

## PART 2 DEFINITIONS<sup>1</sup>

**"Accommodation building"** - means "Premises" comprising primarily of "accommodation units" such as motels, boarding-houses, guest-houses, hostels, unlicensed hotels, nursing homes, serviced rooms, or residential clubs and attached accommodation for the owner or the manager but does not include "Caretaker's residence", "Detached house", "Hotel", "Multiple dwelling" or "Visitor accommodation".

**"Accommodation unit"** – means any separate residential use area that is not self contained and is generally associated with temporary accommodation.

**"Act"** – means the Integrated Planning Act 1997.

**"Agriculture"** - means the use of "Premises" for commercial or other non-domestic activities involving the cultivation or harvesting of plants and includes forestry. The term does not include "Intensive agriculture".

**"Airport"** – means all site facilities and any building, installation and equipment used for the control of aircraft operations and any facility provided at such premises for the housing, servicing, maintenance and repair of aircraft, and for the assembly of passengers or goods.

**"Bed and banks"** – has the meaning given in the Water Act 2000.

**"Bed and breakfast premises"** – means "Premises" used for small scale accommodation purposes contained within the curtilage of an existing "Detached house".

**"Building"** – has the meaning given in the Building Act 1975.

**"Building work"** – has the meaning given in the Integrated Planning Act 1997.

**"Caretaker's residence"** - means "Premises" used for a "Dwelling unit" for accommodation for a person/s having the care of "Premises" lawfully used for business, commercial, charitable or sporting purposes where those "Premises" are on the same allotment as the "Dwelling unit".

**"Catering premises"** - means "Premises" used for the sale of food and refreshments such as restaurants, take-away food shops, cafes, kiosks and reception lounges but does not include "Hotel" or "Indoor recreation".

**"Cattery or kennel"** – means "Premises" used for boarding, breeding, keeping, or training of cats or dogs for business purposes or for their impoundment.

**"Child care centre"** - means "Premises" used for the care, protection or supervision of children and includes a crèche, kindergarten and pre-school.

**"Child oriented uses"** includes the following uses:

- (1) "Child care centre",
- (2) "Home business" providing home-based child care service;
- (3) "Educational establishment" providing for preschool and primary school students.

**"Commencement"** – the day the "Scheme" took effect.

**"Commercial activities"** – means "Premises" used for activities involving the provision of goods, food, services or entertainment, including:

- (1) "Catering premises";
- (2) "Commercial premises";
- (3) "Hotel";
- (4) "Professional office";

<sup>1</sup> Part 2 Definitions contains, Use definitions and Administrative definitions. Uses are further clustered into activity definitions.

- (5) **"Shop"**; and
- (6) **"Tourist facility"**

**"Commercial premises"** - means "Premises" used for business offices or for other business or commercial purposes but not for "Professional office".

**"Community oriented activities"** – means "Premises" used for activities involving the provision of social, cultural, educational, community, infrastructure, hospital, cemeteries, crematorium, and government services, including:

- (1) **"Child care centre"**;
- (2) **"Educational establishment"**;
- (3) **"Place of worship"**; and
- (4) **"Public utility"**.

**"Council"** - means the Council of the Shire of Barcoo.

**"Detached house"** – means "Premises" used for residential accommodation which comprises one "Dwelling unit" on one lot.

**"Development"** – has the meaning given in the Integrated Planning Act 1997.

**"Dwelling unit"** - means any "Building" or part thereof comprising a self-contained unit exclusively for residential use and includes the curtilage thereof.

**"Educational establishment"** - means "Premises" used for a school, college, university, technical institute, academy, educational centre, public library, lecture hall, art gallery or museum.

**"Electricity Transmission Line Easement"** – means an existing easement over land in favour of an entity responsible for the carriage or supply of electricity, which is intended to be used or used for the transmission of electricity.

**"Extractive industry"** - means "Premises" used for mining or an industrial activity involving:

- (1) the extraction of sand, gravel, clay, soil, rock, stone or any similar substance from land, whether or not any overburden is also extracted;
- (2) the rehabilitation of the land, and
- (3) the treatment including crushing or screening of that substance on, or on land abutting, the land from which that substance is extracted.

**"Grazing"** – means the use of "Premises" for commercial or other non-domestic activities involving the breeding, keeping or depasturing of animals, but does not include "Intensive animal industries".

**"Habitable Buildings"** – means any building, part of building or structure able to be lawfully used for "residential activities".

**"Home business"** – means "Premises" used for a commercial activity undertaken within the curtilage of a "Detached house" or "Dwelling unit", excluding the use of "Premises" as a shop selling goods not produced on the "Premises" or for any "Industrial activities". The term includes home-based childcare service, caring for up to 6 children.

**"Hotel"** - means "Premises" used for the sale of liquor for consumption on the "Premises", or on and off the "Premises", together with the provision of meals and accommodation.

**"Indoor recreation"** - means "Premises" used for any sporting or recreational activities where such "Use" is primarily indoors and includes the sale of food or refreshment.

**"Industrial activities"** – means "Premises" used for activities involving the manufacture, production, servicing, storage and distribution of goods, articles, equipment or vehicles, including:

- (1) **"Extractive industry"**;
- (2) **"Industry"**;
- (3) **"Noxious industry"**;

- (4) **"Service station"**;
- (5) **"Storage facility"**; and
- (6) **"Transport terminal"**.

**"Industry"** - means "*Premises*" used for:

- (1) an industrial activity such as:
  - (a) a manufacturing process whether or not such process results in the production of a finished article;
  - (b) the breaking up or dismantling of any goods or article for trade, sale, or gain, or ancillary to any business;
  - (c) repairing, servicing and cleaning of articles, including vehicles, machinery; or
  - (d) an operation connected with the installation of equipment and services but not including on-site work on "*Premises*"; and
- (2) the following activities when carried out in connection with an industrial activity:
  - (a) the storage of goods used in connection with or resulting from an industrial activity;
  - (b) the provision of amenities for persons engaged in an industrial activity;
  - (c) the sale of goods resulting from but ancillary to an industrial activity; and
  - (d) any work of administration or accounting.

**"Intensive agriculture"** – means the use of "*Premises*" for commercial or other non-domestic activities involving the cultivation or harvesting of plants where the use involves the application of agricultural chemicals (other than for the treatment of pests or diseases declared under a statute such as the Rural Lands Protection Act 1985 or the Plant Protection Act 1989) or of irrigation water.

**"Intensive animal industry"** – means the use of "*Premises*", including buildings, structures, pens, storage areas and effluent treatment areas, for commercial or other non-domestic activities involving the breeding, keeping, or depasturing of animals where the animals:

- (1) are reliant on prepared or manufactured feed for production purposes;<sup>2</sup> and/or
- (2) are temporarily held pending transportation or marketing.

The term includes the use of premises for purposes such as:

- (1) Aquaculture
- (2) Dairy
- (3) Commercial Livestock Dip
- (4) Lot Feeding
- (5) Piggery
- (6) Poultry Farm
- (7) "*Stable*"
- (8) "*Cattery*"
- (9) "*Kennel*"
- (10) Commercial Stockyard

**"Lake"** – has the meaning given in the Water Act 2000.

**"Local Law"** – means a "*Local Law*" of the "*Council*" made under the authority of the Local Government Act 1993.

**"Material change of use"** – has the meaning given in the Integrated Planning Act 1997.

**"Minor building work"** – means "*building work*" that increases the gross floor area of an existing building by less than 10% of the gross floor area or by 25 sq metres whichever is the lesser.

**"Multiple dwelling"** – means "*Premises*" used for longer term residential accommodation for several discrete households, domestic groups or individuals which:

- (1) comprises more than one "*Dwelling unit*";
- (2) includes, but is not limited to:
  - (a) community dwelling (where unrelated people maintain a common discipline, religion or similar);
  - (b) duplex;

<sup>2</sup> Excluding supplemental feeding for weaning purposes or for emergency purposes.

- (c) flats;
- (d) retirement village;
- (e) relocatable home park; and
- (3) may include ancillary activities such as:
  - (a) recreation facilities which cater exclusively for the residents of the dwelling; and
  - (b) a manager's office and residence.

**"Noxious industry"** – means an industry where:

- (1) the use of *"Premises"* causes detriment to the amenity of the area by reason of the emission of noise or vibration; and
- (2) the process involved; or the method of manufacture; or the nature of the materials or goods which are used, produced or stored:
  - (a) causes fumes, vapours or gases, or discharges dust, foul liquid, blood or other impurities; or
  - (b) constitutes a danger to persons or *"Premises"*.

**"Operational work"** - has the meaning given in the Integrated Planning Act 1997.

**"Open space and recreation activities"** - means *"Premises"* used for activities involving sport, active or passive recreation, including:

- (1) **"Indoor recreation"; and**
- (2) **"Outdoor recreation"**

**"Outdoor activity area"** – includes storage areas, carparking, vehicle manoeuvring and loading / unloading areas and recreation areas associated with the *"Use"*. The term does not include passive areas, such as landscaping areas, cropping areas associated with *"Agriculture"* or pasture areas associated with *"Grazing"*.

**"Outdoor recreation"** - means *"Premises"* used for any sporting or recreational activities where such *"Use"* is primarily outdoors and includes the sale of food or refreshment.

**"Park"** - means an area of land and associated *"Buildings"* or *"Structures"* used solely for passive recreation, picnic areas or gardens, which are open without charge to the public.

**"Place of worship"** - means *"Premises"* used for the public religious and associated social and recreational activities of a religious organisation whether or not those *"Premises"* are also used for religious instruction but does not include a *"Child care centre"* or *"Educational establishment"*.

**"Plan area"** – has the meaning given to the planning scheme area in the Integrated Planning Act 1997.

**"Plan of survey"** - means an accurate plan prepared by an authorised or qualified surveyor which divides or subdivides any land into allotments or otherwise, whether or not such division or subdivision includes any new road, pathway, lane or reserve.

**"Plumbing or drainage work"** – has the meaning given in the Integrated Planning Act 1997.

**"Premises"**<sup>3</sup> – has the meaning given in the Integrated Planning Act 1997.

**"Prescribed fee"** - means the fee determined by *"Council"* from time to time as payable to *"Council"* in respect of a development application under the *"Act"*.

**"Professional offices"** - means *"Premises"* used for the provision of professional services or the giving of professional advice but does not include *"Commercial premises"* or *"Home business"*.

**"Public utility"** - means *"Premises"* used for a waste landfill site, the supply of water, hydraulic power, electricity or gas, or provision of telephone, sewerage, postal or drainage services or the provision or maintenance of roads or traffic controls.

**"Reconfiguring a lot"** – has the meaning given in the Integrated Planning Act 1997.

<sup>3</sup> Existing premises – means *"Premises"*: used for an existing use; or lawfully established after the *"Commencement"*.

**“Residential activities”** – means “Premises” used for activities involving the accommodation of persons, including:

- (1) **“Accommodation building”**;
- (2) **“Bed and breakfast premises”**;
- (3) **“Caretaker’s residence”**;
- (4) **“Detached house”**;
- (5) **“Home business”**;
- (6) **“Multiple dwelling”**; and
- (7) **“Visitor accommodation”**.

**“Rural activities”** – means “Premises” used for activities involving: horticulture or the growing of crops; and/or the keeping of livestock, including:

- (1) **“Agriculture”**;
- (2) **“Grazing”**;
- (3) **“Intensive agriculture”**; and
- (4) **“Intensive animal industry”**.

**“Scheme”** - means the Planning Scheme for the Shire of Barcoo.

**“Sensitive land use”** – includes, “Accommodation building”, “Bed and breakfast premises”, “Child care centre”, “Detached house”, “Educational establishment”, “Home business” providing home-based child care service, “Multiple dwelling”, “Tourist facility”, and “Visitor accommodation” and includes any land in the Small Town “Zone”.

**“Service station”** - means “Premises” used for:

- (1) the fuelling of motor vehicles involving the sale by retail of motor fuel; and
- (2) the following activities when carried out in connection with the fuelling of motor vehicles:
  - (a) the sale by retail of petroleum products, automotive parts and accessories and goods for the comfort and convenience of travellers; and
  - (b) the servicing and minor repairs of motor vehicles.

The term does not include “Shop” or “Industry”.

**“Shop”** - means “Premises” (not elsewhere defined in this section) used for the displaying or offering of goods for sale by retail or hire to members of the public. The term includes an integrated “Premises” commonly referred to as shopping centre involving “Shops” and other “Uses” such as “Catering premises”, “Commercial premises” and “Professional offices”.

**“Stable”** – means “Premises” used for boarding, breeding, keeping, or training of horses for business purposes or for their impoundment, other than where associated with “Grazing”.

**“State controlled road”** – has the meaning given in the Transport Infrastructure Act 1994.

**“Storage facility”** - means “Premises” used for the storage of goods, including the selling of those goods by wholesale. The term includes storage activities such as a builder’s yard or construction contractor’s yard, a truck, vehicle or plant parking depot. The term also includes the following activities when carried out in connection with a storage activity:

- (a) the work of administration or accounting; and
- (b) the garaging and routine servicing of vehicles associated with the conduct of the storage activity.

**“Structure”** – has the meaning given in the Building Act 1975.

**"Total use area"** – means the sum of all parts of the lot used for that particular "Use", including any ancillary use, but does not include areas used for:

- (1) car parking;
- (2) landscaping; and
- (3) vehicle manoeuvring.

For the purpose of calculating carparking requirements the term includes the total floor area of all "Buildings".

**"Tourist facility"** - means "Premises" providing entertainment, recreation or similar facilities for use mainly by the general tourist or holidaying public.

**"Transport terminal"** - means "Premises" used for the transport of goods and people, including the loading, unloading and temporary storage of goods. The term also includes the garaging and routine servicing of vehicles engaged in the transport of such goods and people.

**"Use"**<sup>4 5</sup> – has the meaning given in the Integrated Planning Act 1997.

**"Visitor accommodation"** - means "Premises" used for the temporary accommodation of and rendering services to travellers or tourists and includes "Uses" such as cabin parks, camping grounds, caravan parks and farm stays.

**"Watercourse"** – has the meaning given in the Water Act 2000.

**"Zone"** – means the divisions into which the "Plan area" is divided by the "Scheme".

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<sup>4</sup> Ancillary use - means a "Use" associated with and directly related to, but incidental and subordinate to the predominant "Use".

<sup>5</sup> Existing use - means "Development" which lawfully existed at "Commencement".