part 5

definitions and administration

Part 5. Definitions and Administration

5.1 Definitions

The following section provides explanatory and use definitions to assist in the interpretation of the City Plan. The council shall determine the applicable material change of use definition if there is any doubt as to which definition a proposal falls within or if there is a combination of uses. Relevant definitions are also contained in the *Integrated Planning Act 1997*.

5.1.1 Explanatory Definitions

Definitions	
Act	means the *Integrated Planning Act 1997.*
Council	means Maryborough City Council.
Department Store	means a single self-contained retailing outlet (commonly described as a department store) offering a wide variety of goods and associated services generally of a non-food nature , normally in departments. Current examples are David Jones and Myer.
Development	as defined in the *Integrated Planning Act 1997.* *Note:* A proposed increase in the scale and intensity of an existing use requires the level of assessment identified in the relevant Development Assessment Table for the site on which the use is located, where the proposed increase meets any of the following criteria: ➢ more than 5% increase in gross floor area or 20m² increase in gross floor area (whichever is the greater); ➢ an increase in building height; ➢ an increase in traffic movements to and from the site; ➢ an increase in the hours of operation; ➢ would not comply with the acceptable solutions contained in the codes relevant to the use and its location; ➢ would not comply with the conditions of a development

Definitions	
	approval applying to the existing approved use.
Discount Department Store	means a single self-contained retailing outlet (commonly described as a discount department store) offering a wide variety of goods and associated services generally of a non-food nature where sales are normally conducted at checkout facilities. Current examples are Big W, Kmart and Target.
Discount Variety Store	means a single self-contained discount retailing outlet (commonly described as a discount variety store) offering a wide variety of household goods generally of a non-food nature. Current examples are Crazy Clarks, Macro and The Warehouse.
Dwelling unit	means a self contained unit intended for the exclusive residential use of one household.
Gross Floor Area (GFA)	means the sum of the floor areas (inclusive of all walls, columns and balconies) of all stories of every building located on a site excluding areas used for building services, ground floor public lobby, a public mall in a shopping centre and areas associated with the parking, loading and manoeuvring of motor vehicles.
GQAL	means good quality agricultural land as defined in the State Governments Planning Guidelines - The Identification of Good Quality Agricultural Land.
Overland Flow Path	means, where a piped drainage system exists, the path along which flood waters exceeding the capacity of the underground drainage system would flow; or, where no piped drainage system or other form of defined watercourse exists, the path taken by surface runoff from higher parts of the catchment.
Plot Ratio	the ratio between the gross floor area of a building and the total area of the site.
Premises	means the site and any building on it used for a purpose or conjointly for purposes.
Site	means the area of land comprising the whole or part of one or more allotments, that is used for a purpose or conjointly for purposes.
Site Coverage	means the proportion of a site covered by a building, fixed structure, or outdoor storage area, but does not include un-roofed parking areas.

Definitions	
Small Unit	means a residential unit not exceeding 50 m^2 in size which is located to form part of a detached house and which may or may not be self contained.
Storey	means as defined in the Building Code of Australia.
Supermarket	means a single self-contained retailing outlet offering a wide variety of food and grocery items with a gross floor area exceeding 500m^2 (Examples – Aldi, Bi-Lo, Coles, Woolworths).

5.1.2 Use Definitions

For the purposes of the Development Assessment Tables contained in Part 3 of the City Plan the following definitions are used:

Accommodation Units;
Agricultural Uses;
Car Park;
Caravan Park;
Commercial Activities A;
Commercial Activities B;
Community Facilities;
Detached House;
Grazing;
Home Based Business
Host Farm Accommodation;
Hotel;
Industrial Residential;
Industry A;
Industry B;
Industry – Marine;
Intensive Animal Husbandry;
Multiple Dwelling;
Other Residential;
Passenger Terminal
Park;
Recreation Indoor;
Recreation Outdoor;
Restaurant;
Service Station;
Shopping District; and
Shopping Local.

Table 5.1 identifies the use definitions contained in the Maryborough City Plan.

Table 5.1. Use Definitions.

Use
Accommodation Units *Means the use of premises for residential accommodation which does not comprise dwelling units. The term includes any associated dining room, restaurant, function room and recreation or entertainment facilities on the premises.*
Agricultural Uses *Means the use of premises for the growing of crops, pastures, flowers, fruit, vegetables or any plants or trees as a commercial venture. The term includes aquaculture that is not an Environmentally Relevant Activity. The term includes the use of buildings and structures for the growing of agricultural products and the storage and packaging of agricultural products grown on site but not the value-adding processing of such products.*
Car Park *Means the use of premises for the parking of motor vehicles where the parking is not associated with another activity on the site.*
Caravan Park *Means the use of premises for the parking of caravans and associated amenities for the purpose of providing accommodation for travellers, tourists or the general public.*
Commercial Activities A *Means the use of premises for an administrative, clerical, technical, professional or other business purpose where the principal activity involves:* *(a) business or professional advice or services; or* *(b) commercial services that includes the sale of goods that are not physically assembled, manufactured or stored on the premises; or* *(c) office-based administrative functions.* *The term includes professional offices, medical and paramedical facilities (not otherwise defined), hairdressing salons, shoe repairs and Laundromats/dry cleaners.*
Commercial Activities B *Means the use of premises for the display and sale or hire of goods that:* *(a) primarily comprise goods of a bulky nature, or* *(b) serve a similar purpose or have a similar function to each other; and in both cases* *(c) are not manufactured, dismantled or recycled on the premises,*

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where conducted within a building, the gross floor area and the area of any individual tenancy is greater than 300m². *The term includes the sale of motor vehicles, caravans and boats whether conducted inside or outside of a building and any associated sale of spare parts and the carrying out of servicing and repairs on the premises. The term also includes hardware/garden stores such as Bunnings.*
Community Facilities *Means any premises used to provide health, social, educational and other community services to the community, whether run by public or private entities. The term includes low impact telecommunication facilities* [1]
Detached House *Means any premises used for the exclusive and self-contained accommodation of one family. The term includes:* *(a) provision of one small unit; and* *(b) bed and breakfast accommodation where located within the detached house.*
Grazing *Means any premises used for the purpose of grazing animals, primarily using natural or improved pastures.*
Home Based Business A Detached House used for an activity, occupation or business, where subordinate to the residential use.
Host Farm Accommodation *Means any premises used as a tourist accommodation catering for a maximum of ten persons in conjunction with use for agriculture, animal husbandry, aquaculture, detached house and/or stable purpose.*
Hotel *Means the use of premises for the sale of liquor for consumption on the premises. The term includes any associated sale of liquor for consumption off the premises, short term accommodation, dining, entertainment and function activities and a TAB agency on the same site.*
Industrial Residential *Any premises used for activity of an industrial nature carried on in conjunction with a detached house.*
Industry A *Means the use of premises to launder, repair, service, wash or store inside a building articles, goods, machinery or vehicles (other than storage of fuel and other chemicals in liquid or gaseous form and storage which is associated with another defined use on the same premises). The term includes cabinetmaking (where not located within 100 metres of land in*

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the Residential Precinct) and a self storage facility.
Industry B *Means the use of premises that, in the course of any trade or business, involves:* *(a) the assembly, manufacture, production, processing, dismantling, recycling or storage of any article, material or thing whether solid, liquid or gaseous; or* *(b) scientific or technological research, investigation or testing; or* *(c) the disposal of waste.* *The term includes ancillary office space for administration, staff amenities, storage of articles used in connection with or resulting from the use, and selling by wholesale of articles resulting from the use.*
Industry – Marine *Means any premises used for manufacturing, assembling, servicing, repairing, painting, refueling, fitting-out or refitting:* *- vessels;* *- marine plant (e.g. pontoons, navigation markers); or* *- boating or marine equipment or accessories.*
Intensive Animal Husbandry *Any premises used or intended to be used for the keeping or farming of animals at a density which requires supplementary feeding and containment in feed lots, sheds or pens. The term includes aquaculture that is an Environmentally Relevant Activity.*
Multiple Dwelling *Means the use of premises for residential accommodation comprising two or more dwelling units on a site.*
Other *Includes any other use not defined such as:* ➢ *Hazardous noxious or offensive industry;* ➢ *Heavy industry;* ➢ *Extractive industry;* ➢ *Any other material change of use not included in another definition.*
Other Residential *Means any premises used or suitable for use for temporary or permanent residential accommodation not otherwise defined in this Table.*
Park *Means outdoor space used for a variety of activities and pursuits in an outdoor location, without charge to the public.*
Passenger Terminal *Means the use of premises for the assembly or dispersal of passengers*

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prior to or subsequent to their transportation.
Recreation Indoor *Means premises used any form of recreation or entertainment which is conducted primarily indoors.*
Recreation Outdoor *Means any form of recreation or entertainment which is conducted primarily outdoors.*
Restaurant *Means the use of premises for the sale of meals or refreshments for consumption on or off the premises. The term includes outdoor dining which may or may not be located on an adjacent footpath within the road reserve.*
Service Station *Means the use of premises primarily for refueling motor vehicles. The term includes any associated:* *(a) sale to the public of motoring requirements such as fuels, lubricants, oils, greases, batteries, tyres, spare parts, auto accessories, convenience shopping items and take away food from the premises; and* *(b) maintenance, service and repair of motor vehicles on the premises; and* *(c) hire of a limited range of motor vehicles and trailers from the premises; and* *(d) cleaning of motor vehicles, including facilities provided to the public to clean their own vehicles on the same site.*
Shopping District *Means premises used for the retailing of goods which services the City's population and is located within Local Area 2 – City Centre as identified in Local Area Map 3.2 in Part 3.3 of the City Plan. The term includes a supermarket, discount variety store, discount department store or department store.*
Shopping Local *Means premises used for the retailing of goods which primarily only services the convenience needs of a local area and is located within a Commercial Precinct (includes Sub-Precincts of the Railyards Redevelopment Area and Wharf Street Precincts) on a Local Area Map in Part 3 of the City Plan. The term includes a supermarket or pharmacy where not exceeding 500m² gross floor area, but does not include a discount variety store, discount department store or department store.*

Notes:

The council shall determine the applicable material change of use definition if there is any doubt as to which definition a proposal falls within or if there is a combination of uses.

Relevant definitions are also contained in the Integrated Planning Act, 1997.

[1] As defined in the *Telecommunications Act 1997* and the Telecommunications (Low Impact Facilities) Determination.

5.2 Council's Register of Prior Entitlements, Land Uses and Approvals

Council has recognised that the conversion from zoning based schemes, which have guided land use decisions in Maryborough until 2000, to a Planning Scheme based on *the Integrated Planning Act 1997* has resulted in land use detail on some individual lots being removed. This is particularly the case with Special Facility zonings which identified a range of permitted uses and often contained reference to a Plan of Development. The new Planning Scheme maps provide no specific identification of existing lawful uses. Accordingly, Council will keep a register of certain sites and approvals as:

- a guide to prospective developers of how Council's discretion may be exercised on these sites; and
- as a guide to residents as to potential future uses in an area.

This information will be mapped and will then be advertised and adopted by Council as a Planning Scheme Policy. The register only relates to land uses and approvals prior to the Planning Scheme coming into force.

5.2.1 Council's Register of Approvals under the Current Planning Scheme

Council will keep a register of all approvals granted under the City Plan.

5.2.2 Overlay Maps

Council may prepare overlay maps which apply to some or all of the Local Areas to provide further guidance as to the planning considerations relevant to those areas. These overlay maps may contain any or all of the following information:

- indicative future road pattern;
- areas of heritage or heritage character significance;
- areas of ecological significance;
- occurrence of good quality agricultural land;
- Lower Mary Irrigation Area;
- slope instability area;
- acid sulphate soil occurrence;
- bushfire prone areas;
- areas potentially liable to flooding;
- areas subject to noise or other constraints;
- possible locations of future community facilities; and
- other information identified by Council on a map in response to community, Council or State Government representations.

These maps may either be advertised and adopted by Council as Planning Scheme Policies; or form part of a Local Area map; or be prepared for Local Areas as amendments to the City Plan; or form part of a Code. These later situations will be the case where such information has the effect of regulating development within the Local Area. An example is the designation of community infrastructure pursuant to Chapter 2, Part 6 of the *Integrated Planning Act 1997.* Another example, is the potential to identify cohesive groups of houses as areas of heritage character significance where all affected property owners wish this course of action to be taken.