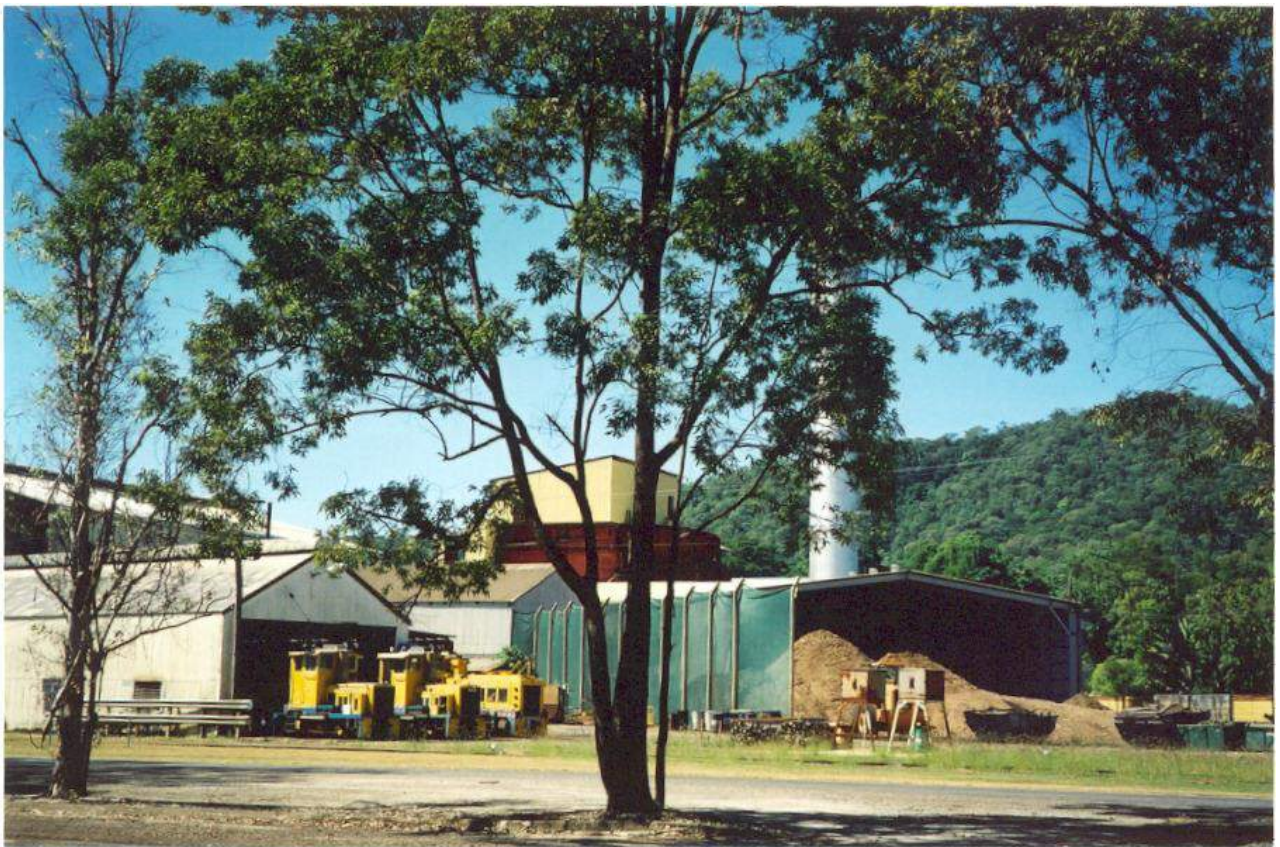




CHAPTER 5

DEFINITIONS



THIS PAGE SHOULD BE BLANK



CHAPTER 5 – DEFINITIONS

5.1 Land Use Definitions

A list of Land Use Definitions is outlined below in alphabetical order, followed by the detailed Land Use Definitions in the same order.

5.1.1 List of Land Use Definitions

Aircraft Landing Facility – Commercial
Aquaculture
Business Facilities
Camping Ground
Caravan Park
Caretaker's Residence
Car Park
Cemetery and Crematorium
Child Care Centre
Display Facilities
Educational Establishment
Extractive Industry
Health Facility
Holiday Accommodation
Home Activity
Home Based Business – (includes Bed & Breakfast Accommodation, Forest Stay Accommodation and Host Farm Accommodation).
Home Industry
House
Indoor Sports and Entertainment
Industry – (includes Industry Class A and Industry Class B).
Intensive Animal Husbandry
Interpretive Facility
Marina
Multi-Unit Housing
Off Premises Advertising Device
Outdoor Sport and Recreation
Outstation/Seasonal Camp
Park and Open Space
Place of Assembly
Primary Industry
Private Forestry
Public Utilities and Facilities
Restaurant
Retirement Facility
Service Industry
Service Station



Shopping Facility
Short Term Accommodation
Special Residential Use
Staff Quarters
Tavern
Telecommunication Facilities
Tourist Attraction
Veterinary Facilities.

5.1.2 Detailed Land Use Definitions

Aircraft Landing Facility – Commercial

Means the use of premises for the arrival, departure and ground movement of aircraft, transporting passengers or goods on a commercial basis.

The use includes:

- Buildings, structures or installations used for the control, refuelling, maintenance and repair of aircraft; and
- the assembly or dispersal of passengers or goods transported by the aircraft.

Aquaculture

Means cultivating or holding marine, estuarine or freshwater organisms, other than molluscs, in ponds or enclosures and, being:

- Aquaculture (minor) where activities involve fresh water Aquaculture in tanks or ponds with a production area less than 5 hectares and no offsite discharge to natural waters; or
- Aquaculture (major) where activities are other than defined as minor.

Business Facilities

Means the use of premises for:

- the conduct of a business or office where the principle activity is the provision of business or professional advice, services and goods or the office based administrative functions of any organisation;
- the medical or paramedical care or treatment of persons, which does not involve the accommodation of those persons on the premises overnight;



- the medical care of animals, which does not involve the accommodation of those animals on the premises overnight.

The use includes:

- facilities commonly described as professional office, real estate office, bank, building society, credit union or funeral parlour;
- care or treatment by practitioners such as an acupuncturist, podiatrist, naturopath, chiropractor, dentist, general or specialist medical practitioner, optometrist, pathologist, physiotherapist, radiologist or veterinarian, together with ancillary services such as pharmacy.

Camping Ground

Means the use of premises on a short term basis for:

- the pitching of tents;
 - the placement of campervans/motorhomes;
 - provision of toilet/ablution facilities;
 - provision of recreational area/s; and
 - provision of administration facilities and staff/managers quarters,
- where all facilities exclusively service the patrons of the Camping Ground.

Caravan Park

Means the use of premises for the placement of cabins, camping areas, caravans, campervans and motorhomes, primarily for temporary residential accommodation.

A Caravan Park includes:

- camping areas and cabins for overnight and holiday accommodation;
- amenity Buildings;
- recreational and entertainment facilities;
- manager's office and residence;
- kiosk and storage facilities which cater exclusively for occupants of the Caravan Park.



Caretaker's Residence

Means the use of premises comprising one Dwelling Unit for the use by a caretaker or manager, including their Household, who is employed for care taking or management purposes in connection with a commercial, industrial, recreational or other non-residential use conducted on the premises.

The use does not include:

- a manager's unit located within Multi-Unit Housing; Holiday Accommodation; or Short Term Accommodation.

Car Park

Means the commercial use of premises for the temporary parking of motor vehicles where this parking is not provided as part of the use of the premises for some other purpose.

Cemetery and Crematorium

Means the use of premises for the interment of, or the cremation of, the deceased. The use includes a funeral chapel or parlour, columbarium and mortuary when located on the same Site.

The use may include facilities commonly described as:

- a graveyard;
- burial ground;
- crematorium; or
- pet cemetery.

Child Care Centre

Means the use of premises for the minding or care, but not residence, of children generally under school age.

The use includes facilities commonly described as:

- a kindergarten;
- creche; or
- pre-school centre.



Display Facilities

Means the use of premises for the display, hire or sale, by retail or by auction, of goods such as:

- Building and construction materials with or without hardware;
- garden supplies including plants, tools, garden furniture and equipment and other products for use in gardening and Landscaping;
- vehicles including cars, trucks, motor cycles, boats, caravans and trailers;
- produce, animal fodder and farming goods and equipment.

The use includes facilities commonly described as:

- garden centre;
- produce market;
- produce store;
- car or truck sales yard;
- auction yard; or
- car hire centre.

and others more particularly described as bulky goods retail such as:

- Camping World
- Freedom Furniture
- Harvey Norman
- Capt'n Snooze
- Office Works
- Pet Cafe, among others.

The use does not include retail chain outlets such as:

- Crazy Clarke's
- The Warehouse
- Overflow

which are defined as Shopping Facilities.



Educational Establishment

Means the use of premises for the provision of pre-school, primary, secondary or tertiary education or courses of study or training for the purposes of general education or for preparation for an occupation.

The use includes:

- ancillary facilities which are located on the Site and are administered by the educational body responsible for the Site, such as:
 - offices;
 - libraries;
 - bookshop;
 - tuckshop;
 - sport and recreational facilities; and
 - residential accommodation for persons involved in the use.

Extractive Industry⁵³

Means the use of premises for the extraction and removal of sand, gravel, soil, rock, stone or other similar materials.

The use includes:

- the treatment of the extracted material; and
- the storage and preparation for transport of the extracted material when this is carried out on the premises or on adjacent premises.

Health Facility

Means the use of premises for primary health care and associated services.

The use includes:

- the medical or surgical care or treatment of persons accommodated on the premises to receive this care or treatment;

⁵³ DPI has a policy of not supporting the use of tidal land for non-marine related activities where other options of lesser impact exist. This includes such activities as treatment and storage areas for extractive material.



- the care or treatment of persons such as emergency patients or out-patients not residing on the premises;
- respite care and temporary aged care;
- the residential use of the premises by those conducting the use; and
- ancillary services such as a pharmacy, gift shop, florist or coffee shop.

Holiday Accommodation

Means the use of premises for the accommodation of tourists or travellers in private accommodation.

The use may include:

- Restaurants;
- bars;
- meeting and function facilities;
- dining room;
- facilities for the provision of meals to guests;
- a manager's unit and office; and
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished, (if a freestanding replica), or converts to its intended purpose within the complex

when these facilities are an integral part of the accommodation.

The use includes facilities commonly described as:

- holiday apartments or suites;
- international or resort hotel or motel.

Home Activity

Means the use of a House and its surrounds or a Dwelling Unit within Multi-Unit Housing by the permanent resident/s of the House or Dwelling Unit for the conduct of an occupation, vocation or profession.



Home Based Business

Means the use of a House and its surrounds, or an ancillary Building on the lot containing the House, by the permanent resident/s of the House for the conduct of a business, commercial or professional enterprise which is not industry based.

The use includes the provision of accommodation to tourists or travellers, commonly described as:

- Bed and Breakfast Accommodation – any premises used or intended for use as tourist accommodation which provides breakfast and overnight accommodation, which is not self contained.

OR

- Forest Stay Accommodation – any premises used or intended for use as tourist accommodation which is not self contained and which operates in association with organised tours of the natural and/or rehabilitated forest environment on the same site and includes some staff accommodation on site for employees.

OR

- Host Farm Accommodation – any premises used or intended for use as tourist accommodation, which is not self contained, and which operates in conjunction with a Primary Industry.

Home Industry

Means a light or Service Industry carried on, in or under a House, the curtilage of a House or within a shed located on the same allotment as a House by a permanent resident of such House and the conduct of which:

- entails the establishment of a workshop for servicing or manufacturing of goods, occupying a Building or other structure or an open area which does not exceed:
 - one hundred square metres (100 m²) in the case of an allotment up to but not exceeding eight (8) hectares in area; or
 - one hundred and twenty square metres (120 m²) in the case of an allotment exceeding eight (8) hectares in area;

with such areas to be exclusive of car parking and driveways;

- there is no change in the appearance of the premises in which the use is conducted that is out of the character with that of the surrounding area;
- any retail activity associated with the Home Industry is minor and is contained within the area or Building occupied by the Home Industry and does not exceed an area greater than 10% of that total area or Building;



- there is no interference with the amenity of the area by reason of the emission of ash, dust, electrical interference, fumes, grit, light, noise, oil, soot, smell, smoke, steam, vapour, vibration, waste water, waste products or otherwise;
- does not create hazards likely, in the opinion of Council, to cause undue disturbance and/or annoyance to a person or affect property not connected with the industry;
- employs only the person carrying on the business and members of his family who are also resident in the House and a maximum of two (2) other persons who are not permanent residents of the House;
- does not require the provision of any essential service of a greater capacity than normally required in the Planning Area in which it is located;
- requires no sign other than a sign not exceeding one square metre (1 m²) and bearing only the name and occupation of the resident is displayed;
- does not operate on Sunday or a public holiday or between the hours of 7.00 pm to 6.00 am;
- does not require, in the opinion of Council, more than one (1) on-Site car parking space for clients or customers of the Home Industry; and
- does not require the use at any time of more than one (1) commercial vehicle.

House

Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one Household. The use includes:

- Outbuildings/structures incidental to and necessarily associated with the residential use;
- the care of children in accordance with the Child Care (Family Day Care) Regulation 1991;
- accommodation for a member or members of the extended family of the Household occupying the House and for personal staff;
- a display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of twelve (12) months and which then converts to a House for the exclusive use of one Household; and
- The short term letting of a house for the purpose of holiday rental accommodation.



Indoor Sports and Entertainment

Means the use of premises for sport, physical exercise, recreation or public entertainment predominantly within a Building.

The use includes facilities commonly described as:

- sports centre;
- gymnasium;
- amusement and leisure centre;
- cinema;
- dance club;
- music club;
- nightclub;
- reception room;
- theatre;
- convention centre; or
- function centre.

Industry

Means the use of premises for an activity which in the course of any trade or business, involves;

- the manufacture, production, processing, repair, recycling, storage or treatment of any article, material or thing (either solid, liquid or gaseous) or;
- the disposal of waste of any kind whatsoever.

The use includes the sale of goods resulting from the industrial activity and any administration associated with the use, where these are carried out on the same Site and are ancillary to the industrial activity.

Industry Class A

Means the use of premises for industries which should not ordinarily cause any significant interference with the amenity of the area.

The use includes bulk storage, panel beating and spray painting and equipment and vehicle depot.



Industry Class B

Means the use of premises for industries which may have an impact on the amenity of an area either in terms of hazard or risk or impacts arising from their normal operations.

The use includes activities such as:

- brewery;
- bulk fuel storage;
- cannery;
- concrete batching plant;
- concrete product manufacture;
- foundry;
- sawmill; and
- steel fabrication.

Intensive Animal Husbandry

Means the use of premises for the keeping or farming of animals as a commercial activity at a density which requires supplementary feeding and/or containment in feed lots, sheds or pens.

The use includes facilities commonly described as:

- beekeeping;
- cattery;
- kennels;
- lot feeding;
- piggeries;
- poultry farm; or
- stables.



Interpretive Facility

Means the use of premises for any activity or purpose intended to inform or educate members of the public on cultural, environmental, historical or scientific aspects of the Shire.

The use includes facilities commonly described as:

- a museum;
- interpretive centre; or
- cultural park.

Marina

Means premises used to moor or store marine vessels (including power driven, yachts and fishing vessels) on, or adjacent to the water.

The use may include ancillary facilities for the refuelling, servicing, repair, land storage and sale of marine craft and for the sale of related boating gear and equipment.

The use includes:

- slipway;
- marine infrastructure;
- offices and storerooms;
- laundry, toilet and shower facilities;
- general store not exceeding 250m²
- marine retail, including dive stores;
- marine related tourism activities;
- ancillary marina facilities used in connection with the marina;
- sale of freshly caught seafood produce from marine vessels (specifically the vessel the seafood was caught from).

Multi-Unit Housing

Means the use of premises comprising two or more Dwelling Units on one lot for residential purposes.

The use includes accommodation commonly described as:

- duplexes;
- flats;
- home units;



- apartments;
- townhouses;
- villa houses; or
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.

Off Premises Advertising Device

Means an Advertising Device, as herein defined, which advertises a matter not associated with the primary purpose for which the premises upon which it is located is used.

Outdoor Sport and Recreation

Means the use of premises for sport, physical exercise, recreation or public entertainment, predominantly outdoors.

The use includes facilities commonly described as:

- race track (for cars, motor cycles, horses, dogs, etc);
- showground;
- theme park;
- pony club;
- golf course (including ancillary services and facilities);
- commercial sportsground; and
- other facilities based on the appreciation and enjoyment of the natural features of a locality.

The use also includes a landing area for ultralite aircraft used for personal recreation and enjoyment and not for commercial gain.

Out Station/Seasonal Camp

Means the use of premises for the permanent or seasonal occupation of more than one House, by the Traditional Owners of the land. The term also includes the occupation of Expanded House/s by the Traditional Owners of the land.

Park and Open Space

Means the use of premises for active and passive recreation, aesthetic appreciation and environmental protection.



The use includes facilities for the enjoyment and convenience of users of the park and open space, such as:

- kiosks;
- picnic places;
- scenic lookouts;
- shelters;
- boardwalks
- children's play areas;
- car parking areas; and
- public toilets.

Place of Assembly

Means the use of premises for the public activities of a religious organisation or for meetings and activities of community groups or organisations or associations of persons with a common interest.

The use includes social or recreational activities by the organisation or group and the short term residential use by persons involved in conducting the use.

The use includes facilities commonly described as:

- church;
- temple;
- mosque;
- hall; or
- meeting rooms.

Primary Industry

Means the use of premises for:

- growing of crops, trees, fruit, vegetables, flowers, turf or the like;
- cultivation of seedlings, plants, flowers, shrubs or trees; or
- breeding, keeping and rearing of any animal for commercial purposes.

The use includes:



- storing of produce grown on the land or products required in the operation of the primary industry;
- packing and processing of vegetable or plant produce grown on the land and the preparation of this produce for consignment to market or sale elsewhere, or for wholesale from the farm property.

The use includes activities commonly described as:

- farming;
- grazing;
- agriculture; or
- horticulture.

Private Forestry

Means the use of land for any establishment, silviculture, harvesting, enrichment planting and limited initial processing (such as log merchandising, and preparing fence posts and poles) of purpose planted forests on private land. The term includes:

- plantations;
- harvesting for the purposes of producing and extracting timber products such as:
 - pulp;
 - poles;
 - posts; and
 - sawlogs.

The term includes portable sawmilling (including log merchandising, and preparing fence posts and poles) of trees grown on the property, but does not extend to other value adding such as:

- kiln drying;
- chemical treatment; or
- oil extraction techniques.

The term does not include the selective Clearing of native forest on freehold land, which is dealt with under Local Law No 56 – Vegetation Management.



Public Utilities and Facilities

Means the use of premises for the provision of public facilities and services such as water, sewerage, electricity, gas, telecommunications, transport, drainage and refuse collection and disposal by Local Government or State Government.

The use includes emergency services such as:

- ambulance;
- fire (urban or rural);
- police services; and
- State Emergency Services.

Restaurant

Means the use of licensed or unlicensed premises for the provision of meals or light refreshments to members of the public for consumption on or off the premises.

The use includes facilities commonly described as:

- bistro;
- bar and grill;
- café;
- milk bar;
- snack bar;
- coffee shop;
- tearoom;
- takeaway;
- drive through food outlet; and
- fast food outlet.

Retirement Facility

Means the use of premises as an integrated community for permanent residential accommodation for older or retired persons, generally 55 or more years of age.

The use can include:

- Dwelling Units;



- serviced rooms/Private Rooms
- nursing home accommodation as well as facilities for the use of residents and staff, such as:
 - indoor and outdoor recreational facilities;
 - meeting rooms;
 - medical consulting rooms;
 - therapy rooms;
 - chapels;
 - meal preparation facilities; and
 - staff accommodation.
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished, (if a freestanding replica), or converts to its intended use within the complex.

Service Industry

Means any premises used, or intended to be used for trades and services that cater to the tourist and marine activities in Port Douglas. This includes the manufacturing of goods on the premises, depots for receiving goods to be serviced and any administration and minor sales functions associated with the use, where these are carried out on the same Site and are ancillary to the Service Industry activity. Service Industry uses are limited to uses, which are allied to tourist and marine activities in Port Douglas.

The term may include but is not limited to the following activities:

- Limousine/bus depot;
- Cleaning or detailing of motor vehicles;
- Catering business;
- Servicing of small items and appliances such as:
 - Bicycles;
 - Cameras;
 - Electrical appliances for domestic or office use; and
 - Marine equipment;
- Printing;
- Fishing gear manufacturing;
- Marine engineering;



- Bulk storage and ancillary sales of:
 - Indoor/Outdoor furniture;
 - Hardware supplies;
 - Raw materials;
 - Plants and Landscaping supplies;

Any off-Site effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the Site, the appearance of the Site and any traffic generated by the activities on the Site must be managed so as not to cause detriment to adjoining Sites.

Service Station

Means the use of premises for:

- the retail sale of motoring requirements such as fuels, lubricants, oils and greases, batteries, tyres, spare parts, auto accessories, and general convenience items to the travelling public;
- the hire of a limited range of vehicles or trailers;
- the washing of motor vehicles for a fee, including facilities provided for the public to wash their own vehicles.

The use includes facilities commonly described as:

- garage; or
- car wash.

Shopping Facility

Means the use of premises for the display and retail sale of goods and for personal services such as betting (in the form of TAB agency or similar facility), hair and beauty care, laundromat, dry cleaning agent and other customer services.

The use includes:

- the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment;
- the exchange of domestic items and clothing; and



- a small scale bakery, dressmaking establishment, jewellery manufacturing establishment, etc, where the use includes a shopfront retail component.

The use also includes facilities commonly described as shop, supermarket, department store, retail chain outlets and the like.

The use does not include facilities herein defined as Display Facilities.

Short Term Accommodation

Means the use of premises for the accommodation of visitors and residents in Private Rooms or dormitories, or a combination of both, and where communal facilities for the preparation of meals are provided for a maximum stay of 3 months.

The use includes a manager's unit and office as well as recreational and entertainment facilities which cater exclusively for guests or residents of the accommodation.

The use also includes a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.

The use includes accommodation commonly described as:

- boarding house;
- guesthouse;
- backpackers hostel; or
- serviced rooms.

Special Residential Use

Means the use of premises for permanent residential accommodation by a group of unrelated persons associated with a religious order or for social or community purposes intended to ensure the health and well-being of the occupants.

The use includes:

- a facility for the accommodation, care and treatment of people with a disability other than in a single residential environment.
- facilities commonly described as a convent, a monastery, and a respite care home or supervised short-term crisis accommodation.



Staff Quarters

Means accommodation for employees working in the Locality whether or not the place of work is located on the same Site.

The accommodation may or may not be Self Contained, but if Self Contained :

- is limited to a maximum of 50% of the total staff accommodation provided; and
- each Dwelling Unit is limited to a maximum gross floor area of 60m².

Non Self Contained staff accommodation provides either communal cooking facilities in the accommodation or access to cooking facilities in an existing Building on the same Site.

There are no Advertising Devices associated with the use.

Tavern

Means the use of premises for:

- the sale of liquor for consumption on or off the premises;
- dining activities;
- entertainment activities, including gaming machines;

The use may include accommodation of tourists or travellers.

The use includes facilities commonly described as:

- hotel; or
- tavern.

Telecommunication Facilities

Means the use of premises for the provision of telecommunication services.

The use excludes Low Impact Telecommunications Facilities as defined by the *Telecommunications (Low Impact Facilities Determination) 1997* under the *Telecommunications Act*.



Tourist Attraction

Means the use of premises for an activity or range of activities which showcase surrounding environmental or agricultural/rural attractions and are designed and operated primarily to attract tourists.

The use includes:

- interpretive/educational facilities;
- administrative office and manager's residence;
- small scale ancillary facilities such as:
 - retail outlet for the sale of souvenirs and similar items;
 - kiosk; or
 - Restaurant.

The use includes facilities commonly described as:

- animal and bird park or sanctuary;
- crocodile farm; or
- zoo.

Veterinary Facilities

Means the use of premises for the veterinary care, surgery and treatment of animals which can involve the accommodation of those animals on the premises overnight.