

**consulting room** : means a building used by not more than one health consultant at any one time for the investigation or treatment of human injuries or ailments and for general patient care.

**convenience store** : means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and petroleum products and motor vehicle accessories and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leasable area.

**corner store** : means any land and building comprising a dwelling house attached to which is a shop not exceeding 100sq.m gross floor area offering only convenience goods for sale, operated as an additional use by a permanent resident of the dwelling.

**department store** : means a shop which consists of a substantial number of different departments carrying a significant range of goods in each department.

**display home centre** : means one or more dwellings which are intended to be open for public inspection.

**drive in theatre** : means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

**drive-through food outlet** : means a take-away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

**dry cleaning premises** : means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.

**education establishment** : means a school, college, university, technical institute, academy or other educational centre, training centre or a lecture hall, but does not include premises intended or used to accommodate or deal with offenders or persons undergoing punishment.

**equestrian activity** : means any land or buildings used for the showing, competition or training of horses and includes a riding school.

**extractive industry** see industry – extractive

**factory unit** : means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person.

**fuel depot** : means any land or building used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final user's vehicle of such fuel from the premises.

**funeral parlour** : means any land or buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.

**general industry** : refer industry – general.

**hairdresser** : means premises used for the cutting, styling and tending to customers hair and may include the sale of hair care products.

**hazardous industry** : refer industry - hazardous

**health studio** : see “recreation centre”.

**hire service**: means land and buildings used for the hire of goods and equipment and may include the display of some items of goods and equipment.

**holiday village/resort** : means composite holiday recreation development, incorporating a variety of holiday accommodation types, including caravan park, holiday cottages and motel units with directly associated facilities and services, and may include licensed premises under the Liquor Act 1970-1976 (as amended).

**home business – category 1** : means an occupation carried on within a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale, display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not entail any substantial and/or inappropriate modification of the dwelling;
- (d) does not entail employment of any other person;
- (e) does not occupy an area greater than 20m<sup>2</sup> or where more than one resident is involved not cause the area used for home business within the dwelling to occupy an area greater than 30m<sup>2</sup>;
- (f) does not display any advertising signage;
- (g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in any increase in the amount of vehicular traffic in the vicinity;

- (i) does not entail the presence, parking and garaging of a vehicle of more than 1.5 tonnes tare weight;
- (j) does not involve the servicing or repair for gain of motor vehicles;
- (k) notwithstanding the above, a Home Business Category 1 may entail the operation of a Family Day Care Centre as defined in the Community Services (Child Care) Regulations 1998.

**home business – category 2 :** means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale, outdoor display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) entails the employment of no more than 1 person not a member of the occupier's household;
- (e) does not occupy an area greater than 30m<sup>2</sup>;
- (f) does not have more than one advertisement sign and the sign displayed does not exceed 0.2 square metres in area;
- (g) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (h) does not involve the servicing or repair for gain of motor vehicles; and
- (i) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

**home business – category 3 :** means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale, outdoor display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) entails employment of a maximum of 2 persons not members of the occupier's household. Council may approve a greater number of employees, not exceeding 4 persons, subject to community consultation;
- (e) occupies an area not exceeding 50 square metres. Council may approve; subject to community consultation; an area of up to 100 square metres, or one third of the floor area of the dwelling whichever is the lesser;
- (f) displays a sign describing the nature of the approved home occupation. The sign must not exceed 0.2 square metres, and a maximum 2 metres high;
- (g) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;
- (h) will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not involve the servicing or repair for gain of motor vehicles; and
- (j) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

**hospital :** means any land or buildings where people are admitted and lodged for medical treatment or care.

**hotel** : means any land or buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, but does not include a bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988.

**industry** : means the carrying out of any process for and incidental to:

- (a) making, altering, repairing, ornamenting, painting, finishing, cleaning, packing, canning, adapting, breaking up or demolishing of any article or part of any article;
- (b) winning, processing or treatment of minerals;
- (c) generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture;
  - (ii) on-site work on buildings or land; and
  - (iii) in the case of edible goods the preparation of food for retail sale from the premises.
- (e) depots for bulk storage and distribution purposes.

**industry – extractive** : means the extraction of sand, gravel, clay, peat, soil, rock, stone, minerals or any similar substance from land, and includes the manufacture of products from those materials when the manufacture and storage is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

**industry – general** : means an industry other than an extractive, rural, light, hazardous or service industry and which by virtue of its scale, intensity or nature, is regarded by Council as development which would be too obtrusive or detrimental to amenity and therefore inappropriate in zones other than the General Industrial Zone.

**industry – hazardous** : means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

**industry – light** : means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

**industry – rural** : means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop used for the servicing of plant or equipment used for rural purposes in the locality.

**institutional building** : means a building used or designed for use wholly or principally for the purpose of:

- (a) a hospital or sanitarium for the treatment of infectious or contagious diseases;
- (b) a penal or reformatory institution;
- (c) a hospital for the treatment of the mentally handicapped;
- (d) any other similar use.

**intensive agriculture** : means any land or buildings used for trade or commercial purposes for the following:

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts (including market gardens); or
- (b) the establishment and operation of plant and fruit nurseries; or
- (c) the development of land for irrigated fodder product and irrigated pasture (including turf farms).

**kennels** : means any land or buildings used for the boarding and breeding of domestic animals for remuneration where such premises are registered or required to be registered by the Council, and may include the sale of domestic animals.

**landscape supplies** : means any land or buildings used for the storage and sale of items such as woodchips, logs, rocks, sand, stone, paving slabs and other such materials intended for landscaping purposes.

**laundromat** : premises open to the public in which washing machines and clothes dryers are available for use and may include dry cleaning services.

**laundry** : premises used for the washing, drying and ironing of clothes, linen and other fabrics.

**liquor store** : means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988.

**lunch bar** : means premises used as a take-away food outlet but within the hours of 6.00 am to 4.00 pm only.

**marina** : means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.

**marina filling station** : means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

**market garden** : see “intensive agriculture”.

**market garden sales** : means the sale or offering for sale of fresh fruit and vegetables from a lot which is predominantly used as a market garden.

**market (retail)** : means retail premises at which goods are sold from temporary stalls in individual bays leased to or otherwise occupied by independent stallholders.

**mast or antenna** : means any mast, aerial, satellite dish and other associated equipment used for the transmission or reception of radio or television signals or for other electronic communications. A television antenna on a dwelling roof being consistent with the predominant style and size of television antenna on other dwellings in the locality is not included, provided its vertical and horizontal dimensions do not exceed two metres.

**medical centre** : means premises accommodating two or more consulting rooms.

**milk depot** : means a depot to which milk is delivered for distribution to consumers, but in which milk is not processed or pasteurised.

**motel** : means premises used to accommodate patrons in a manner similar to an hotel but at which special provision is made for the accommodation of patrons with motor vehicles and which does not operate with an Hotel or Limited Hotel Licence, or a Cabaret Licence or a Tavern Licence or a Special Facility Licence.

**motor vehicle repairs** : means any land or buildings used for or in connection with electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not include recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.

**night club** : means any land or buildings used to provide entertainment and dancing and may include the provision of food and drink for consumption on the premises, but does not include the sale of packaged liquor or gaming and to which a licence under the provisions of the Liquor Licensing Act 1988 may have been granted.

**nursing home** : means premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care.

**office** : means any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres.

**open air display** : means the use of a site external to a building for the display and / or sale of goods or equipment.

**park home** : means a moveable dwelling, not being a vehicle as defined under the Road Traffic Act 1974, but constructed and maintained on its own chassis and wheels and capable of mobility at all times, although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

**park home park** : means the use of land for the parking of park homes for the purpose of providing permanent accommodation, together with ancillary facilities.

**pharmacy** : premises used for the preparation and dispensing of drugs and other medicinal products and where this occurs other predominantly toiletry products may be displayed and offered for sale by retail.

**piggery** : shall have the same meaning given to the term in and for the purposes of the Health Act 1911.

**place of assembly** : means premises where the public assemble or go for any cultural, religious, recreational, sporting or other activity save that where the scale of development proposed is greater than can be reasonably accommodated in any area, the use shall be dealt with as a "Special Place of Assembly".

**place of worship** : includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.

**plant nursery** : means land and/or buildings used for the propagation, nurturing and growing of plants, and where that is the predominant use may include as an incidental use the retail sale of seeds, bulbs, seedlings, shrubs, trees and other nursery stock and additionally plant containers, fertilisers, soil conditioners, weedicides, pesticides sold in bags or other containers, garden implements, sprinklers and home reticulation equipment.

**private recreation** : means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.

**public exhibition facility** : means any premises used for the public display of materials, of an artistic, cultural or historical nature, or for educational purposes and includes a museum or art gallery and may include sales of such materials.

**public utility** : means any work or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications, passenger transport or other similar services.

**reception centre** : means premises used for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes, and may include catering facilities.

**recreation centre** : means any premises used for physical exercise or sports including swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities.

**residential building** : has the same meaning given to it in the Residential Design Codes.

**resort** : means any land or buildings used for the overnight or holiday accommodation of patrons in self-contained units or apartments and may include incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing, and may also include restaurants, shops and entertainment facilities, with all or most facilities usually being limited for the convenience of residents.

**restaurant** : means any premises where the predominant use is the preparation of food for sale and consumption within the building or portion thereof. The expression may include the sale of food for consumption off the premises, where Council is of the opinion that it is incidental to the business. The term may include an outdoor eating area which shall be treated as being within the building of the Restaurant. The expression excludes Drive Through Food Outlets.

**restricted premises** : means any premises used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily on or in connection with any form of sexual behaviour or activities.

**retirement village** : means any land or buildings used to accommodate aged persons and retirees together with ancillary facilities.

**roadhouse** : means any land or buildings used for the predominant purpose of a service station but incidentally including a restaurant and/or convenience store.

**roadside stall** : means a place, stand, vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown or manufactured on the land or site, upon which the stall is located.

**rural industry** – see industry – rural

**rural use** : means agriculture, horticulture and may include aquaculture, and includes the raising of livestock and the retail sale of the produce of the property where satisfactory

access and parking can be provided, and provided that any processing of the produce prior to sale can take place on site.

**salvage yard** : means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

**service station** : means premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles, but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

**shop** : means premises where goods are kept exposed or offered for sale by retail. This interpretation excludes restricted premises, but may include a bakery.

**showroom** : means premises wherein goods are displayed and may be offered for sale or hire excluding the sale of foodstuffs, liquor or beverages, items of clothing or apparel (except as hereinafter stipulated in this definition) or personal adornment, magazines, books, newspapers or paper products, and medicinal or pharmaceutical products unless assembled or manufactured on the premises. The term includes the sale of secondhand clothing or apparel by welfare and charitable agencies with the approval of Council.

**smash repair station** : means land and buildings used for, or in connection with, smash repairs including panel beating, spray painting, chassis reshaping, application and sanding down of motor vehicle body filler.

**special place of assembly** : means premises used for a sports stadium, racecourse, showground, fun fair, multi-purpose sporting recreational complex, or other amusements. These uses require special siting to provide for large numbers of spectators, car parking, landscaping and protection of amenity.

**stables** : means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

**stall – general** : means a place, stand, vehicle or other thing where goods are exposed or offered for sale by retail, and being distinguished from a shop in that it is not permanently housed in a place that is structurally part of a building and of which the stallholder has exclusive possession.

**storage yard** : means any land or buildings used for the storage of goods, equipment, plant or materials.

**take-away food outlet** : means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but excludes Drive Through Food Outlet.

**tavern** : means any land or buildings wherein the primary use is the consumption of beverages and may include a restaurant or facilities for entertainment and to which a licence may have been granted under the provisions of the Liquor Licensing Act 1988.

**telecommunications infrastructure:** means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

**theatre :** means any land or building where the public may view a theatrical production.

**trade display :** means the use of any land or building for the moderate and controlled display of trade goods and equipment for advertisement as approved by the Council.

**transport depot :** means any land or building designed and used, or which is adapted for use for one or more of the following purposes:

- (a) for the parking or garaging of more than one commercial vehicle;
- (b) for the transfer of goods or passengers from one vehicle to another vehicle;

and may include the maintenance, mechanical repair or refuelling of the vehicles referred to in (a) or (b) above but does not include any of the functions defined under Smash Repair Station.

**vehicle sales/hire premises :** means any land or buildings used for the display, sale or hire of new or second-hand vehicles, motorcycles, boats or caravans, or any one of more of them, together with ancillary uses such as the servicing of such goods or the sale of spare parts.

**vehicle wrecking :** means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

**veterinary consulting rooms :** means a building in which one or more veterinary surgeons or veterinarians treat the minor ailments of domestic animals and household pets as patients. No animal undergoing treatment may remain on the premises overnight.

**veterinary hospital :** means the use of any land or buildings for the treatment of minor or major ailments of animals, and includes the accommodation of animals for periods longer than overnight.

**warehouse :** means premises used for storage of goods and may include the carrying out of commercial transactions involving the sale of such goods by wholesale.

**winery :** means any land or buildings used for the production and/or sale to the public of viticulture produce.

**woodyard :** means any land on which wood is stored, sawn, or cut.