

## 13.0 DEFINITIONS

### 13.1 Introduction

The definitions are arranged in two groups. Sub-section 13.2 contains terms describing the purposes of development. Sub-section 13.3 contains the definitions of terms not descriptive of purposes of development.

### 13.2 Purpose Definitions

The terms defined in this sub-section being terms which are descriptive of a purpose of development are the following:

- Apartment Building
- Attached House
- Automatic Mechanical Car Wash
- Business Premises
- Car Park
- Child Care Centre
- Club
- Convention Centre -Trade Exhibition
- Community Dwelling
- Educational Establishment - School
- Emergency Services Depot
- Entertainment Piazza
- Garden Centre
- Hotel
- Indoor Sport and Recreation
- Industry
  - Light Industry
  - Market Industry
  - Service Industry
- International Hotel
- Kiosk
- Landing
- Licensed Club
- Light Industry - see Industry
- Local Store -see Shop
- Market Industry - see Industry
- Museum
- Occasional Market
- Outdoor Sport and Recreation
- Park
- Place of Assembly
- Public Premises
- Radio Station
- Restaurant
- Retail Warehouse - see Shop
- School - see Educational Establishment
- Service Industry - see Industry
- Shop
  - Local Store
  - Retail Warehouse
  - Specialist Shop
- Shopping Centre
- Specialist Shop - see Shop
- Student Housing

- Take-Away Food Store
- Tenement Housing
- Trade Exhibition -see Convention Centre Utility Installation
- Vehicle Repair Station
- Vehicle Sales Yard
- Warehouse Premises
- Youth Club Welfare Premises
- Zoo

Any question as to whether a use or proposed use falls within a definition, or a class of uses defined in this section, shall be determined by the Corporation.

In the Plan:

**"Apartment Building"** means a separate building comprising only dwelling units or a component of a building containing other uses together with such area, but does not include an attached house or any building included in a convention centre or motel.

**"Attached House"** means a separate building comprising three or more dwelling units where:

- (a) that building has the appearance of a number of dwelling houses equivalent to the number of those dwelling units erected so as to abut one another; and
- (b) each of those dwelling units:
  - (i) abuts another of those dwelling units at a wall which is common to both dwelling units; or
  - (ii) abuts on each of two opposite sides another of those dwelling units at a wall which is common to both dwelling units.

but does not include any building included in a convention centre, motel or any other premises being premises elsewhere specifically defined in this section the use of which is not characterised by some residential use;

**"Automatic Mechanical Car Wash"** means a place used or intended for use for the washing of motor vehicles by an automatic or partly automatic process using mechanically operated brushes and/or washers and air jet dryers.

**"Business Premises"** means any premises used or intended for use:

- (a) for the carrying on of the business of a bank, building society or the like;
- (b) for the carrying out of a business based on electronic data processing;
- (c) for a local surgery used in connection with the provision of medical or dental services;
- (d) as an office or in connection with:
  - (i) the provision of professional and/or technical services or the giving of professional advice by a person practicing or carrying on a profession; or
  - (ii) conducting administrative or management services; or
  - (iii) carrying on of agencies, banking, typing, secretarial services

- (e) otherwise for business or commercial purposes; but does not include:
  - (i) any premises used or intended for use for some business or commercial purpose where a use for that purpose is characterised by an activity which characterises, or activities which characterise, the use of some shop, or warehouse;
  - (ii) any other premises or place or part of any other premises or place elsewhere specifically defined in this section; or
  - (iii) any premises used for a purpose elsewhere specifically defined in this section.

**"Caretakers Flat"** means:

- (a) dwelling unit used or intended for use as the residence of a person having the care of any premises, including any plant or other goods thereat, where:
  - (i) that dwelling unit and those premises are contained in the same planning unit; and
  - (ii) those premises are used for some non-residential purpose which is not some agriculture or stable; or
- (b) that dwelling unit contained in a building or part of a building which building or part comprises a dwelling unit combined with, and constructed to be occupied with some place or area used for some non-residential purpose:
  - (i) any use of a caretaker's flat forms part of that use for some non-residential purpose of those premises in connection with which it is used.

**"Car Park"** means a place used or intended for use for the parking of motor vehicles where:

- (a) that parking is not incidental to and necessarily associated with the use of the premises which includes that place for some other purpose; and
- (b) that place is not a taxi-cab depot.

**"Child Care Centre"** means:

- (a) a kindergarten, creche or pre-school centre; or
- (b) any other place used or intended for use for the minding or care, but not residence, of children for fee or reward.

The term does not include the use of a dwelling unit for the reception, minding or care of children for a day or part of a day for fee or reward by a person residing in the dwelling unit.

**"Club"** means premises to which the public does not resort and which are used or intended for use by a club, lodge, friendly society or like Organisation as a place for meetings of, social intercourse among, or entertainment of, the members of the club, lodge, friendly society or like Organisation, whether or not those premises are also used or intended for use in part as an office for the administration of the affairs of the club, lodge, friendly society or like Organisation, but does not include:

- (a) any premises, place or part of any premises or place elsewhere specifically defined in this section; and
- (b) any premises used for any purpose or activity elsewhere specifically defined in this section

**"Convention Centre"** means premises:

- (a) established in a coordinated fashion;
- (b) which function as an integrated unit; and
- (c) used or intended for use of any or all of the following:
  - (i) as a place for the assembly of persons for some common object; or
  - (ii) for trade fairs or exhibitions, whether or not they are also used or intended for use for any form of entertainment not envisaged by its use as referred to in sub-paragraphs (i) and (iii);
  - (iii) for or in connection with the conduct of sporting or athletic activities engaged in competitively.

The term includes the use of any facilities provided at those premises for the health, comfort or convenience of persons resorting thereto for those activities which characterise those premises including any facility providing light refreshments, meals for consumption thereat or elsewhere, professional services by a medical practitioner or physiotherapist, or banking services.

**"Trade Exhibition"** means any premises used or intended for use for the display of goods to the general public whether or not those goods are intended for sale.

The term includes:

- (a) static, working or moving articles;
- (b) examples of a technological, cultural or heritage nature of local, regional, interstate or international significance; or
- (c) any other activity approved by the Corporation which is not otherwise defined in this Plan.

**"Community Dwelling"** means any common place of abode for a number of unrelated persons in the nature of a boarding house, guest house, hostel, lodging house or student housing and having where that place is not part of a hospital, a hotel, a retirement village, a sports and convention centre or any other premises being premises elsewhere specifically defined in this section the use of which is not characterized by some residential use.

**"Educational Establishment"** means:

- (a) a school;
- (b) a public library;
- (c) a public lecture hall; and
- (d) an art gallery (other than for business purposes)

The term does not include a reformatory institution; a sheltered workshop; or any other place used or intended for use for the training or teaching of persons who are learning disabled or handicapped.

**"School"** means:

- (a) a university, a college of advanced education or a technical and further education institution; and
- (b) an institution (other than as referred to in paragraph (a)) which provides courses of study or training
- (c) for the purpose of general education or of preparation for a particular occupation or profession.

The term does not include an institution at which preschool, primary and/or secondary education is provided.

**"Emergency Services Depot"** means any premises used or intended for use as:

- (a) a fire station;
- (b) an ambulance station;
- (c) a first aid station;
- (d) a depot of the State Emergency Service;
- (e) a police station; or
- (f) essential utility services control centre.

**"Entertainment Piazza"** means a use of premises to which the public ordinarily resort for the conduct of live entertainment but does not include outdoor sport and recreation.

The term includes the use of any facilities provided at those premises by way of

- (a) stands or grandstands;
- (b) shelters or other public conveniences;
- (c) stages or platforms for use by performers;
- (d) facilities for the convenience of and use by performers in preparation for a performance;
- (e) structures for the housing and operation of ancillary equipment including but not limited to lighting and
- (f) sound equipment and stage furniture and background scenery; and
- (g) kiosks for light refreshment booths but not including any use which is part of the use of a park

**"Garden Centre"** means a place used or intended for use for the sale, or displaying or offering for sale, by retail of plants suitable for use in gardening or landscaping whether or not those plants are propagated at that place.

The term includes any ancillary use of those premises for the sale, or displaying or offering for sale, of any one or more of

- (a) seeds or other propagative plant material;
- (b) goods associated with the cultivation of plants;
- (c) garden ornamentation, furniture or structures; and
- (d) garden tools or equipment, where no such tool or item of equipment has a motor of more than one kilowatt.

The term does not include landscaping materials.

For the purpose of this definition the term "plants" does not include any turf.

**"Hotel"** means any premises to which a license under the Liquor Act 1912 - 1989 of the type:

- (a) licensed victualler's license;
- (b) tavern license; or

- (c) historic inn license, is applicable and which are used or intended for use in a manner contemplated by their being such premises.

The term includes the conduct of any activity pursuant to a permission granted under the Liquor Act 1912 - 1989 and which is applicable to those premises but does not include the residential use by a person managing or employed at those premises of any separate building erected on the land contained in those premises.

**"Indoor Sport and Recreation"** means a use of premises to which the members of the public ordinarily resort:

- (a) for the conduct of:
- (i) a sport;
  - (ii) a form of athletics; or
  - (iii) a game not being a sport or form of athletics, indoors;
- (b) as an indoor fitness centre, gymnasium or dance studio.

The term includes, in a case where those premises are used as referred to in paragraph (a) above, any watching of, practicing of or receiving or giving instructions in the sport, form of athletics or game not being a sport or form of athletics conducted indoors thereat and, in any case, the use of any facilities provided at those premises for the enjoyment or convenience of persons resorting thereto by way of

- (a) stands or parking places;
- (b) public conveniences; or
- (c) light refreshment booths.

For the purpose of this definition:

- (a) the public use of a swimming pool shall be taken to be a use of that swimming pool for the conduct of a sport; and
- (b) an indoor fitness centre shall be taken to include a place whereat the use of turkish or other vapour or foam bath is provided.

**"Industry"** means a light industry, market industry or service industry.

**"Light Industry"** means:

- (a) the performance in the course of a trade or business of an activity included in the Table hereunder;
- (b) the use otherwise of premises for:
  - (i) the performance of an activity in the nature of copper plating, screen printing, dyeing, painting or sculpture; or
  - (ii) the making of goods being pottery, ceramics, jewellery, ornamental glassware, leadlights, leathergoods, woven or knitted goods or caneware;

where such activity or making of goods is carried out, whether or not the premises are also used for the sale by retail of the goods which result from that activity or from that making of goods; or

- (c) the use of premises as a place for:
- (i) the sale by retail of parts (whether or not such parts are or include tyres and batteries or either of them) for installation on or fitting to a vehicle in circumstances which do not constitute body building; and
  - (ii) the installation or fitting of such parts where that use is not part of the use of a service station or vehicle repair station;

where in the ordinary course:

- (iii) the performance of that activity or that use in the particular case does not impose a load on any public utility undertaking greater than that which is reasonably required for the predominant uses, existing or likely, in the immediate locality; and
- (iv) the performance of that activity or that use does not, by reason of the carriage of any articles used therein or resulting therefrom, create traffic on any road in the locality of the activity or use in a manner such as to cause congestion or danger to users of that road or which reasonably necessitates any road to be of a higher standard of construction than that which is otherwise required for the predominant uses, existing or likely, in that locality;

but does not include any use which is a service industry or any use which is part of the use of a shop.

**"Table"**

Bookbinding

Glass cutting or silvering

Making any of the following:

- aids and appliances for disabled persons
- artificial flowers blinds
- brooms, brushes, bristle or hair goods
- cameras
- clocks, watches
- coir goods
- cork goods
- drawing or writing goods
- felt goods
- fur goods
- furniture
- leadlights
- musical instruments
- optical goods (other than spectacles or the like)
- paper goods, paper board goods
- printing
- scientific instruments
- sports equipment (other than ammunition, vehicles and water craft)
- string, string goods
- textile bags
- therapeutic and life support aids, appliances, garments and equipment travelling bags twine, twine goods umbrellas
- wiregoods (other than barbed wire, wire mesh, wire netting, wire rope and cable)

Mixing, blending or packing any:

- food for human consumption, drink or tobacco
- stock or poultry foods

Repairing any:

- furniture
- gas appliances for domestic use

Shop fitting

Spray painting where in a totally enclosed building or booth Stereo-type making

Upholstering vehicles or furniture

Without prejudice to paragraph (b) above, a use of premises for the purpose of some light industry includes the carrying out of any process for or in connection with the activity which characterises that use and any ancillary use of those premises by way of:

- (a) the storage of articles used in connection with or resulting from that activity;
- (b) the use of any facility, by way of a building, provided at those premises for the personal comfort or convenience of, or enjoyment of leisure by, persons engaged in that activity;
- (c) the sale of articles resulting from that activity; and
- (d) work of administration or accounting in connection with that activity.

**"Market Industry"** means any premises used or intended for use for the purposes of hand crafting, displaying and offering for sale goods of a similar type or nature and of a common theme or heritage as determined by the Corporation and which does not cause any interference with the amenity of the precinct by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, light (whether steady or flashing), waste products, grit, oil or otherwise or cause hazard likely in the opinion of the Corporation to cause undue disturbance and/or annoyance to persons or other property not connected with the industry. The term includes the ancillary use of such premises for:

- (a) the storage of articles used in connection with or resulting from such activity;
- (b) the use of any amenity building provided at such premises;
- (c) any work of administration or accounting in connection with any such activity;

but does not include commercial premises, industry, kiosk, shop, or take-away food store as herein defined.

**"Service Industry"** means the performance in the course of a trade or business of any activity included in the Table hereunder where in the ordinary course:

- (a) in or in connection with the performance of that activity in the particular case there is not emitted from the premises where the activity is performed any gaseous or particulate matter, odour, vibration, noise, excluding air conditioning structures, or radio or electrical interference in a manner which could reasonably be construed to be an annoyance to persons occupying adjacent premises;
- (b) the performance of that activity in the particular case does not impose a load on any public utility undertaking greater than that which is reasonably required for the predominant uses, existing or likely, in the immediate locality; and
- (c) the performance of that activity in the particular case does not, by reason of the carriage of any articles used therein or resulting therefrom, create traffic on any road in the locality of the activity in a manner such as to cause congestion or danger to users of that road or which reasonably necessitates any road to be of a higher standard of construction than that which is otherwise required for the predominant uses, existing or likely, in that locality;

but does not include any use of premises which are a take-away food store or any use which is part of the use of a shop or a vehicle repair station.

**"Table"**

Assembling from components manufactured elsewhere any of the following:

- aids and appliances for disabled persons
- blinds
- cameras, other portable photographic equipment
- clocks, watches
- electronic equipment
- jewellery
- locks
- musical instruments

- optical goods (being spectacles or . the like)
- pedal cycles
- portable domestic appliances
- power tools
- scientific instruments
- sewing machines
- sports equipment (other than ammunition, vehicles and water craft)
- toys
- umbrellas

Document duplicating or copying

Dressmaking

Drycleaning or dyeing

Engraving by hand

Laundering

Making any of the following:

- bread, cakes, pastries
- canvas goods, tents, camping soft goods
- clothing, clothing accessories
- confectionery
- dental goods
- footwear
- jewellery
- keys
- leather goods
- millinery
- optical goods (being spectacles or the like)
- soft furnishings
- toys

Photographic film processing

Photographic plate-making, etching, and like photographic processes

Photographic sign making

Picture framing

Plan printing

Repairing or servicing any of the following:

- canvas goods, tents, camping soft goods
- clothing
- clothing accessories
- dental goods
- electrical appliances for domestic or office use footwear
- jewellery
- leather goods
- mowers (including motor mowers) optical goods portable office machinery or equipment toys

Restoration of any of the following:

- antiques other than furniture
- articles of historic or cultural interest (other than vehicles, machinery and plant and other non-portable items) works of art

Signwriting

Tailoring

The term includes the carrying out of any process for or in connection with the performance of the activity which characterises that use and any ancillary use of those premises by way of:

- (a) the storage of articles used in connection with or resulting from that activity;
- (b) the use of any facility, by way of a building, provided at those premises for the personal comfort or convenience of, or enjoyment of leisure by, persons engaged in that activity;
- (c) the sale of articles resulting from that activity; and
- (d) work of administration or accounting in connection with that activity

**"International Hotel"** means:

- (a) any premises to which a license for victuallers' premises under the Liquor Act 1912 - 1989 is applicable and which essentially provides for, but is not limited to:
  - (i) guest bedrooms, each with a separate bathroom and toilet;
  - (ii) dining rooms or restaurants
  - (iii) public and private bars;
  - (iv) passenger and service lifts;
  - (v) adequate space for reception of guests and storage of baggage; and
  - (vi) adequate access and parking for buses and taxis for the setting down and picking up of passengers.

The use of any premises for the purpose of an International Hotel includes:

- (b) the use of any office at those premises in connection with the conduct of the International Hotel; and
- (c) the residential use of any separate area of occupation comprised in the International Hotel by any person conducting or employed at the International Hotel.

The total number of bedrooms, seating capacity in bars, lounges and dining and function rooms and floor areas of particular uses shall be determined by the Corporation.

**"Kiosk"** means any premises used or intended for use for the sale of general merchandise including food where such a use does not exceed a total use area of 50 m<sup>2</sup> and is located preferably within a building or a public park and where the goods are sold to the general public and are either for consumption on the premises or elsewhere. The term does not include a restaurant, shop or take-away food store as herein defined.

**"Landing"** means premises used or intended for use in connection with water transport as a place from or at which passengers are taken on board or landed from vessels whether or not goods handled solely by manpower are taken on board or landed from vessels thereat, but does not include any such premises which are a public utility undertaking.

The term includes the ancillary use of the premises by way of:

- (a) the use of an office for work of administration or accounting in connection with the landing; or
- (b) the temporary storage of goods which are to be taken on board vessels thereat or which have been landed thereat from vessels.

**"Licensed Club"** means premises to which the public does not resort which:

- (a) are used or intended for use by a club, lodge, friendly society or like Organisation as a place for meetings of, social intercourse among, or entertainment of, the members of the club, lodge, friendly society or like Organisation, whether or not those premises are also used or intended for use in part as an office for the administration of the affairs of the club, lodge, friendly society or like Organisation; and
- (b) are premises to which a club licence of one of the prescribed types under the Liquor Act 1912-1989 applies;

but does not include:

- (a) any premises, place or part of any premises or place elsewhere specifically defined in this clause; or

- (b) any premises used for any purpose elsewhere specifically defined in this clause

A use of premises for the purpose of a licensed club:

- (a) includes the use of those premises for any activity authorised by a club licence under the Liquor Act 191 2-1 989;
- (b) does not include, save for the use of a caretaker's flat, any residential use; and
- (c) the use of an International Hotel as herein defined.

**"Museum"** means any premises or building used or intended for use for display to the general public of:

- (a) artifacts of historical significance;
- (b) artifacts of scientific and technological significance; and
- (c) samples of the natural environment.

**"Night Tennis Court"** means an outdoor tennis court of whatever size provided with lighting so as to facilitate the playing of tennis thereon at night where that outdoor tennis court which is within 100 metres from any land:

- (a) not being part of the allotment whereon the court is located; and
- (b) whereon:
- (i) a residential building other than a caretaker's flat is erected; or
  - (ii) the erection of a residential building other than a caretaker's flat is development for a permitted purpose or a permissible purpose:

The use of a night tennis court for the playing of tennis together with any use of premises incidental thereto and necessarily associated therewith shall be taken:

- (a) to constitute a use of premises for the purpose of a night tennis court; and
- (b) not to form part of the use of any premises for some other purpose.

The erection of any building or other structure shall be taken to be for the purpose of a night tennis court only where:

- (a) that building or other structure is intended to be used solely in connection with the use of a night tennis court for the playing of tennis; or
- (b) that erection is solely in connection with the provision of lighting to facilitate the playing of tennis at night on an outdoor tennis court.

**"Occasional Market"** means any land used for a limited duration and from time to time as determined by the Corporation for the purpose of displaying or selling readily portable articles to the public from stalls where not fully enclosed within a building. The term does not include a market industry, kiosk, shop, or take-away food store as herein defined.

**"Outdoor Sport and Recreation"** means a use of premises to which the public ordinarily resort for the conduct of:

- (a) a sport;
- (b) a form of athletics; or
- (c) a game not being a sport or form of athletics;

outdoors, but does not include use of part of a convention centre.

The term includes any watching of, practicing of, or receiving or giving of instruction in, the sport, form of athletics or game not being a sport or form of athletics conducted outdoors thereat and the use of any facilities provided at those premises for the enjoyment or convenience of persons resorting thereto by way of:

- (a) stands, grandstands or parking places;
- (b) shelters or other public conveniences; or
- (c) kiosks for light refreshment booths, but does not include any use which is part of the use of a park

For the purpose of this definition:

- (a) the term "sport" does not include coursing, horse-racing, pacing or trotting;
- (b) the public use of any swimming pool ordinarily open to the public shall be taken to be a use of that swimming pool for the conduct of a sport.

**"Park"** means land:

- (a) to which the public has rights of access;
- (b) used or intended for use for open-air recreation; and
- (c) which:
  - (i) has been ornamentally laid out or prepared with pathing;
  - (ii) is maintained so as to preserve or enhance its natural beauty including its flora, fauna and geological or physiographical features; or
  - (iii) has been prepared or is maintained as a grassed area either with or without trees or shrubbery.

A use of premises for the purpose of a park includes:

- (a) the use of any facilities provided on land being a park for the enjoyment or convenience of the public by way of:
  - (i) kiosks for bandstands or light refreshment booths;
  - (ii) picnic places, places for enjoying views, routes for nature study, parking places and footways;
  - (iii) information and display areas for the promotion of such land;
  - (iv) shelters and other public conveniences; or
  - (v) children's play areas;
- (b) the use of any facility by way of a kiosk, booth or stall for the hiring out to the public of things including, but not limited to, bicycles and canoes for their use for pleasure; or
- (c) open-air recreation within the park or on part of any river, creek, stream or other body of water abutting or within the park; and

- (d) any infrequent use of such land for a sport or form of athletics conducted on an informal basis.

For the purpose of this definition the term "open-air recreation" does not include any activity comprehended by outdoor sport and recreation, whether for business or as a place to which the public ordinarily resort, other than the watching of, or taking part in, for recreation, a game not being a sport or form of athletics outdoors.

**"Place of Assembly"** means:

- (a) a place used or intended for use as a public hall, theatre, cinema, music hall, concert hall, dance hall or open-air theatre;
- (b) any place of a like character to those referred to in paragraph (a) above, which is not a zoo; or
- (c) any place used or intended for use as a function room;

but does not include any place which is, or is part of, any convention centre, educational establishment, park, restaurant, shopping centre, trade exhibition or premises used for the purpose of indoor sport and recreation, or outdoor sport and recreation.

The term includes:

- (a) where the whole or part of those premises are the premises to which a licence or permit under the Liquor Act 1912-1989 applies, the use of any facility provided thereat for the purpose of exercising the rights or privileges conferred by that licence or permit;
- (b) where that place of assembly is a place referred to in aforementioned paragraphs (a), (b) or (c) above, the use of any facility provided at those premises by way of a light refreshment booth.

**"Public Premises"** means any premises used or intended for use:

- (a) as an office or for administration or other like purposes by the Crown, the Council, or by some statutory authority or corporation of a public character exercising public functions where the use of that building is not part of a use of that building and the land whereon it is erected for some other purpose;
- (b) as an office by a member of a Parliament or by the Mayor or an Alderman of the Council in connection with the performance of the duties of such member, Mayor or Alderman; or
- (c) for public purposes such as an information centre, rest centre or other purpose which shall be for the general use of the public as determined by the Corporation;

but does not include any part of a shopping centre

**"Radio Station"** means:

- (a) any premises which are used or intended for use for a broadcasting station, a television station, a repeater station or a translator station as referred to in the Broadcasting and Television Act 1942 of the Commonwealth and which are not separate premises used for an office or studio or office in connection with any such station; or
- (b) any other premises which are used or intended for use for a station for the transmitting or receiving or transmitting and receiving of radio signals, whether or not that station also transmits or receives other communications signals, where the use of that station is not ancillary to the carrying out of one or more other activities at the same premises and which characterise a purpose for which those premises are used.

**"Restaurant"** means a place at which:

- (a) meals, whether substantial or otherwise; or
- (b) light refreshments;

are regularly supplied on sale to the public for consumption by persons seated thereat, whether or not:

- (a) the whole or part of that place is, or is part of, premises to which a licence under the Liquor Act 1912-1989 applies;
- (b) facilities are regularly provided thereat for dancing by the public resorting thereto; or
- (c) some form of entertainment is regularly provided thereat by a person physically present and actually providing the entertainment;

but does not include kiosk, take-away store or shop or part of any Shopping Centre or a facility the use of which is part of the use of premises for the purpose of indoor recreation, or outdoor sport and recreation or of a convention centre, park, a place of assembly, convention centre or a zoo.

The term includes:

- (a) the subordinate use of those premises for the provision of any one or more of light refreshments, takeaway meals, bread, cakes and pastry on sale to the public for consumption elsewhere provided that the term does not include the use of any part of those premises for a drive-through take-away food store; and
- (b) where the whole or part of those premises is premises to which a licence under the Liquor Act 1912-1989 applies, the use of those premises for any activity authorised under that Act in pursuance of its being such premises.

**"Shop"** means any place which is:

- (a) a local store;
- (b) a coin operated laundry;
- (c) a place for the reception and return of goods deposited for washing, cleaning or repairing elsewhere;
- (d) a betting shop;
- (e) a pet shop;
- (f) a retail warehouse;
- (g) a specialist shop;
- (h) a place other than as referred to in paragraph (a), (b) or (f) used or intended for use for the sale, or displaying or offering for sale, by retail of goods whether or not that place is also used or intended for use for the subordinate conduct of one or both of those activities which respectively characterise a use of premises for the purpose of a take-away food store and restaurant;
- (i) a place used or intended for use for the hiring out of goods kept thereat for that purpose, whether or not routine servicing of those goods is carried out thereat;
- (j) a place as referred to in any two or more of paragraphs (c) , (e) , (h) , and (i)

Where that place is not a place the use of which is, or is part of:

- (a) a use of premises elsewhere defined in this section otherwise than as referred to in paragraph (e) of the definition "business premises"; or
- (b) a use for a purpose elsewhere specifically defined in this section.

The term does not include a place used or intended for use for the sale of any goods by auction.

**"Local Store"** means a building, the floor area of which does not exceed 200 m<sup>2</sup>, used or intended for use for the sale, or displaying or offering for sale, by retail of goods for the day to day needs of the surrounding neighbourhood but does not include a roadside stall or any part of a shopping centre.

**"Retail Warehouse"** means a building having a gross floor area of not less than 400 m<sup>2</sup> used or intended for use for the sale, or displaying or offering for sale, by retail of goods being any one or more of the following:

- (a) floor coverings, furniture and wall tiles;
- (b) non-portable domestic appliances being washing machines, dishwashers, clothes dryers, refrigerators, hot water systems, air conditioning systems and the like, with or without portable domestic appliances;
- (c) domestic fittings;
- (d) building and construction materials with or without hardware;

**"Specialist Shop"** means any premises the floor area of which does not exceed 50 m<sup>2</sup> used or intended for use for the sale and displaying or offering for sale to members of the public of specialised goods and services being any one or more of the following:

- (a) gift store/souvenir shop;
- (b) hairdressing/beauty salon;
- (c) pharmacy;
- (d) tobacconist and/or newsagency;
- (e) travel agency;
- (f) other similar uses as permitted by the Corporation.

The term includes incidental storage of such goods on the same premises but does not include a restaurant, kiosk or market industry as herein defined, or any other premises used, or intended for use for a purpose elsewhere specifically defined in the plan.

**"Shopping Centre"** means premises:

- (a) which function as an integrated unit;
- (b) which contain one or more buildings:
  - (i) having a total floor area of not less than 200 m<sup>2</sup>;
  - (ii) erected:
    - at the one time as one complete entity or in stages where each succeeding stage forms one complete entity with any earlier stage or stages; and
    - to a coordinated layout; and
  - (iii) comprising separate areas of occupation and other areas used in connection therewith where:

- each of those separate areas of occupation, were it not part of a shopping centre, would be:
  - a shop;
  - business premises;
  - a place of assembly;
  - a restaurant;
  - a take-away food store;
  - public premises as referred to in paragraph (b) of the definition "public premises"; or
  - part of premises used for the purpose of some service industry; and
- the extent to which those separate areas of occupation, were they not part of a shopping centre, would be a shop or shops is not in the circumstances insignificant or nominal.

**"Student Housing"** means a residential building comprising a residential use by any student at or any teacher or other person employed at:

- (a) a university or college of advanced education or technical and further education institution; or
- (b) an institution (other than referred to in paragraph (a) which provides courses of study or training for the purpose of general education or of preparation for a particular occupation or profession.

**"Take-Away Food Store"** means a place used or intended for use for:

- (a) the preparation by cooking or otherwise of any one or more of light refreshments, take-away meals, bread, cakes and pastry; and
- (b) the supply of such on sale to the public for consumption elsewhere; where that place is not:
  - (i) a restaurant or shop;
  - (ii) part of a shopping centre; or
  - (iii) that place is not a facility the use of which is part of the use of some premises for the purpose of a convention centre, park, a place of assembly, convention centre or a zoo or for some purpose which is indoor recreation or outdoor sport and recreation.

**"Tenement Housing"** means a residential building:

- (a) containing a number of separate areas of occupation together with such area, if any, as is necessarily incidental to more than one of those separate areas of occupation; and
- (b) used or intended for use as the place of abode for a number of unrelated persons, but does not include:
  - (i) an apartment building, attached house, community dwelling, duplex house, motel or that part of a building containing more than one caretaker's flat; or
  - (ii) any part of a hospital, a hotel, institutional residence, retirement village, sports and convention centre or any other premises being premises elsewhere specifically defined in this clause the use of which is not characterized by some residential use.

Without otherwise limiting what is, or is not, part of such a use, a use of premises for the purpose of a tenement building does not include the use of any stable or the keeping of animals or poultry thereat in such circumstances as constitute those premises or any part thereof a cattery, a goat farm, kennels, a piggery or a poultry farm.

**"Utility Installation"** means premises used or intended for use by a person carrying on a public utility undertaking for the purpose of providing and maintaining that undertaking but does not include any building used or intended for use as an office or for administration or other like purposes unless the use of that building is ancillary to the conduct of some other activity on the land whereon that building is erected or at premises which include that land.

**"Vehicle Repair Station"** means a place used or intended for use for carrying out repairs to, or servicing of, any one or more motor vehicles or boats where those repairs do not or that servicing does not:

- (a) include body building, panel beating or spray painting of other than a minor nature; and
- (b) constitute part of a use of premises elsewhere specifically defined in this section.

**"Vehicle Sales Yard"** means any premises used or intended for use for the display for sale, hire or leasing of any one or more of:

- (a) motor vehicles with or without motor vehicle spare parts or accessories;
- (b) boats with or without boat accessories;

whether or not:

- (c) any of them are sold, hired or leased at those premises; and
- (d) motor cycles either with or without motor cycle spare parts or accessories are displayed for sale or sold at those premises;.

but does not include any auction depot.

A use of premises for the purpose of a vehicle sales yard includes any ancillary use of the premises by way of the use of an office for work of administration or accounting in connection with the vehicle sales yard.

**"Veterinary Surgery"** means any premises used or intended for use by a veterinary surgeon in the practice of that occupation where in the ordinary course animals, birds, fish or reptiles which undergo medical or surgical treatment thereat are not accommodated thereat for or in connection with that treatment but does not include a veterinary hospital.

**"Warehouse Premises"** means premises used or intended for use for the storage of goods of whatever description in one or more buildings, whether or not any of those goods are sold by wholesale thereat where that other place:

- (a) is not, or is not part of, a place or premises elsewhere specifically defined in this section; and
- (b) is not a place the use of which is, or is part of, a use for a purpose elsewhere specifically defined in this section.

The term includes the use of those premises for:

- (a) any ancillary use of the premises by way of the use of an office for work of administration or accounting in connection with the conduct of the warehouse premises; and
- (b) the use of any facilities provided thereat for the garaging and routine servicing of vehicles associated with the conduct of the premises.

The term does not include a builder's yard, construction contractor's yard, truck depot, or vehicle depot.

**"Welfare Premises"** means

- (a) premises:
  - (i) used or intended for use for social welfare purposes;
  - (ii) providing a counseling or advisory service;
  - (iii) of a like character to those referred to in sub-paragraphs (i) and (ii); or
- (b) premises used or intended for use for the provision thereof of some form of education or instruction to some section of the public, but does not include any premises used for business or commercial purposes, or any club, educational establishment, licensed club or reformatory institution.

**"Youth Club"** means premises to which the public does not resort and which are used or intended for use by The Queensland Police - Citizens Youth Welfare Association, The Scout Association of Australia Queensland Branch or the Girl Guides Association (Queensland, Australia):

- (a) as a place for meetings of, or social intercourse among, the members of that association or a branch or group within that association; or
- (b) directly for the development, training and recreation of youth or like purpose of that association whether or not those premises are also used or intended for use in part as an office for the administration of the affairs of that association or a branch or group within that association.

**"Zoo"** means any premises at which live animals, birds, reptiles and fish or any of them are kept for public exhibition thereat.

A use of premises for the purpose of a zoo includes:

- (a) the use of any facilities provided at those premises for the care and treatment of animals, birds, reptiles or fish kept thereat; and
- (b) the use of any facilities provided at those premises for the enjoyment or convenience of the public resorting thereto by way of:
  - (i) shelters or other public conveniences;
  - (ii) kiosks for light refreshment booths; or
  - (iii) information areas for the promotion of those premises

### **13.3 Administrative Definitions**

The terms defined in this sub-section which are not for the purposes of the Plan descriptive of a purpose of development are the following:

- The Act
- Alignment
- Allotment
- Ancillary
- Appointed Day
- Architectural Components
- Bikeway
- Boulevard
- Building

Building Envelope  
Burra Charter  
Bus Corridor  
Bus Space  
Car Space  
Central Business District  
The City  
Collins Place  
Commercial Use  
Composite Building  
Consent  
Convention Use  
The Corporation  
Corporation Area  
The Council  
Curtilage  
Development  
Development Area  
Development Plan  
Discretion  
Dwelling Unit  
Erect  
Existing Building  
Existing Use  
Food and Beverage  
Gross Floor Area  
Ground Level  
Ground Storey  
Height  
Landscaping  
Lane  
Level of the Adjoining Ground  
1997 Masterplan  
Modified Existing Building  
Motor Car  
Motor Vehicle  
Non-Residential Building  
For Non-Residential Purposes  
Open Area Elements  
Other Suitable Development  
Parapet Level  
Parking Area  
Park Lane  
Pathway  
the Plan  
Planning Unit  
Plot Ratio  
Preferred Development  
Premises  
Promenade  
Public Passenger Vehicle  
Public Purpose  
Public Utility Undertaking  
Reference Grid  
Residential Building  
For Residential Purposes  
Residential Use  
Retail Use  
Site  
Site Cover  
Special Access Area

Storey  
Structure  
The Avenue  
Transition Area  
Use  
Waterway  
Wholesale

In the Plan:

**"The Act"** means the South Bank Corporation Act 1989

**"Alignment"** means any continuous part of the limits of road

**"Allotment"** means a piece or parcel of land the boundaries of which are separately defined by metes and bounds on a current plan but does not include a piece or parcel of land the boundaries of which are so defined merely for the purposes of indicating the area of land which is the subject of an easement or a proposed easement or which has been opened as road.

**"Ancillary"** means incidental and subordinate

**"Appointed Day"** means the day upon which the Revised Development Plan, being the modified draft Development Plan, is deemed to be the Approved Development Plan pursuant to the notification in the Gazette that the Governor in Council approves the draft Development Plan.

**"Architectural Components"** means any structural components of the built form whether used for functionality or embellishment within the Corporation Area, or as determined by the Corporation, including but not limited to:

Awning  
Balcony  
Courtyard  
Gateway  
Opening  
Pergola  
Ramp  
Recessed Form  
Retaining Wall  
Roof Garden  
Screen  
Stairs  
Sun Shading  
Terrace  
Undercroft  
Verandah

**"Bikeway"** means that part of a walkway or road paved for use by cyclists. The term includes that pavement designated for the exclusive use of cyclists or shared with pedestrians or vehicles respectively.

**"Boulevard"** means a public thoroughfare providing major pedestrian access along a broad avenue lined with trees, or landscaped elements, buildings or other structures and which the Corporation determines to designate as a boulevard.

**"Building"** means any fixed structure that is wholly or in part enclosed by walls and is roofed and, where the context indicates or requires, includes any part of a building.

**"Building Envelope"** means the areas within the Corporation Area allocated to contain built form and which will be controlled by planning requirements related to height and setback.

**"Burra Charter"** means the Australia ICOMOS charter for the conservation of places of cultural significance.

**"Bus Corridor"** means a road as defined under the Traffic Act as amended, which extends through the Corporation Area in a location as determined by the Corporation and which is for the purpose of providing a thoroughfare for buses and other public passenger vehicles as may be permitted by the Corporation in consultation with the Council.

**"Bus Space"** means a space adequate for the parking or standing therein of an omnibus.

**"Car Space"** means a space adequate for the parking or standing therein of a motor car.

**"Central Business District"** means that land identified in the Town Plan as prepared under the City of Brisbane Town Planning Act 1965 as amended for the City of Brisbane and being within the Central Business District boundary.

**"The City"** means the area for the time being comprised within the City of Brisbane.

**"Collins Place"** means that structure listed pursuant to the "Queensland Heritage Act"

**"Commercial Use"** means the use of premises for the conduct of business or commercial purposes as defined under Business Premises.

**"Composite Building"** means:

- (a) in any case, a separate building used or intended for use by:
  - (i) in part, residential purposes; and
  - (ii) in part, non-residential purposes; and
- (b) in a case where the context requires, includes a separate building constructed or adapted as to be capable of being, or suitable to be, used:
  - (i) in part, for residential purposes; and
  - (ii) in part, for non-residential purposes.

**"Consent"** means the agreement of the Corporation expressed in writing in response to a request expressed in writing.

**"Convention Use"** means the use of premises for purposes associated with Convention Centres

**"The Corporation"** means the South Bank Corporation established and constituted pursuant to Section 5.0 of the South Bank Corporation Act, 1989.

**"Corporation Area"** means the area as described in Schedule IV of the Act or that area as varied in accordance with Section 12.0 of the South Bank Corporation Act, 1989.

**"The Council"** means:

- (a) the Brisbane City Council constituted under the City of Brisbane Act 1924 as amended; and
- (b) where used with respect to a power, function or duty of the Council which the Council is empowered to delegate by the resolution, includes any of:
  - (i) the Mayor;
  - (ii) a committee appointed from among the aldermen of the Council;
  - (iii) any officer of the Council or a board consisting of officers of the Council;

to whom the Council has delegated that power, function or duty pursuant to Section 398 of the City of Brisbane Act, 1924 as amended.

**"Curtilage"** with respect to a building or other structure, means the area of land appurtenant to the building or other structure.

**"Development"** means those activities included as constituting development as defined in Section 4.0 of the South Bank Corporation Act, 1989.

The term includes the land and any appurtenance existing thereon, design, contract tender and construction documentation to the satisfaction of the Corporation.

**"Development Area"** means those areas contained within the Precincts within the Corporation Area that are available for development and comprise Building Envelopes and Transition Areas.

**"Development Plan"** means a plan prepared by the South Bank Corporation for the Corporation Area as per the sequence of responsibilities listed in Part IV of the South Bank Corporation Act, 1989 to enable the Corporation to fulfill its functions as listed in Section 17.0 of the South Bank Corporation Act, 1989 which on notification in the Gazette will be deemed to be the Approved Development Plan for the Corporation.

**"Discretion"** means the power or right of deciding or acting according to the judgement exercised by the empowered identity.

**"Dwelling Unit"** means a separate building or part of a building comprising habitable rooms and other spaces:

- (a) used; or
- (b) so constructed or adapted as to be capable of being, or suitable to be used;

as a separate domicile whether or not that separate building or part of a building includes any space for use as a laundry or garage.

**"Erect"** includes:

- (a) erect or commence or continue to erect;
- (b) do, or commence or continue to do any work in the course of, or for the purpose of, erecting;
- (c) perform any structural work or make any alteration, addition or rebuilding;
- (d) move from one position on an allotment to another position on, or partly on, the same allotment or another allotment;
- (e) re-erect with or without alteration on, or partly on the same allotment; and where a building or other structure is located on more than one allotment:
  - (i) move to another position on the same allotments or any of them or to another allotment or allotments; or
  - (ii) re-erect, with or without alteration, to another position on the same allotments or any of them, or on another allotment or allotments.

**"Existing Use"** means a use of premises within the Corporation Area where that use was in existence immediately before the appointed day.

**"Food and Beverage"** means the use of premises for any or all of the following purposes as defined herein:

- (a) Kiosk;
- (b) Restaurant;
- (c) Take-Away Food Store;
- (d) Licensed Club;
- (e) Hotel

**"Gross Floor Area"** with respect to a building, planning unit or development for some purpose, means the sum of the floor areas (inclusive of all walls, columns and balconies whether roofed or not) of all storeys in the building, in all buildings contained in the planning unit or all buildings to which that development relates, as the case may be, excluding:

- (a) the areas (inclusive of all walls and columns) of any lift motor room or air conditioning or other mechanical or electrical plant and equipment room;
- (b) the area of that part of any private balcony, whether roofed or not, directly accessible only from one dwelling unit which is within 2.5 metres of the back wall of that balcony to the extent that the sum of all such areas does not exceed 15% of what would be the gross floor area but for this paragraph;
- (c) the area of any lobby or internal landscaped atrium at ground storey level;
- (d) the areas (inclusive of all walls and columns) at any ground storey of all rooms associated with landscape and recreation area in relation to development for some residential purpose to the extent that the sum of all such areas does not exceed 5% of the landscape and recreation area provided within the site;
- (e) the areas (inclusive of all walls and columns) of all space used or intended for use for the parking of motor vehicles.

For the purpose of this definition roofed decks:

- (a) at a topmost storey or storey next below it; and
- (b) on the area by which the next lower storey projects beyond the topmost storey or, as the case may be, storey next below it;

shall be deemed to be a private balcony directly accessible from only one dwelling unit.

**"Ground Level"**, unless the context otherwise requires, means:

- (a) in a case where any material excavation with respect to the land the ground level whereof is to be determined has been carried out to facilitate the erection of a building or other structure and that building or part thereof is erected at the appointed day, the likely ground level had that building or other structure or part thereof not been erected;
- (b) in a case where, on the land the ground level whereof is to be determined, any material or substance has been deposited so as to raise the level of that land and:
  - (i) that depositing of material or substance was not in contravention of the Plan; and
  - (ii) that material or substance remains upon the land;

the level to which that material or substance has been deposited upon the land;

- (c) in the case of a site used or intended for use for a composite building incorporating levels of car parking, the level which lies directly above the upper most level of the car parking structures;
- (d) in any other case, the level at the appointed day or as may be specified in the Development Plan.

**"Ground Storey"**, with respect to a building containing more than one storey, means that storey in the building closer or closest, as the case may be, to the ground level in which the height of the ceiling above the level of the adjoining ground measured at the middle of the face of the front wall of the building is greater than the distance from the level of the adjoining ground to the floor so measured.

**"Height"** with respect to anything, unless the context otherwise indicates or requires, means the height of that thing measured from ground level.

**"Landscaping"** means the treatment of land for the purpose of enhancing or protecting the amenities of a site and the locality in which it is situated by:

- (a) screening by fences, walls or other means;
- (b) planting of trees, hedges, shrubs or grass;
- (c) formation of banks, terraces or other earthworks;
- (d) laying out of gardens or courts; or
- (e) other amenity features

**"Lane"** has the meaning ascribed to that term in Section 35.0 of the Local Government Act 1936.1987.

**"Level of the Adjoining Ground"** with respect to part of a building, means the actual level of that ground adjacent to that part of a building.

**"1997 Masterplan"** means the strategic review undertaken for the Corporation Area which provides redevelopment principles on which the vision for the Corporation Area and amendments to Section 14.0 are based and published as "South Bank Brisbane: Masterplan", May 1997 for the South Bank Corporation, prepared by Denton Clark Marshall Group Architects Planners Landscape Architects.

**"Modified Existing Building"** means a building or other structure lawfully erected:

- (a) as to part thereof, before the appointed day; and
- (b) as to the remaining part thereof, on or after the appointed day.

Erection in relation to a modified existing building occurs where:

- (a) there is erection of part of a building or other structure by the making of any alteration or addition to a modified existing building or rebuilding of part of a modified existing building; or
- (b) there is erected on the site a modified existing building to be retained on that site a building or other structure.

**"Motor Car"** has the meaning ascribed to that term by the Traffic Act 1949 as amended

**"Motor Vehicle"** means a mechanically propelled vehicle intended or adapted for use primarily on roads and includes a motor cycle but does not include a vehicle which is not fitted or equipped to carry passengers or goods other than fuel or water for its own consumption, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

**"Non-Residential Building"** means a separate building which is not a residential building or a composite building.

**"For Non-Residential Purposes"** means:

- (a) with respect to a use, by way of a non-residential use;
- (b) with respect to the erection of a building or other structure, with the intention that the use of the building or other structure be a non-residential use.

**"Open Area Elements"** means any built form or landscape elements used primarily in conjunction with active or passive recreational activities within areas which are available for use by the general public.

These elements may include but are not limited to:

- Arcade
- Clock Tower
- Flagged Court
- Garden Forecourt
- Lagoon
- Lookout Platform
- Market Stalls
- Nepalese Pagoda
- Plaza
- Rainforest Island
- Sculptured Court
- Square
- Watergarden

and are of a form and nature as determined by the Corporation

**"Other Residential Uses"** means those residential uses that with respect to a residential building incorporate dwelling units of no greater than 100 m<sup>2</sup> gross floor area and include the following residential purposes.

- (a) tenement building;
- (b) hostel; or
- (c) student housing.

**"Other Suitable Development"** with respect to a particular Precinct, means development which may be carried out in that Precinct with the consent of the Corporation and which is specified or ascertainable pursuant to particulars specified elsewhere in this Development Plan and which use is consistent with the intent of the particular Precinct as determined by the Corporation.

**"Parapet Level"** means:

- (a) the level of the top of a perimeter upstand wall, the bottom of which meets the top of the roof slab, or the top of the roof slab or roof structure if there is no upstand wall; or
- (b) in the case of roofs with eaves overhangs, the top of the wall top plate.

**"Parking Area"** with respect to a use, means that part or those parts of the planning unit for that use (and whether or not within, or partly within, a building or other structure) provided for any one or more of:

- (a) the parking of motor vehicles;
- (b) the standing of motor vehicles;
- (c) the queuing of motor vehicles awaiting a particular service;

and, where any bus space, car space, or queuing space is provided in such a part, includes such a part of the planning unit as is adjacent to the space and is used or intended to be used in connection with the gaining of immediate access to or egress from, the space but does not include any part of the planning unit:

- (d) provided for the parking or standing of a motor vehicle while some service or work is being performed in respect of the motor vehicle;
- (e) where motor vehicles are:
  - (i) stored; or
  - (ii) displayed or offered for sale, hire or leasing; or
- (f) provided as an area for the loading or unloading of vehicles.

**"Park Lane"** means the proposed road identified in Section 14.0 as shown in the 1997 Masterplan.

**"Pathway"** has the meaning ascribed to that term in Section 35.0 of the Local Government Act 1936-1987.

**"The Plan"** means the Approved Development Plan for the Corporation Area as referred to in Section 20.0 of the South Bank Corporation Act, 1989.

**"Planning Unit"** means:

- (a) with respect to development being the erection of a building or other structure on land, the land which constitutes the site for the purposes of that development together with all buildings or other structures on that land upon the completion of that development, whether or not all buildings and other structures then on that land are the subject of that development;
- (b) with respect to development being a use of land, the land which constitutes the site for the purposes of that development;
- (c) with respect to development being the use of a building or other structure on land, the land which constitutes the site for the purposes of that development together with all buildings or other structures on that land while that development is being carried out, whether or not all buildings and other structures then on that land are involved in that development.

**"Plot Ratio"** with respect to a development, means the ratio of the gross floor area of the buildings on the site of the development, calculated in accordance with the provisions of the Plan, to the area of that site.

**"Preferred Development"** with respect to a particular Precinct, means development which may be carried out in that Precinct with the consent of the Corporation and which is specified or ascertainable pursuant to particulars specified elsewhere in this Development Plan and which use typifies the intent of the particular Precinct as determined by the Corporation.

**"Premises"** means any:

- (a) land;
- (b) building;
- (c) structure other than a building; or
- (d) land together with any building or other structure thereof.

**"Promenade"** means a thoroughfare which extends through the Corporation Area in a location as determined by the Corporation and which is developed and maintained for use by pedestrians and certain non-motorised vehicles as may be permitted by the Corporation.

**"Public Passenger Vehicle"** means bus, taxi, chauffeur-driven hire car, pedal cab, horse drawn cab or coach or other form of transport which, in the opinion of the Corporation, is of a similar character.

**"Public Purpose"** means a purpose included in, or comprehended by, a place or premises specified in, the Table hereunder:

**"Table"**

Child Care Centre  
Club  
Convention Centre  
Educational Establishment  
Emergency Services Depot  
Museum  
Outdoor Sport and Recreation  
Place of Assembly  
Public Premises  
Public Utility Undertaking

**"Public Utility Undertaking"** means:

- (a) a railway, tramway, road transport, air transport, water transport, wharf, harbour or river undertaking;
- (b) an undertaking for the supply of water hydraulic power, electricity or gas or the provision of sewerage or drainage services;
- (c) an undertaking for the collection, removal or disposal of refuse;
- (d) an undertaking for the provision or maintenance of roads or traffic controls;
- (e) an undertaking for the provision of postal or telecommunications services;

provided and maintained or caused to be provided and maintained:

- (f) under the authority of some law in that behalf by:
  - (i) the Council; or
  - (ii) some statutory authority or corporation of a public character; or
- (g) pursuant to, and by some person who is the holder of a franchise under, the Gas Act 1965 as amended.

**"Reference Grid"** means the 20 metre grid applied to the Corporation Area from which artificial Easting and Northing co-ordinates can be determined for any point within the Corporation Area and identified in the Reference Grid Plan.

**"Residential Building"** means:

- (a) in any case, a separate building used or intended for use for residential purposes including:
  - (i) apartment building;
  - (ii) attached house;
  - (iii) tenement building;
  - (iv) student housing; and
  - (v) Community dwelling;

- (b) in a case where the context requires, includes a separate building constructed or adapted so as to be capable of being, or suitable to be, used for residential purposes;

**"For Residential Purposes"** means:

- (a) with respect to a use, by way of a residential use;
- (b) with respect to the erection or other structure, with the intention that the use of the building or other structure be a residential use.

**"Residential Use"** means a use for human habitation.

**"Retail Use"** means the use of selling to the general public with respect to the selling of any goods.

**"Site"** with respect to development, means the land within the Corporation Area on which that development is or is proposed to be carried out.

**"Site Cover"**, with respect to a development, means the proportion, expressed as a percentage, of the site of the development which the area covered by buildings or other structures on the site bears to the area of the site; where the area covered by a building or other structure is measured to coincide with the area contained within the projection onto a horizontal plane of the outer limits of the building or other structure to the extent that it is above the level of the adjoining ground.

The term includes any car parking space or truck parking space in connection with any development for the purpose of any automatic mechanical car wash, industry, or warehouse premises.

**"Special Access Area"** means those areas within the Corporation Area allocated solely for public access, either pedestrian or service and emergency vehicle access and that exclude any built form.

**"Storey"** means that 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 does not include any mezzanine level of 200 m<sup>2</sup> or less in gross floor area.

**"Structure"** means any building, wall, fence or other structure or anything affixed or projecting from any / building, wall, fence or other structure. The term includes any part of a structure.

**"The Avenue"** means the former Grey Street Boulevard/Grey Street Alignment as shown in the 1997 Masterplan.

**"Transition Area"** means those areas within the Corporation Area, contained totally within Development Areas, that refer to the interface between Building Envelopes and Special Access Areas.

**"Use"** in relation to land, includes the carrying out of excavation work in or under land and the placing on land of any material or thing which is not a building or other structure.

Subject to the express provisions of the Plan, a use for a particular purpose includes any use which is incidental to and necessarily associated with the use which characterises a use for that purpose or evidences a use for that purpose in the particular case.

**"Waterway"** means a body of water within the Corporation Area which may or may not be navigable by small craft, the extent and boundaries of which are to be determined by the Corporation.

**"Wholesale"** with respect to the selling of any goods means that the selling is other than by retail.