

# Schedule 1 — Dictionary of defined words and expressions

[cl. 1.7]

## A. General Definition

In the Scheme —

**“advertisement”** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

**“amenity”** means all those factors which combine to form the character of an area and include the present and likely future amenity;

**“appendix”** means an appendix to the Scheme, unless explained otherwise within the Scheme;

**“building envelope”** means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

**“City”** means the City of Swan;

**“Commercial Vehicle”** means a vehicle, whether licensed or not, which is rated at a gross vehicle mass of greater than 4.5 tonnes and which is used or designed for use in association with a business or trade, and for the removal of doubt includes the following vehicles above that mass:

1. Any rigid (non-articulated) vehicle, including any utility, van, truck, bus, tractor or earthmoving equipment; and
2. Any Prime Mover;

in addition to any trailer or similar article specifically designed to be an attachment to a vehicle which is rated at a gross vehicle mass of greater than 4.5 tonnes.

*Modified by Amend. 40 – Gov. Gaz. 09.12.11(Transport Depots)*

**“conservation”** has the same meaning as in the *Heritage of Western Australia Act 1990*;

**“Council”** means the Council of the City of Swan;

**“cultural heritage significance”** has the same meaning as in the *Heritage of Western Australia Act 1990*;

**“development”** has the same meaning as in the Planning Act;

**“dry industry”** means any industrial use permitted by the City of Swan Local Planning Scheme No.17 and where -

1. It can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the relevant Government agency; and

2. The development is of a type which is predicted to generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2,000m<sup>2</sup> of site area.

**“dwelling”** has the same meaning as in the *Residential Design Codes*;

**“floor area”** has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

**“frontage”**, when used in relation to a building that is used for —

- (a) Residential purposes, has the same meaning as in the *Residential Design Codes*; and
- (b) Purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two (2) or more roads, the one to which the building or proposed building faces;

**“Gazettal date”**, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87(3) of the Planning Act;

**“Gross Leasable Area (GLA)”** means the area in square metres derived from measuring all floors occupied by an owner occupier or a tenant for exclusive use from the centre line of inter-tenancy walls or partitions and from the outside faces of external walls of the building alignment including shop fronts;

**“habitable room”** in the case of residential dwellings has the same meaning as in the *Residential Design Codes*;

**“height”** when used in relation to a building that is used for —

- (a) Residential purposes, has the same meaning as in the *Residential Design Codes*; or
- (b) Purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

**“heritage list”** means the Heritage List established under clause 7.1 and until a Heritage List is established under that clause, means the Municipal Heritage Inventory adopted under Town Planning Scheme No.9.

**“incidental domestic structure”** means a structure or apparatus that is associated with but is incidental and subservient to the domestic environment of a residence, and includes structures such as letter boxes, hot water heating systems, air-conditioning units, clothes-lines and under-eave water tanks;

**“incidental use”** means a use of premises which is ancillary and subordinate to the predominant use;

**“local government”** means the City of Swan;

**“Local Planning Strategy”** means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

**“lot”** has the same meaning as in the Planning Act but does not include a strata or survey strata lot;

**“Metropolitan Region Scheme”** has the same meaning as in the Planning Act;

**“minerals”** has the same meaning as in the *Mining Act 1978*;

**“net lettable area (nla)”** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

- (a) All stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) Lobbies between lifts facing other lifts serving the same floor;
- (c) Areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) Areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

**“non-conforming use”** has the same meaning as it has in section 172 of the Planning Act;

**“Outline Development Plan”** means a document prepared as an Outline Development Plan that has been both approved by the Commission and adopted by the local government;

**“owner”**, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity —

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

and for the purposes of clause 6.7, unless the context otherwise requires, means an owner of land that is located within a Development (Structure Plan) Area or a Development Contribution Area;

**“place”**, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

**“Planning Act”** means the *Planning and Development Act 2005*;

**“plot ratio”**, in the case of residential dwellings has the same meaning as in the *Residential Design Codes*;

**“precinct”** means a definable area where particular planning policies, guidelines or standards apply;

**“predominant use”** means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

**“premises”** means land or buildings;

**“proponent”** for the purposes of a Structure Plan, means any owner or owners of land to which the Structure Plan relates that has or have submitted that Proposed Structure Plan alone or in combination with any other;

**“public utility”** means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

**“pylon sign”** means a sign, greater than 3m in height, supported by one or more piers and not attached to a building and includes an attached frame supported on one or more piers to which sign in-fills can be added;

**“Region Scheme - Metropolitan”** means the Metropolitan Region Scheme within the meaning of the Planning Act;

**“Residential Design Codes”** means the Codes, as approved by the Governor and published in the Government Gazette as State Planning Policy No.3.1;

**“residential outbuilding”** means any building incidental to a dwelling and includes a cubby house, bird aviary, green house, hot house, gazebo and garden shed, but does not include an incidental domestic structure;

**“Residential zone”** means any zone included under the generic heading of Residential in the Zoning Table;

**“retail”** means the sale or hire of goods or services to the public;

**“retaining wall”** means a walled structure erected for the purpose of supporting land at a level higher than land immediately adjacent to it;

**“Rural zone”** means any zone included under the generic heading of Rural in the Zoning Table;

**“schedule”** means a schedule to the Scheme, unless explained as otherwise within the Scheme;

**“Scheme”** means the City of Swan Local Planning Scheme No.17 (District Zoning Scheme);

**“shade structure”** means a roofed structure that is incidental to a commercial or industrial building on a site, and is either freestanding or fixed to such building for the purpose of providing shade or shelter from the weather over entrances to the building, external entertaining areas, vehicles, loading/unloading areas, or the like, but does not include the use of land under that structure, which would otherwise require a separate development approval;

**“substantially commenced”** means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

**“temporary building”** means any building that is placed on land for a limited period of time that is used incidental to a public event or approved development and will be removed at the completion of such event or development and is used as an office, store, work room, lunch room and the like and includes any temporary plant or equipment associated with the same;

**“watercourse”** means any river, stream or creek as depicted on a plan attached to or associated with the “Interpretation of Watercourses and Wetlands Policy”;

**“water storage tank”** means a structure constructed to store water;

**“wetlands”** means an area of seasonal, intermittent or permanent waterlogged soils or inundated land with ecological attributes as depicted on the attached plans associated with the “Interpretation of Watercourses and Wetlands Policy”;

**“wholesale”** means the sale of goods or materials other than by retail, and being generally a sale to a person other than the ultimate consumer or user;

**“zone”** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

## B. Land Use Definitions

In the Scheme —

**“aged or dependent persons dwelling”** has the same meaning as in the *Residential Design Codes*;

**“agriculture - extensive”** means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;

**“agriculture - intensive”** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —

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

**“agroforestry”** means land used commercially for tree production and agriculture where trees are planted in blocks of more than 1ha;

**“amusement machine”** means a game or device which is mechanical or electronic or a combination of both;

**“amusement parlour”** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than two (2) amusement machines operating within the premises;

**“ancillary accommodation”** has the same meaning as in the *Residential Design Codes*;

**“animal establishment”** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;

**“animal husbandry - intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

**“bed and breakfast”** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

**“betting agency”** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

**“cabin or chalet”** means a dwelling that is used or provided for holiday purposes and is available to the public at large or to a part of the public defined by a common class, trade, employment, religion or association;

**“camping area”** means land set aside for the erection of tents and other similar structures for temporary accommodation;

**“caravan park”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

**“caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

**“carpark”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

**“child care premises”** has the same meaning as “Child Care Service” in the *Child Care Services Act 2007*;

**“cinema/theatre”** means premises where the public may view a motion picture or theatrical production;

**“civic use”** means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

**“club premises”** means premises used by a legally constituted club or association or other body of persons united by a common interest;

**“community purpose”** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

**“consulting rooms”** means premises used by no more than two (2) health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

**“convenience store”** means premises —

- (a) Used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) Operated during hours which include, but may extend beyond, normal trading hours;
- (c) Which provide associated parking; and
- (d) The floor area of which does not exceed 300 square metres net lettable area;

**“corrective institution”** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

**“educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

**“equestrian facility”** means land and or equipment used or intended to be used for private or commercial purposes for the training or exercising of horses or the training of riders, drivers or jockeys in the art of horsemanship or in the care of horses, and which may include as an incidental use, with the approval of the local government, the accommodation of patrons;

**“exhibition centre”** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

**“family day care”** means premises used to provide family day care within the meaning of the *Child Care Services Act 2007*;

**“fast food outlet”** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

**“food and beverage production”** means a building in which food and beverages are manufactured or processed, and which in the opinion of the local government does not affect the amenity of the locality by the emission of noise, odours or other waste, the generation of vehicular traffic or visual intrusion;

**“fuel depot”** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

**“funeral parlour”** means premises used to prepare and store bodies for burial or cremation;

**“garden centre”** means land or buildings used for the propagation, rearing and sale of plants and the storage and sale of landscaping materials and products associated with garden decor;

**“grouped dwelling”** has the same meaning as in the *Residential Design Codes*;

**“home business”** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) Does not employ more than two (2) people not members of the occupier’s household;
- (b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) Does not occupy an area greater than 50 square metres;
- (d) Does not involve the retail sale, display or hire of goods of any nature;
- (e) In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) Does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home occupation”** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) Does not employ any person not a member of the occupier’s household;
- (b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) Does not occupy an area greater than 20 square metres;
- (d) Does not display a sign exceeding 0.2 square metres;
- (e) Does not involve the retail sale, display or hire of goods of any nature;
- (f) In relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than two (2) tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) Does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —

- (a) Entail clients or customers travelling to and from the dwelling;
- (b) Involve any advertising signs on the premises; or
- (c) Require any external change to the appearance of the dwelling;



**“home store”** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

**“hospital”** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

**“hotel”** means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

**“industry”** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes the use of premises on the same land used for —

- (a) The storage of goods;
- (b) The work of administration or accounting;
- (c) The selling of goods by wholesale or retail; or
- (d) The provision of amenities for employees;

incidental to any of those industrial operations;

**“industry - cottage”** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —

- (a) Does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) Where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) Is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) Does not occupy an area in excess of 50 square metres; and
- (e) Does not display a sign exceeding 0.2 square metres in area;

**“industry - extractive”** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

**“industry - general”** means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry;

**“industry - light”** means an industry —

- (a) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; and
- (b) The establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

**“industry - mining”** means land used commercially to extract minerals from the land;

**“industry - noxious”** means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911* (as amended) but does not include wet fish shops or piggeries or a waste disposal process operation carried out by or under the direct management and supervision of the City;

**“industry - rural”** means —

- (a) An industry handling, treating, processing or packing rural products; or
- (b) A workshop servicing plant or equipment used for rural purposes;

**“industry - service”** means —

- (a) An industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) Premises having a retail shop front and used as a depot for receiving goods to be serviced;

**“lunch bar”** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

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

**“marine filling station”** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

**“market”** means premises used for the display and sale of goods from stalls by independent vendors;

**“medical centre”** means premises, other than a hospital, used or designed for use by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

**“motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;

**“motor vehicle, boat or caravan sales”** means premises wherein motor vehicles, boats or caravans are kept, exposed or offered for sale or hire;

**“motor vehicle repair”** means premises used for or in connection with —

- (a) Electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) Repairs to tyres;

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

**“motor vehicle wash”** means premises where the primary use is the washing or cleaning of motor vehicles;

**“multiple dwelling”** has the same meaning as in the *Residential Design Codes*;

**“night club”** means premises —

- (a) Used for entertainment with or without eating facilities; and
- (b) Licensed under the *Liquor Control Act 1988*;

**“office”** means premises used for administration, clerical, technical, professional or other like business activities;

**“park home park”** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

**“place of assembly”** means premises provided for people to assemble for a public activity;

**“place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

**“plantation”** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

**“radio and tv. installation – private”** means masts, aerials, satellite dishes and other associated equipment used for the transmission and reception of radio or television signals for personal or hobby purposes only, associated with a dwelling on the lot, but does not include similar equipment used for business purposes or for gain;

**“reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

**“recreation - private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

**“recreation - public”** means premises used for indoor or outdoor leisure, recreation or sport which are generally open to the public without charge;

**“residential building”** has the same meaning as in the *Residential Design Codes*;

**“restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*;

**“restricted premises”** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) Publications that are classified as restricted under the *Classification (Publications Films and Computer Games) Enforcement Act 1996*;
- (b) Materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

**“roadhouse”** means land and buildings used for the predominant purpose of a service station but incidentally including a café or restaurant and/or a shop;

**“rural pursuit”** means any premises used for —

- (a) The rearing or agistment of animals;
- (b) The stabling, agistment or training of horses;
- (c) The growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) The sale of produce grown solely on the lot,

but does not include agriculture – extensive or agriculture – intensive;

**“service station”** means premises used for —

- (a) The retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) The carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

**“shop”** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

**“showroom”** means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

**“single bedroom dwelling”** has the same meaning as in the *Residential Design Codes*;

**“single house”** has the same meaning as in the *Residential Design Codes*;

**“storage”** means premises used or provided for use for the storage of goods, equipment, plant or materials;

**“tavern”** means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises;

**“telecommunications infrastructure”** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network and includes Radio and TV. Installations used for business purposes or commercial gain;

**“tourist facilities”** means facilities used or intended to be used by visitors, and includes short-stay accommodation, provision of food and refreshments, recreational activities and the sale of goods produced in adjacent rural areas;

**“trade display”** means premises used for the display of trade goods and equipment for the purpose of advertisement;

**“transport depot”** means premises, or a portion of premises, used for the parking or garaging of commercial vehicles, and:

1. May include the maintenance and refuelling of those vehicles and the storage of goods brought to the premises by those vehicles, provided that those activities are ancillary to the parking or garaging of the commercial vehicles; and
2. May include the transfer of goods or persons from one motor vehicle to another.

but does not include the parking or garaging of commercial vehicles approved pursuant to clause 5.10 of the Scheme.

*Inserted by Amend. 40 – Gov. Gaz. 09.12.11(Transport Depots)*

**“vehicle wrecking”** means the use of any land or building for dismantling of motor vehicles and the sale of spare parts derived from such dismantling;

**“veterinary centre”** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

**“warehouse”** means premises used to store or display goods and may include sale by wholesale;

**“winery”** means premises used for the production of viticultural produce and may include sale of the produce.

### C. Land Use Definitions Applicable To Schedules 2, 3 And 4 Only

The following definitions apply only to land use terms where they appear in Schedules 2, 3 or 4 where the land use definition does not otherwise appear in A. or B. above. The definitions below have effect only in relation to the land described in the Schedules and do not have general application or effect within the Scheme.

In Schedules 2, 3 and 4 only:

**“auction mart”** means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, vegetables or livestock;

**“boarding house”** means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than four (4) persons, exclusive of the family of the keeper, for hire or reward, but does not include:

- a) Premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Control Act 1988* (as amended);
- b) Premises used as a boarding school approved under the *School Education Act 1999* (as amended);
- c) A single, attached, grouped or multiple dwelling unit;
- d) Any building that is the subject of a strata title issued under the provisions of the *Strata Titles Act 1966* (as amended);

**“car sales lot”** means any land or building used for the display and sale of motor vehicles whether new or second-hand but does not include a workshop;

**“caravan or trailer yard”** means any land or building used for:

- a) The hire and/or sale of caravans, car trailers, non-motorised horse floats and mobile homes; and
- b) The hire and/or sale of tents, camping gear and other items of a similar nature, where such use is incidental to the use falling within a) above;

**“civic building”** means a building designed, used, or intended to be used by Government Departments, statutory bodies representing the Crown, or the Council alone or in combination with other bodies, as offices or for administrative or other like purposes;

**“Concrete Batching Plant”** means premises on which concrete is batched for concrete products manufactured on site for use at places other than the subject site and includes storage of associated products and ancillary office use. (*The use and definition applies to Schedules 2, 3 and 4 only*)

*Inserted by Amend. 67 – Gov. Gaz. 06.08.2013*

**“construction yard”** means any land or buildings used for the storage of building material, pipes or similar items related to any trade, and may include manufacture, assembly or dismantling processes where incidental to such use;

**“consulting rooms – group”** means a building (other than a hospital) used in the practice of the profession of more than two (2) practitioners, dentists, physiotherapists, chiropractors, masseurs, or persons ordinarily associated with a medical practitioner in the prevention or treatment of physical or mental injuries or ailments, and the

practitioners may be of the one profession or any combination of professions or practices;

**“cultural use”** means any use aimed at the improvement or refinement of people by entertainment and/or education but shall not include an education establishment;

**“factory tenement building”** means a building or structure, or a group of buildings or structures on one (1) lot, in which are carried on two (2) or more separate industries not owned or managed by the same person, or in which provision is made for the carrying on of two (2) or more separate industries not owned or managed by the same person;

**“hire service (industrial)”** means any land or building used for the offering for hire or rent of bulky items including machines and mechanical equipment;

**“hire service (non-industrial)”** means any land or building used for the offering for hire or rent of goods of a non-bulky nature which do not include large mechanical devices or equipment;

**“holiday cottages”** means two (2) or more detached dwellings on one (1) lot or adjoining lots in one (1) ownership let for holiday purposes, none of which is occupied by the tenant for a period of more than four (4) calendar months in any year;

**“horticultural pursuit”** means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith:

- a) The intensive growing of vegetables, fruit, cereals or food crops for commercial purposes;
- b) The growing of trees, shrubs, plants or flowers for replanting, excluding the use of Turf Farm;
- c) The sale of produce grown solely on the lot or on adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;

**“kiosk”** means the use of land or buildings which is incidental to the predominant use and which complements that use for the purpose of the display and sale of souvenirs and/or refreshments to patrons of the predominant use;

**“local shop”** means the use of land and buildings wherein the only goods or services offered for sale are foodstuffs, toiletries, stationery or goods or services of a similar domestic nature, intended for day to day consumption or use by persons living or working in the locality of the shop and which may include a delicatessen, greengrocery, general smallgoods, butcher’s shop, newsagency, hairdressers, chemist, but not a supermarket, and any other shop which in the opinion of Council serves the day to day shopping needs of the immediate locality;

**“milk depot”** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised;

**“museum”** means any land or building used for the storing and exhibiting of objects illustrative of antiquities, natural history, art, nature and curiosities;

**“nursery”** means land and buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor;

**“office – professional” or “professional office”** means a building used for the purpose of conducting the professional work of an accountant, architect, artist, author, barrister, consular official, engineer, land surveyor, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or a town planner or a person

having in the opinion of the Council, an occupation of a similar nature, and professional person has a corresponding interpretation;

**“office – service” or “service office”** means a building wherein is carried on a predominantly administrative type of business but which is dependent on direct access to the public and without limiting the generality of the foregoing includes an estate agency, insurance office, travel agency, bank, building society, post office, and any other public orientated Government agency and a public transport office, but excluding the garaging or servicing of vehicles and excluding a general office;

**“produce store”** means any land or building wherein fodders, fertilizers and grain are displayed and offered for sale;

**“public amusement”** means the use of land and buildings as a theatre, a cinema, a night club, a dance hall, skating rink, swimming pool, or gymnasium, or for games or otherwise for the entertainment of the public with or without charge;

**“public assembly”** means any special place of assembly and without limiting the generality of the definition includes grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadiums or showgrounds, but does not include club premises;

**“resource recovery centre”** means premises other than a waste disposal facility used for the recovery of resources from waste;

*Inserted by Amend. 166 - Gov. Gaz. 01.10.2021*

**“retail establishment”** means any building where goods are of a bulky or non-bulky character, not normally purchased on a daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 400 square metres;

**“Retirement Village”** means development containing accommodation for aged persons with associated ancillary administration and communal facilities;

*Inserted by Amend. 15 – Gov. Gaz. 12.03.2010 (Definition: Retirement Village)*

**“Rural Home Occupation”** means an occupation carried on in a dwelling or land around a dwelling by a resident of the dwelling or in a domestic outbuilding on the land by a resident of the dwelling which:

- a) Entails the conduct of a business, office or workshop only;
- b) Is carried out on a lot which has a minimum area of 1ha;
- c) Does not occupy an area greater than 150 square metres, providing that no more than 25 square metres is within the dwelling on the property, no more than 100 square metres is within another approved building and no more than 100 square metres is used for outside storage;
- d) Does not entail the sale of goods, other than goods of an arts or craft nature which are manufactured in the occupation;
- e) Does not entail the hire of goods of any nature;
- f) Does not entail hairdressing, services involving skin penetration, the preparation of food, vehicle services or repairs, or the storage of disused materials or vehicles, but may include a child family care centre;
- g) Does not detract from the residential appearance of the dwelling house or domestic outbuilding;



- h) Does not entail employment of more than one (1) person not a member of the occupier's household;
- i) Does not display more than one (1) sign and that sign not exceeding 0.6 square metres in area;
- j) Does not impose a load on any utility greater than normally required for domestic use;
- k) Does not entail the presence, parking or garaging of a commercial vehicle contrary to the provisions of this Scheme;
- l) Will not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any buildings, works or materials used;
  - The parking of motor vehicles;
  - The transporting of materials or goods to or from the dwelling;
  - The hours of operation;
  - Electrical interference;
  - The storage of chemicals, gases or other hazardous materials; or
  - Emissions from the site including noise;

**“Salvage Yard”** means land used for the storage or sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;

**“Sawmill”** means a mill or premises where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein;

**“shopping centre”** means a group of shops, service offices and general offices and related activities, the group being in excess of 5,000 square metres gross leasable area, developed as an integrated unit together with the required on-site parking facilities;

**“spray painting – non-automotive”** means the use of any land or building for painting or coating by spray process of items other than motor vehicles;

**“Stable”** means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules;

**“Storage Yard”** means any land used for the storage of goods;

**“vehicle sales and service”** means any land or buildings used for the sale and servicing of motor vehicles and includes showrooms and workshop;

**“veterinary consulting rooms”** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which no patient remains on the premises overnight;

**“veterinary hospital”** means any land or building used for, or in connection with the treatment of sick animals and pets and includes accommodation of sick animals and pets. A crematorium for the disposal of animal carcasses or remains may be included with the written consent of the Council;

**"waste disposal facility"** means premises used -

- (a) For the disposal of waste by landfill; or
- (b) The incineration of hazardous, clinical or biomedical waste.

*Inserted by Amend. 166 - Gov. Gaz. 01.10.2021*

**"waste storage facility"** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

*Inserted by Amend. 166 - Gov. Gaz. 01.10.2021*

**"waste transfer station"** means premises operated for the purpose of receiving, sorting and processing of dry bulk household waste materials, woodchips and garden waste for sale on-site or re-use, recycling or disposal off-site;

*Inserted by Amend. 102 – Gov. Gaz. 16.06.15*

**"woodyard"** means any land on which wood is stored, sawn, or cut for use as domestic firewood and on which no wood or timber is stored, sawn or cut for any other purpose.

#### **D. Land Use definitions applicable to Schedule 15 only**

As well as the land use definitions contained in A. or B. above, the following additional land use definitions apply to the Midland Strategic Regional Centre zone:

**“Short Term Residential”**: means a building or buildings, which include self-contained units, for temporary accommodation of less than three (3) months.

**“Small Bar”**: means licensed premises on land or buildings used for the onsite consumption of alcohol as outlined in Clause 4 (1aa) of the *Liquor Control Act 1988*.