

Chapter 5 Definitions

5.1 Introduction

The definitions are arranged in two groups.

Section 5.3 contains the Land Use Definitions which have a specific meaning for the purpose of the Assessment Tables.

Section 5.4 contains the Administrative Definitions which are used in the Planning Scheme but do not have a specific land use meaning.

5.2 Undefined Terms of Development

The Council will determine any question as to the definition or classification of any use or proposed use.

Where any term used in this Planning Scheme is not defined herein but is defined in the *Integrated Planning Act* the term has, for the purpose of this Planning Scheme and unless the context otherwise indicates or requires, the meaning assigned to it by the Act.

Where any term defined in this Planning Scheme is also defined in any Act of Parliament, the term has the meaning set out in this Planning Scheme.

Where, in this Planning Scheme, any reference is made to any Act of Parliament, such reference is deemed to include all amendments and regulations made thereunder and all amendments made from time to time to such Acts and Regulations and all such Acts and Regulations passed or promulgated in substitution thereof.

5.3 Land Use Definitions

The land uses defined in this Planning Scheme are grouped in seven categories of similar uses. The Categories are:

- Residential uses;
- Tourist and short term accommodation uses;
- Retail uses;
- Business and commercial uses;
- Industry and associated uses;
- Community facilities; and
- Recreation.

The Land Use Definitions have a specific meaning for the purpose of the Assessment Tables.

5.3.1 Residential Uses

House

Means the use of premises comprising self-contained accommodation located on a lot for the exclusive residential use of one household. The use includes:

- Outbuildings and structures incidental to and necessarily associated with the residential use;
- The care of children in accordance with the Child Care Act 2002;
- Accommodation for a member or members of the extended family of the household occupying the house or for personal staff. The accommodation may be self contained, but may not be separately let.
- The short term letting of a house for the purpose of holiday rental accommodation.

Illuminated Tennis Court

Means the use of premises for an outdoor tennis court which is associated with a residential use and which is provided with lighting to facilitate night play. The use is not for commercial purposes.

Caretaker's Residence

Means the use of premises comprising self-contained accommodation for the use by a caretaker, including the caretaker's household, who is employed for caretaking or management purposes in connection with a commercial, industrial, recreational or other non-residential use conducted on the premises.

Dual Occupancy

Means the use of premises comprising two dwelling units and any ancillary outbuildings on a single allotment of land.

Multiple Dwelling (small scale development)

Means the use of premises comprising between three and five dwelling units of self-contained accommodation on one lot for residential purposes.

The use includes accommodation commonly described as flats, home units, apartments, townhouses or villa houses.

Multiple Dwelling

Means the use of premises comprising six or more dwelling units of self-contained accommodation on one lot for residential purposes.

The use includes accommodation commonly described as flats, home units, apartments, townhouses or villa houses.

Retirement Village

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

The use includes self-contained dwelling units, serviced units, 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.

The use does not include multiple dwellings, special residential use or hospital as defined herein.

Special Residential Accommodation

Means the use of premises specifically designed (where not located in an existing building), managed and used to provide short term or for permanent residential accommodation for 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; or persons who are mentally ill or mentally or physically handicapped; or
- Facilities commonly described as a convent, a monastery, and a respite care home or supervised short-term crisis accommodation.

Home Activity

Means the use of a house or a dwelling unit by the permanent resident/s of the house or dwelling unit for the conduct of an occupation, vocation or profession not involving the employment of any person other than the residents of the house or dwelling unit and must not involve the repair or service of motor vehicles or the repair or sale of machinery, materials or equipment for use in the industry or building trade.

Home Based Business

Means the use of a house 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 does not involve the manufacture or processing of any product and which may involve the employment of persons other than the residents of the house.

The use includes the provision of accommodation to tourists or travellers, commonly described as bed and breakfast accommodation (no more than 2 bedrooms) or farm-stay accommodation.

5.3.2 Tourist And Short Term Accommodation Uses

Caravan and Relocatable Home Park

Means the use of premises for the placement of caravans or relocatable homes for residential accommodation.

The use includes the use of camping areas and cabins for overnight and holiday accommodation, as well as amenity buildings, recreational and entertainment facilities, manager's office and residence, kiosk and storage facilities which cater exclusively for occupants of the caravan park.

Holiday Accommodation

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

The use may include restaurants, bars, meeting and function facilities, dining room, facilities for the provision of meals to guests and a manager's unit and office 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.

Short Term Accommodation

Means the use of premises for the accommodation of visitors in rooms or dormitories, or a combination of both, and where communal facilities for the preparation of meals are provided.

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

The use includes accommodation commonly described as boarding house, guesthouse, backpackers hostel or serviced rooms.

5.3.3 Retail Uses

Shopping Facilities

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

The use includes the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment and the exchange of domestic items and clothing.

The use includes facilities commonly described as shop, supermarket, department store, hardware store up to 500m² GFA; stall, market or salon.

Detached Bottle Shop

Means the use of premises which may be established, pursuant to a General Licence issued under the Liquor Act 1992, away from the main premises permitted by that General Licence for the retail sale of liquor to members of the public for consumption off the premises.

Restricted Premises

Means the use of premises for displaying or selling any article or thing associated with or used in a sexual practice or activity. This does not include printed matter or an article or thing, which is primarily concerned with or used in association with a medically recognised purpose.

Display Facilities

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

- Building and construction materials, hardware store over 501m² GFA;
- 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, trailers and relocatable homes;
- 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, vehicle or equipment hire premises or auction yard.

The term includes the display of goods manufactured or assembled on-site.

Showroom

Means the use of a premises for the display and retail sale of sizeable bulky goods where the gross floor area is greater than 300m² and the activity is predominately undertaken indoors. The term includes but is not limited to the retail sale of:

- floor coverings, wall tiles, soft furnishings or bedding;
- furniture and décor;
- sizeable domestic appliances being washing machines, dishwashers, clothes dryers, refrigerators, hot-water systems and air conditioners;
- household fixtures and fittings;
- barbeques, camping goods and outdoor recreation goods;

The term includes any ancillary customer convenience facilities and those related to the primary function of the site.

The term does not include display facilities or shopping facilities as defined herein.

5.3.4 Business And Commercial Uses

Business Facilities

Means the use of premises for:

- The conduct of a business or office where the principal 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 and which does not involve the accommodation those persons on the premises.

The use includes:

- Facilities commonly described as professional office, real estate office, estate sales 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 or radiologist, together with ancillary services such as pharmacy.

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.

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, cafe, milk bar, snack bar, coffee shop, tearoom, takeaway, drive through food outlet or fast food outlet.

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 limited convenience shopping items to the travelling public;
- The hire of a limited number of vehicles or trailers;
- The washing of motor vehicles for a fee, including facilities provided for the public to wash and clean the interior and exterior of their own vehicles.

The use includes facilities commonly described as a petrol station or car wash.

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, crèche or pre-school centre.

The use does not include the use of a House for the minding or care of children in accordance with the Child Care (Family Day Care) Regulation 1991.

Veterinary Facilities

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

Car Park

Means the 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.

Tourist Attraction

Means the use of premises for an activity or range of activities designed and operated primarily to attract tourists.

The use may include interpretive facilities, retail outlet for the sale of souvenirs and similar items, kiosk, restaurant, administrative office and manager's residence.

The use includes facilities commonly described as pioneer village, sanctuary and animal park, theme park, waterslide or zoo.

5.3.5 Industry And Associated Uses

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 or rearing of any animal for commercial purposes; or
- Commercial harvesting of trees specifically planted for such purposes.

The use includes storing, packing or processing of vegetable or plant produce grown on the premises and the preparation of this 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.

Aquaculture (Minor)

Means the use of premises for freshwater or marine pond aquaculture with a total production area not exceeding 2000m² and:

- Is conducted in ponds either wholly or partially outdoors and has nil discharges of wastes to natural waters; or
- Is freshwater or marine tank aquaculture with a recirculating system undertaken within a building.

The use does not include Aquaculture (Major) as defined herein.

Aquaculture (Major)

Means the use of premises for freshwater or marine pond aquaculture that:

- Constitutes an Environmentally Relevant Activity; or
- Has a production area exceeding 2000m²

The use does not include Aquaculture (Minor) as defined herein.

Intensive Animal Husbandry

Means the use of premises for the keeping or farming of animals at a density which requires feeding prepared or manufactured feeds at levels greater than necessary for survival and in a confined area such as feed lots, sheds or cages.

The use includes facilities commonly described as cattery, kennels, lot feeding, piggery, poultry farm or stables.

Industry Class A

Means the use of premises for any industry which:

- does not detrimentally affect the amenity of neighbouring premises due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil or waste products; and
- does not involve the generation of heavy vehicular traffic; and
- does not impose any greater load on any public utility than that imposed by other uses in the locality in which the industry is carried on.

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.

The term may include but not limited to the following uses:

- Motor vehicle repairs (mechanical and electrical);
- Processing or packaging of food for human consumption;
- Upholstering furniture or vehicles;
- Assembly of furniture or other products;
- Printing;
- Self Storage
- Shop fitting.

Industry Class B

Means the use of premises for any industry which:

- may intermittently have some effect upon activities conducted on adjoining sites or in the immediate vicinity and is incompatible with the definition of Industry Class A; and
- is so operated or conducted that the effect of the use is not detrimental to the working environment experienced on adjoining sites or in the immediate vicinity.

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.

The use includes activities such as brewery, boat maintenance and repair (no abrasive blasting), heavy vehicle parking; transport and equipment depot; panel beating and spray painting, cannery, concrete batching plant, concrete product manufacture, sawmill and steel fabrication.

Industry Class C

Means the use of premises for any industry which :

- Has the potential to be noxious, offensive or hazardous and is incompatible with the definition of Industry A and Industry B.

The use includes activities such as abrasive blasting, descaling or the treatment of metals, bulk fuel storage, crushing or screening stone, gravel or sand, hot dip galvanising, electroplating or processes of a like nature.

Business and Technology Park

Means the use of premises for scientific or technological research, investigation or testing where the activities include the commercialisation of, or value adding to, research and development carried out at a tertiary education facility or an accredited research institution (whether public or private sector funded and administered).

The use includes the office and administrative activities of agencies and other bodies associated with such research and development or which have responsibilities for the management of natural resources.

Extractive Industry

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.

The use may include a concrete batching plant.

5.3.6 Community Facilities

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 includes facilities commonly described as a graveyard, burial ground, crematorium or pet cemetery.

Hospital

Means the use of premises for the medical or surgical care or treatment of persons accommodated on the premises to receive this care or treatment.

The use includes care or treatment of persons such as emergency patients or out-patients not residing on the premises.

The use includes residential use of the premises by those conducting the use and ancillary services such as a pharmacy, gift shop or coffee shop.

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, bookshops, tuckshops, sport and recreational facilities and residential accommodation for persons involved in the use.

Park

Means the use of premises normally open to the public without charge for active and passive recreational enjoyment.

Facilities that may be provided in a park for the enjoyment and convenience of users include kiosks, picnic places, scenic lookouts, shelters, children's play areas, sporting infrastructure including but not limited to basketball half courts, skate ramps, car parking areas and public toilets.

Place of Assembly

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

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

The use includes facilities commonly described as a church, temple, mosque, hall or meeting rooms.

Local Utility

Means the use of premises for an undertaking for the supply of water, gas or electricity (through the electricity supply network) or the provision of telecommunication cable networks, sewerage systems, water supply systems or drainage systems, provided that this does not include the erection and operation of any building or structure (other than a pole or mast supporting electricity or telecommunication lines) having a gross floor area greater than twenty (20) square metres. The term does not include Public Utility, as defined herein.

Public Utility

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

Railway Activities

Means the use of premises for the purposes of constructing, maintaining and operating :

- Rail transport infrastructure as defined in Schedule 3 of the Transport Infrastructure Act 1994;
- Rail maintenance depots, rail workshops and rail freight centres directly connected to and operationally connected with “rail transport infrastructure”; and
- Rolling stock.

Telecommunications 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.

Institution

Means the use of premises for the reform or training of persons who have been committed to the facility by a Court, such as a prison, a reformatory or a penal institution.

The use includes residential accommodation for persons employed at the facility.

5.3.7 Recreation

Indoor Sport 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.

Outdoor Sport and Entertainment

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, commercial sports ground and other facilities based on the appreciation and enjoyment of the natural features of a locality.

5.4 Administrative Definitions

This section sets out the definitions of the administrative terms used throughout the Planning Scheme.

Access

The practicable means of entry of persons and vehicles onto a lot, either existing or proposed, from a road.

Access Point

The point at which vehicles may ingress and egress between a lot, either existing or proposed, and a road.

Access Strip

That part of a lot bounded by the frontage of that lot, the side or rear boundaries of adjoining lots and which is included in that lot solely for the provision of access. This may also be known as a battle axe or hatchet or access strip.

Alter

To extend, refurbish/renovate, adapt, add to or remove from, or otherwise modify a site or its elements.

Ancillary

Necessarily associated with, but incidental and subordinate to, the principal use.

Assessable Development

Development under this Planning Scheme that is impact assessable development or code assessable development. The term does not include self-assessable development.

Bedroom

A room which is used or intended for use or which in the opinion of the Council is capable of being used as a bedroom.

Boundary Realignment

Boundary realignment means the rearranging the boundaries of a lot by registering a plan of subdivision.

Building Envelope

A diagram drawn on a lot to the requirements of the responsible authority defining the limits for the siting and wall height of any dwelling or outbuildings.

In the case of development within the Hillslopes is within the Development Envelope.

Cantilevered Awning

A structure that projects from a building over a footpath to provide shelter from both sun and rain to users of the footpath. The structure is supported by its fixture to the building and does not require the support of posts or poles.

Cattery

Means the use of premises for the keeping, boarding or breeding of five or more cats on a commercial basis.

Character Precincts

These are precincts identified by the Council and the Community which contain characteristic of Cairns at various stages of its development.

The character of an area is determined to be a combination of buildings 50 years or older in age, (dwellings, commercial or industrial), which together with their setting (roads, landscaping and environs) show a high level of aesthetic and structural cohesion.

The buildings may not necessarily be considered to have individual heritage value but do, jointly, contribute to exemplifying the characteristics of Cairns in a historical context. Character is enhanced by the intangible life styles and social interactions contributing to an enhanced sense of belonging (for residents in particular) to a specific location.

The retention and sensitive maintenance of these precincts will assist in conserving living examples of the earlier character of the City.

Council

The Council of the City of Cairns.

Deep Planting

Deep Planting is the planting of large shrubs and trees within the natural ground of the site. Planting in containers or planter boxes is not defined as deep planting.

Demolition

The destruction of a structure to the point that it is reduced to its component parts or fragments of its parts. Where sections only of the building are removed/demolished the applicant should provide Council with a plan. Council will assess whether demolition approval is needed.

Dense Planting

Dense Planting is the massed planting of shrubs and trees to provide privacy, screening and a landscaped buffer.

Development Envelope

For the purpose of development within Hillslopes, is the area containing land with slope less than 1 in 3 and may be shown as a diagram drawn on a lot. This area is to contain the dwelling and all ancillary uses including outbuildings, swimming pools and on site effluent disposal areas.

Dwelling Unit

Any building or part of a building comprising a self-contained unit capable of the exclusive residential use of one household.

Elements

Any physical part of a site or place including a building, structure or item on, in or below ground level of the site or place.

Erect

Includes:

- Erect or commence or continue to erect;
- Do, or commence or continue to do, any work in the course of or for the purpose of erecting;
- Perform any structural work or make any alteration, addition or rebuilding;
- Move from one position on a lot to another position on or partly on the same lot or another lot;
- Re-erect with or without alteration on or partly on the same or another lot; or
- Where a building or structure is located on more than one lot:
 - move to another position on the same lot or any of them or to another lot or lots; or
 - re-erect with or without alteration on another position on the same lots or any of them or on another lot or lots.

Frontage

Any boundary line, or part thereof, of a lot which coincides with the alignment of a road.

Gross Floor Area

The sum of the areas (inclusive of all walls, columns and balconies, whether roofed or not) of all storeys of a building or buildings including public mall areas and covered walkways within shopping facilities except for:

- The area of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms;
- Toilets and stairwells and other ancillary and service facilities;
- Basement and semi-basement parking area of any building or other structure (inclusive of all walls and columns) where located entirely beneath buildings above will be considered acceptable at any height provided the overall height prescribed for the building is not exceeded.
- Semi-basement parking area that extends beyond the building line that is less than 1250 millimetres above the ground level at any location, measured from the underside of the slab forming the roof to a semi-basement parking area to mean ground level. Should the ground level of a site be, or be proposed to be substantially changed from its natural state the Council may stipulate the level which is regarded as the natural ground level for this calculation, having regard to the general level of the surrounding land and roadways;
- Ground level parking and parking areas within the envelope of the building and associated vehicular access areas.

Where the Height and Impact of Buildings Code applies the following is also excluded from the sum of the areas:

- The area of any unenclosed private balcony, whether roofed or not, and accessible from one dwelling unit up to maximum of 20% of the gross floor area of the storey upon which the balcony is located;

Habitable Room

A room used for normal domestic activities, and;

- Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom; but
- Excludes a bathroom, laundry, water closet, food-storage pantry, walk-in-wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Height

The distance in metres measured in a vertical axis from any point of natural ground level or, in the case where a finished ground level is specified by Council, measured from that finished ground level to the underside of the ceiling of the topmost level of a building, or in the case of a structure, to the highest point of the structure.

Household

An individual or group of individuals whether related or unrelated, who occupy or share the same dwelling unit as provided below:

- Two or more persons related by blood, marriage or adoption;
- Not more than six persons not related by blood, marriage or adoption;
- Not more than six persons under the age of eighteen years and not related by blood, marriage or adoption, and an adult/s having the care and control of these persons either with or without domestic servants.

For the purposes of this definition, a group of persons is not deemed to be maintaining a household by a common discipline unless one or more of the members of the group retains the power in and domination over the whole of the abode occupied by the group.

Kennel

Means the use of premises for the keeping, boarding, breeding or training of five or more dogs on a commercial basis.

Landscaping/ Landscaped or Landscape

The terms landscaping, landscaped or landscape means the treatment of the areas surrounding a building for the purpose of enhancing or protecting the amenity of the site containing the building, as well as the amenity of adjoining properties and the streetscape.

Includes any combination of the following:

- Planting of trees, hedges, shrubs and lawn;
- Laying out of gardens;
- Paving of pathways or courtyards;
- Water features.
- Landscaping also includes:
- The formation and construction of footpaths and verges;
- Street tree planting.

Major Transport Corridors and Facilities:

- State-controlled roads (as identified on the Road Hierarchy in the District Plans);
- Extractive industry haul routes (as identified on Map 2, Extractive Resources and Haul Routes);
- Railways;
- Cane haul railways;
- Sub-Arterial roads (as identified on the Road Hierarchy in the District Plans);
- Cairns Airport;
- Cairns Seaport;
- Cairns Transport Interchange Terminal;
- Palm Cove Wharf.

Main Road Frontage

The main road frontage is the frontage to the widest road, or where both roads are the same width, the road frontage of the least length.

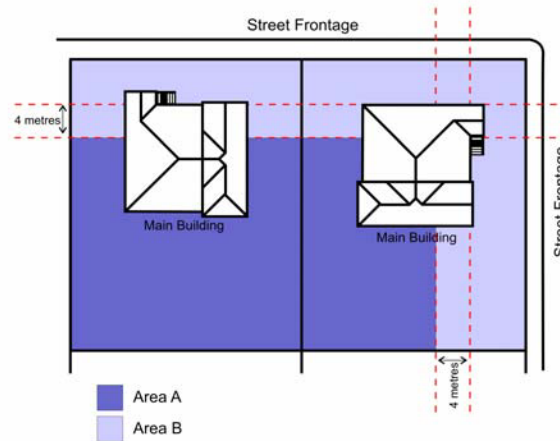
However, in the case where the site is irregular in shape, the frontage of the narrower leg of the site is deemed not to be the main road frontage unless otherwise approved by Council.

In the situation of a site with frontage to an Esplanade, the Esplanade is deemed to be the main road frontage.

Minor Building Work

In a Character Precinct Overlay:

- Internal building works.
- Roofed structures over ground level outdoor landscape and recreation areas at the rear or side of a premises in the area marked A having a maximum roofed area of 12m² eg. pergolas and patios.
- Garden sheds at the rear of the premises which are at the rear or side of a premises in the area marked A having a maximum roofed area of 12m².
- Car shade structures (open on at least three sides and having a maximum roofed area of 18m²) which are at the rear or side of a premises and a minimum of 4 metres behind the building as shown in the area marked 'A' on the diagram below:



- Roof over existing deck or balcony at the rear of the premises.
- Rainwater tanks where no greater than 3.5m in height with a footprint of 10m² or less.

In a Hillslopes Overlay or Vegetation Conservation & Waterway Significance Overlay:

- Internal Building Works.

In a Planning Area:

- An alteration, addition or extension to an existing building where the gross floor area including balconies is less than 5% of the building or 25m², whichever is the lesser.
- Internal fitouts.
- Roofed structures over ground level outdoor landscape and recreation areas i.e. pergolas and patios.
- Construction of a cantilevered awning within a road reserve.
- Carports or car shade structures which are at the rear of the premises and up to 25m² in area.
- Amenity blocks or outbuildings which are at the rear of the premises and up to 25m² in area.
- Note: Where a site is affected by an Overlay Code defined above, the definition for Minor Building Work for the relevant Overlay Code prevails over the definition for the Planning Area.

Minor Demolition Work

Demolition or relocation of a building where the work is:

- Relocation of a building sideways within its existing lot provided it does not involve the rotation of the building to face another frontage or boundary;
- Relocation of a building forwards or backwards on a lot provided :
 - The proposed setback of the building is a minimum of 6m to any road frontage, or within 20% of the average setback next door where those buildings have a setback less than 6m.
 - It does not involve rotating the building to face another frontage or boundary.
- Demolition of internal walls and features.
- Demolition of additions, extensions or free standing outbuildings which have been added within the past 50 years.
- Demolition or removal of any alterations which have added within the last 50 years to reveal original design, or reconstruction with original form and materials including:
 - Roof material
 - Wall cladding
 - Windows
 - Stumps
 - Lower floor enclosures
 - Veranda enclosures.
- Any other demolition as a consequence of carrying other exempt development.

Net Lettable Area

The sum of the areas (inclusive of columns, balconies, whether roofed or not) of all storeys of a building or buildings measured from the internal surface of a wall, excluding:

- All stairs, recessed doorways, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, smoke lobbies, tea rooms and other service areas, where all are provided as standard facilities in the building;
- Lift lobbies in which lifts face other lifts, blank walls or areas excluded by the provision above;
- Areas set aside as public spaces or thoroughfares and not for the exclusive use of occupiers of the floor or building, such as access passageways in lift and service core areas;
- Areas set aside for the provision of facilities or services such as electrical or telephone ducts and air-conditioning risers to the floor where such facilities are provided as a standard facility in the building;
- Areas set aside for use by service vehicles and for delivery of goods and access ways thereto, where such areas are not for the exclusive use of occupiers of the floor or building;
- Areas set aside for carparking and access ways thereto, where such areas are not for the exclusive use of occupiers of the floor or building;
- Areas having less than 1.5 metres clear height above floor level.

Noise Sensitive Development

Noise Sensitive Development is development for a use or uses which have the potential to be adversely affected by noise and includes :

- House
- Dual Occupancy
- Multiple Dwelling
- Retirement Village
- Special Residential Use
- Caravan and Relocatable Home Park
- Holiday Accommodation
- Short Term Accommodation
- Child Care Centre
- Hospital
- Educational Establishment
- Park
- Place of Assembly

Park

Local park - passive & active

These parklands are intended to:

1. Be within a 400m walking radius of most people of the residential neighbourhood.
2. Provide for passive or active opportunities close to home primarily for the use of children and families.
3. Have a preferred minimum size of 0.5-2 hectares.

Passive local parks are usually mixed use with dominantly informal functions such as kick about, play and picnicking but may include playground structures and equipment (eg. Swings etc) to suit the demographics of the relevant neighbourhood that those parklands are intended to service.

Larger local parks may incorporate passive areas whilst still providing active areas for unstructured sports and playground structures and equipment to cater for uses such as skate ramps.

District Park - Passive & Active Park

District parks both (passive and active):

1. Are ideally sized from 2-5 ha but may be larger sometimes;
2. Are intended to serve the needs of two or more neighbourhoods up to the specific catchment level (being a 3 km radius from the perimeter of the relevant District Park), but not planned to service communities outside the specific catchment;
3. May have local sporting uses; incorporated.
4. Are capable of accommodating multiple uses both active and passive including BBQ and picnic facilities; and
5. Should be integrated with:
 - a. Other open space, community facility development and facility precincts; and
 - b. Other community, retail, service and transport nodes.

District Sport Park

District Sporting parks:

1. Will fundamentally provide for the sporting needs of the catchment;
2. Encourage and draw participation in sporting pursuits from a wider population beyond that immediate catchment area;
3. Should be 5 ha or larger;
4. Provide for several sports.
5. Are for organised and semi-organised sporting pursuits that are capable of accommodating multiple uses for a range of potential participants and users.

Metropolitan & Regional Park

Metropolitan & Regional Parks are those parks which are for sporting, informal conservation or special purpose parks of a size and scale that attracts a city-wide population and are generally extensively master-planned.

Sporting facilities may be built:

1. To comply with relevant national or international standards;
2. To hosting major sporting events;

Metropolitan & Regional Parks should be adequately and serviced by public transport; and contain extensive car parking and spectator facilities.

Plot Ratio

Plot ratio means the ratio between the gross floor area of a building and the area of the site upon which the building is located.

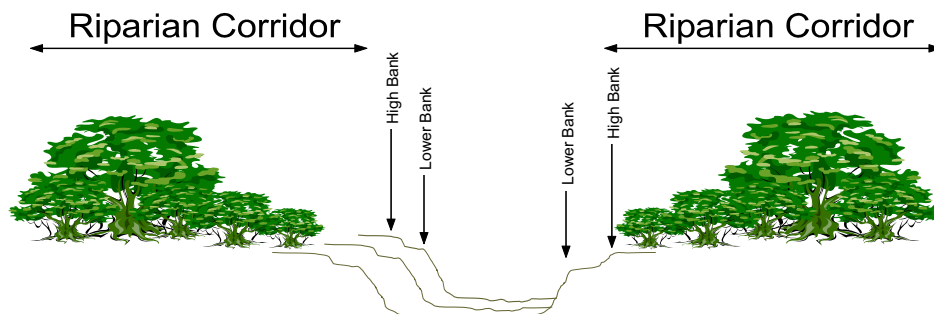
Podium

In relation to a Tall Building, is the base of the building which is complementary to the existing streetscape and is designed to fit in with the older or lower scale buildings or with the podia of newer Tall Buildings, as applicable.

Riparian Corridor

The minimum width of the riparian corridor, measured from the shoulder of the high bank to the edge of the vegetation, applicable to both sides of the watercourse is as follows:

All Districts	Where the riparian vegetation is protected under provision of the Vegetation Management Act 1999, the width of the riparian corridor is sufficient to include all vegetation that is protected under that Act.			
Where this condition does not apply the riparian widths of the Riparian Vegetation Area are determined by the adjacent watercourse category as follows:				
Watercourse Category	1	2	3	4
Rural Lands	20 metres	20 metres	20 metres	10 metres
All other Districts	50 metres	20 m above RL 40 AHD or 40 m below RL 40 AHD	20 m above RL 40 AHD or 40 m below RL 40 AHD	10 metres



Regularly Shaped Site

A site which is principally square or rectangular in configuration and which may be comprised of one or more parcels of land the subject of a development application.

Relocatable Home

A relocatable dwelling unit or accommodation unit which complies with the provision of the Building Act pertaining to Class I or Class III buildings respectively, and which is designed to be transported, after fabrication, upon its own wheels, upon removable wheels, or upon a vehicle or trailer.

Ridgeline

The top line of a slope or embankment, excluding vegetation or other features that sit above the land.

Road Hierarchy

The Road Hierarchy classifications are defined as follows :-

State-controlled Road

State-controlled Road means a road or land, or part of a road or land, declared under section 23 of *The Transport Infrastructure Act 1994* to be a State-controlled Road, and, for chapter 5, part 5, division 2, subdivision 2 of the *Transport Infrastructure Act* includes a road or land that the chief executive (of the Department of Main Roads) has notified the relevant local government in writing is intended to become a State-controlled Road.

Sub Arterial Road

A Sub Arterial Road is a road providing through routes for traffic and providing connection between local residential, commercial and industrial areas and roads serving the longer distance, intra-urban movements, generally the State-controlled Roads.

Sub Arterial Roads service residential areas containing more than 600 dwellings and accommodate traffic volumes of more than 6000 vehicles per day.

Collector Road

A Collector Road is a road providing for circulation of traffic within the local area and providing connection from the local area to Sub Arterial Roads.

Collector Roads service residential areas containing between 200 and 600 dwellings and accommodate traffic volumes in the range 2000 – 6000 vehicles per day.

Access Street

An Access Street provides access to properties and also provides links between discrete areas, in some cases for local bus services.

Access Streets service discrete residential areas containing between 30 and 200 dwellings and accommodate traffic volumes in the range 300 – 2000 vehicles per day.

Access Place

A minor cul-de-sac street providing local residential access, with shared traffic, pedestrian and recreation use.

Rural Major Road

A Rural Major Road is a road providing connection between local rural areas and roads serving the longer distance inter-urban movements, generally the State-controlled Roads. Rural Major Roads also provide for the movement of produce and freight from local rural areas to roads serving the longer distance, inter-urban movements.

Scenic Rim

Refers to the following:

- The forested or vegetated backdrop of hills and mountain ranges throughout the City.
- The vegetated or grassy foothills which fringe the City and rural communities throughout the City.

Scheme

The Planning Scheme for the City of Cairns also known as CairnsPlan.

Self-Contained

A dwelling unit capable of being occupied independently that contains at least contain the following:

- A kitchen area including food preparation, cooking (not a microwave oven solely), kitchen sink; cleaning, food storage and refrigeration facilities (not a bar fridge);
- A toilet;
- A laundry;
- A bathroom including wash basin, shower and/or bath; and
- Sleeping areas.

All of which are designed or appropriately adapted for human use.

Semi-basement Parking Area

The area below a building or structure extending above the natural ground level to a maximum height of 1250mm measured from the natural ground level to the underside of the slab forming the roof to the semi-basement parking area.

Should the ground level of a site be, or be proposed to be substantially changed from its natural state the Council may stipulate the level which is regarded as the natural ground level for this calculation, having regard to the general level of the surrounding land and roadways.

Serviceable Land

Land capable of being provided with the necessary services to facilitate the intended use. The services include but are not limited to water supply, treatment and disposal of effluent; stormwater drainage; electricity supply; telecommunications and vehicular access.

Setback

The space, distance or dimension between the boundary of a lot and the outermost projection of an existing or proposed building. Such space, distance or dimension does not apply to window hoods or eaves but does apply to stairs, balconies, semi-basement car parks and walkways that are above the ground level.

Significance

The aesthetic, historic, scientific, technical, archaeological or social value of a place for past, present or future generations. The following 8 criteria apply :

Criterion A : The place is of cultural heritage significance if it is important in demonstrating the evolution or pattern of Cairns' history.

Criterion B : The place is of cultural heritage significance if it demonstrates rare, uncommon or endangered aspects of cultural heritage.

Criterion C : The place is of cultural heritage significance if it has potential to yield information that will contribute to an understanding of Cairns' history.

Criterion D : The place is of cultural heritage significance if it is important in demonstrating the principal characteristics of a particular class of cultural places.

Criterion E : The place is aesthetically significant.

Criterion F : The place is of cultural heritage significance if it is important in demonstrating a high degree of creative or technical achievement at a particular period.

Criterion G : The place is of cultural heritage significance if it has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

Criterion H : The place is of cultural heritage significance if it has special association with the life or work of a particular person, group or organisation of importance in Cairns' history.

Site

Any land over which subdivision is proposed or on which development is carried out or is proposed to be carried out whether such land comprises the whole or part of one lot or more than one lot if each of such lots is continuous with the other or another of such lots.

Site Coverage

The largest area of a site occupied by a building/s at any level projected on to a horizontal plane and expressed as a percentage of total site area.

In the calculation of site coverage, the area occupied by the building/s is calculated by measuring along the external perimeter of the building/ including all passageways, staircases, basement and semi-basement parking, unenclosed private verandahs, balconies or patios accessible only from one dwelling unit and the like.

In all Planning Areas, the site coverage includes all ancillary buildings (e.g. restaurants, foyers, reception areas) except where, such ancillary buildings are detached outbuildings that are not fully enclosed (carports, pergolas, refuse storage areas).

Site Population Density

The number of persons residing on a site calculated from the ratios set out below. The site population density is expressed in terms of persons per hectare.

House – 3 persons per house.

Dual Occupancy – 3 persons per dwelling unit.

Caretaker's Residence – 3 persons per residence.

Multiple Dwelling:

- 1 bedroom dwelling unit – 1.5 persons per dwelling unit;
- 2 bedroom dwelling unit – 2.5 persons per dwelling unit;
- 3 bedroom dwelling unit – 3.5 persons per dwelling unit;
- Dwelling unit with more than 3 bedrooms – 3.5 persons plus 0.5 persons for each additional bedroom in excess of 3 bedroom.

Retirement Village:

- Self-contained dwelling units – 1.5 persons per dwelling unit;
- Serviced units – 1 person per unit;
- Hostel or nursing home facilities – 1 person per bed.

Special Residential Use – 0.7 person per bed for each bed in a dormitory, a communal room or a bedroom.

Caravan and Relocatable Home Park – 2.5 persons per caravan, cabin, camping site or relocatable home.

Holiday Accommodation:

(Self-contained or non self-contained accommodation)

- 1 bedroom unit – 1.5 persons per accommodation unit;
- 2 bedroom unit – 2.5 persons per accommodation unit;
- 3 bedroom unit – 3.5 persons per accommodation unit;
- Accommodation unit with more than 3 bedrooms – 3.5 persons plus 0.5 persons for each additional bedroom in excess of 3 bedrooms;

Short Term Accommodation:

- 1 person per bed for each bed in a dormitory or in a communal room;
- 1.5 persons per double bed in a double bedroom.

Skyline

The outline of objects seen against the sky, this includes vegetation or other features that sit above the land.

Storey

The space within a building which is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above. A level used partly or solely for parking is included as a storey, other than basement or semi-basement parking which is excluded.

Structure

Means a wall or fence or any object fixed to or projecting from the ground, a building, a wall, a fence or other object.

The use includes, but is not limited to a flagpole, aerial, antenna, mast, monument, liquid or gas storage tank, satellite dish, chimney flue, fountain, sculpture and statue.

Tall Building

A Tall Building means any building or structure having a height in excess of 11.5 metres.

The Cairns Esplanade

The Cairns Esplanade means the road immediately fronting Trinity Bay and its adjoining parkland from the intersection with Spence Street to the intersection with Lily Street, including that length of Abbott Street from the intersection of Kerwin Street to the intersection of Upward Street. Includes all development both existing on a site and proposed by a development application.

Wetlands

Wetlands are areas of permanent periodic or intermittent inundation, whether natural or artificial, with water that is static or flowing, fresh, brackish or saline (including areas of marine water, the depth of which is not more than 6 metres at low tide).