

## 4.0 Interpretation

### 4.1 Planning Terms and Definitions

4.1.1 Terms in this planning scheme have their ordinary meaning unless they are defined in the Act or specifically defined in subclause 4.1.3 or in a code in Part E or a specific area plan in Part F.

4.1.2 In this planning scheme a reference to a Use Table is a reference to the Use Table in a zone in Part D or specific area plan in Part F.

4.1.3 In this planning scheme, unless the contrary intention appears:

Act	means the Land Use <i>Planning and Approvals Act 1993</i> .
access	means land over which a vehicle enters or leaves a road from land adjoining a road.
access strip	means land, the purpose of which is to provide access to a road.
adult entertainment venue	means the use of land for the purpose of providing sexually explicit entertainment for adults only, and may include provision of food and drink.
adult sex product shop	means use of land to sell or hire sexually explicit material, including but not limited to:  (a) publications classified as restricted under the <i>Classification (Publications, Films and Computer Games) (Enforcement) Act 1995</i> ; and  (b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.
agency	means:  (a) a department or other agency of Government of the State or of the Commonwealth; or  (b) an authority of the State or of the Commonwealth established for a public purpose.
agricultural land	means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or

	would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.
agricultural use	means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture, intensive tree farming and plantation forestry.
AHD	means the Australian Height Datum (Tasmania) being the vertical geodetic datum as described in Chapter 8 of the Geodetic Datum of Australia Technical Manual version 2.3(1).
amenity	means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.
amusement parlour	means use of land for a building that contains: <ul style="list-style-type: none"> <li>(a) 3 or more coin, card, or token operated amusement machines;</li> <li>(b) one or more coin, card, or token operated amusement machines with more than one screen or console that can be played by 3 or more people simultaneously;</li> <li>(c) 2 or more coin, card, or token operated billiard, snooker, or pool tables; or</li> <li>(d) the conduct of laser games or similar.</li> </ul> It does not include gambling machines or premises included in the Hotel industry use class as described in Table 8.2.
ancillary dwelling	means an additional dwelling: <ul style="list-style-type: none"> <li>(a) with a floor area not greater than 60m<sup>2</sup>;</li> <li>(b) that is appurtenant to a single dwelling; and</li> <li>(c) that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters.</li> </ul>
animal pound	means use of land for an enclosure for confining stray or homeless animals.
animal salesyard	means use of land to buy and sell farm animals, and hold such animals for purchase or sale.

annual exceedance probability	means the probability of an event with a certain magnitude being exceeded in any one year.
applicable standard	means as defined in subclause 7.5.2.
application	means an application for a permit made under this planning scheme.
aquaculture	means use of land to keep or breed aquatic animals, or cultivate or propagate aquatic plants, and includes the use of tanks or impoundments on land.
art and craft centre	means use of land to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings and sculpture.
basement	means a storey either below ground level or that projects no more than one metre above finished ground level.
bed and breakfast establishment	means part of a dwelling used by its resident to provide, on a short-term commercial basis, accommodation and breakfast for persons away from their normal place of residence.
biodiversity	means biological diversity as defined under the <i>Nature Conservation Act 2002</i> .
boarding house	means use of land for a dwelling in which lodgers rent one or more rooms, generally for extended periods, and some parts of the dwelling are shared by all lodgers.
boat and caravan storage	means use of land to store boats, caravans, or vehicle-towed boat trailers.
building	means as defined in the Act.
building area	means the area shown on a plan or plan of subdivision to indicate where all buildings will be located.
building envelope	means the three-dimensional space within which buildings are to occur.
building height	means the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.
building line	means a line drawn parallel to a frontage along the front facade of a building or through the point of a building closest to the frontage, excluding protrusions.

camping and caravan park	means use of land to allow accommodation in caravans, cabins, motor homes, tents or the like and includes amenities provided for residents and persons away from their normal place of residence.
cinema	means use of land to display films, videos or other moving images to persons for reward.
clearance and conversion	means as defined in the <i>Forest Practices Act 1985</i> .
coastal zone	means as described in section 5 of the <i>State Coastal Policy Validation Act 2003</i> .
communal residence	means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building. Examples include a boarding house, residential college and residential care home.
consulting room	means use of land by a registered practitioner of any therapeutic art or science, other than service provided by a medical centre.
controlled environment agriculture	means an agricultural use carried out within some form of built structure, whether temporary or permanent, which mitigates the effect of the natural environment and climate. Such agricultural uses include production techniques that may or may not use imported growth medium. Examples include greenhouses, polythene covered structures, and hydroponic facilities.
council	means as defined in the Act.
crop raising	means use of land to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, and vegetables.
day respite centre	means use of land for day-time respite care for the aged or persons with disabilities.
declared weeds	means as defined in the <i>Weed Management Act 1999</i> .
demolition	means the intentional damaging, destruction or removal of any building or works in whole or in part.
desired future character	means the desired character for a particular area set out in the planning scheme.
development	means as defined in the Act.

development area	means the area of land occupied by development including its yard, outbuildings, car parking, driveways, storage areas, landscaping and wastewater disposal areas.
dwelling	means a building, or part of a building, used as a self contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.
effective date	means the date on which the planning scheme came into effect.
employment training centre	means use of land to provide education and training to jobseekers and unemployed persons.
environmental harm	means as defined in the <i>Environmental Management and Pollution Control Act 1994</i> .
environmental nuisance	means as defined in the <i>Environmental Management and Pollution Control Act 1994</i> .
existing ground level	when used in respect of a development, means the level of a site at any point before the development occurs.
existing non-conforming use	means a use which is prohibited under the planning scheme but is one to which ss12(1)-(7) of the Act applies.
finished ground level	when used in respect of a development, means the level of a site at any point after the development has been completed.
forestry operations	means as defined in the Act.
Forest Practices Plan	means a Forest Practices Plan under the Forest Practices Code 2000.
frontage	means a boundary of a lot which abuts a road.
function centre	means use of land, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.
funeral parlour	means use of land to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation.
gross floor area	means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.
habitable building	means a building of Class 1 - 9 of the Building Code of Australia.

habitable room	means any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, hallway, lobby, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.
habitat corridor	means an area or network of areas, not necessarily continuous, which enables migration, colonisation or interbreeding of flora or fauna species between two or more areas of habitat.
high conservation value tree	means a tree that is of a species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and/or provide potential or significant habitat for a threatened species listed in either of those acts.
home-based business	means use of part of a dwelling by a resident for non-residential purposes if: <ul style="list-style-type: none"> <li>(a) no more than 50m<sup>2</sup> of floor area of the dwelling is used for the non-residential purposes;</li> <li>(b) the person conducting the business normally uses the dwelling as their principal place of residence;</li> <li>(c) it does not involve employment of more than 2 workers who do not reside at the dwelling;</li> <li>(d) any load on a utility is no greater than for a domestic use;</li> <li>(e) there is no activity that causes electrical interference to other land;</li> <li>(f) there is, on the site, no storage of hazardous materials;</li> <li>(g) there is, on the site, no display of goods for sale;</li> <li>(h) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;</li> <li>(i) there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;</li> <li>(j) not more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</li> <li>(k) all vehicles used by the business are parked on the site.</li> </ul>
hostel	means a supervised place of accommodation, usually supplying board and lodging for students, nurses or the like.
hours of operation	means the hours that a use is open to the public or conducting activities related to the use, not including routine activities normally associated with opening and closing or office and administrative tasks.

intensive animal husbandry	means use of land to keep or breed farm animals, including birds, within a concentrated and confined animal growing operation by importing most food from outside the animal enclosures and includes a cattle feedlot, broiler farm or piggery.
internal lot	means a lot:  (a) lying predominantly behind another lot; and  (b) having access to a road by an access strip, private road or right of way.
junction	means an intersection between two or more roads at a common level, including the intersections of on and off ramps, and grade-separated roads.
land	means as defined in the Act.
Level 2 Activity	means as defined under the <i>Environmental Management and Pollution Control Act 1994</i> .
level crossing	means as defined in section 35 of the <i>Rail Infrastructure Act 2007</i> .
liquid fuel depot	means use of land for the storage, wholesale and distribution of liquid fuel.
local historic heritage significance	means the significance in relation to a heritage place or heritage precinct as identified in a code relating to heritage values, or in a report prepared by a suitably qualified person if not identified in the code.
local shop	means land used for the sale of grocery or convenience items where the gross floor area does not exceed 200 m <sup>2</sup> .
lot	means a piece or parcel of land in respect of which there is only one title other than a lot within the meaning of the <i>Strata Titles Act 1998</i> .
marina	means use of land to moor boats, or store boats above or adjacent to the water. It includes boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.
marine farming shore facility	means use of land to provide on-shore support infrastructure and facilities for off-shore aquaculture but does not include processing of fish.
market	means use of land to sell goods, including but not limited to foodstuffs, from stalls.

medical centre	means use of land to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.
mezzanine	means an intermediate floor within a room.
minor utilities	means use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water pipes, retarding basin, telecommunication lines or electricity substation and power lines up to but not exceeding 110Kv.
motel	means use of land to provide accommodation in serviced rooms for persons away from their normal place of residence, where provision is made for parking of guests' vehicles convenient to their rooms.
motor repairs	means use of land to repair or service motor vehicles, and includes the fitting of motor vehicle accessories.
motor vehicle, boat or caravan sales	means use of land to sell or hire motor vehicles, boats, or caravans. It includes the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories for motor vehicles, boats or caravans.
multiple dwellings	means 2 or more dwellings on a site.
museum	means use of land to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.
native vegetation	means plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes.
natural ground level	means the natural level of a site at any point.
net density	means the density of development excluding areas set aside for roads and public open space.
office	means use of land for administration, or clerical, technical, professional or other similar business activities.
outbuilding	means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.
outdoor recreation facility	means use of land for outdoor leisure, recreation, or sport.



overnight camping area	means the use of land which is open to public use for holiday and recreational purposes, which purposes involve primarily the setting up and use of tents for overnight accommodation.
panel beating	means use of land to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.
permit	means as defined in the Act.
planning authority	means the Kingborough Council
plantation forestry	means the use of land for planting, management and harvesting of trees for commercial wood production, but does not include the milling or processing of timber, or the planting or management of areas of a farm for shelter belts, firewood, erosion or salinity control or other environmental management purposes, or other activity directly associated with and subservient to another form of agricultural use.
plot ratio	means the gross floor area of all buildings on the site divided by the area of the site.
potential habitat	means all habitat types within the potential range of a threatened flora or fauna species that are likely to support that species in the short and/or long term. It may not include habitats known to be occupied intermittently. Potential habitat is determined from published and unpublished scientific literature and/or via expert opinion, is agreed by the Threatened Species Section, DPIPW in consultation with species specialists, and endorsed by the Scientific Advisory Committee under the <i>Threatened Species Protection Act 1995</i> .
primary frontage	means, where there are 2 or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations.
primary produce sales	means use of land to sell unprocessed primary produce grown on the land or adjacent land.
prime agricultural land	means agricultural land classified as Class 1, 2 or 3 land using the Class Definitions and methodology from the Land Capability Handbook, Second Edition, C J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.
private garden	means land adjacent to a dwelling that has been modified with landscaping or vegetation, including ornamental or edible plants, or the like.
private open space	means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling.

protrusion	means a protrusion from a building such as awnings, steps, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services.
public art gallery	means use of land to display works of art including ceramics, furniture, glass, paintings, sculptures and textiles, which land is maintained at the public expense, under public control and open to the public generally.
public land	means land owned or managed by the Crown, a State authority or a council.
public open space	means land for public recreation or public gardens or for similar purposes.
rail authority	means the agency, authority or business enterprise which has responsibility for rail infrastructure in Tasmania.
railway	means as defined in the <i>Rail Infrastructure Act 2007</i> .
refuse disposal	means use of land to dispose of refuse by landfill, incineration, or other means.
regional land use strategy	means as defined in the Act.
remand centre	means use of land for an institution to which accused persons are sent for detention while awaiting appearance before a court.
reserve management plan	means a management plan prepared under the <i>National Parks and Reserves Management Act 2002</i> , the <i>Wellington Park Act 1993</i> or the <i>Living Marine Resources Act 1995</i> , or a plan of management prepared for an area reserved under the <i>Crown Lands Act 1976</i> .
residential aged care facility	means use of land for accommodation and personal or nursing care for the aged. It includes recreational, health or laundry facilities and services for residents of the facility.
retirement village	means use of land to provide permanent accommodation for retired people or the aged and includes communal recreational or medical facilities for residents of the village.
ribbon development	means a band of development extending along one or both sides of a road or along the coast.
road	means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.

road authority	means for State highways or subsidiary roads, within the meaning of the <i>Roads and Jetties Act 1935</i> , the Minister administering that Act and in relation to all other roads, the Council having the control of such road.
scrap yard	mean use of land where disused vehicles, materials and machinery or parts are collected and either sold or prepared for being used again, and includes the use or onselling of scrap materials.
sensitive use	means a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.
service station	means use of land to sell motor vehicle fuel from bowsers, and vehicle lubricants and if such use is made of the land, includes: <ul style="list-style-type: none"> <li>(a) selling or installing of motor vehicle accessories or parts;</li> <li>(b) selling of food, drinks and other convenience goods;</li> <li>(c) hiring of trailers; and</li> <li>(d) servicing or washing of motor vehicles.</li> </ul>
serviced apartment	means use of land to provide accommodation for persons, who are away from their normal place of residence, in a furnished, self-contained room or suite of rooms designed for short-term and long-term stays, which provides amenities for daily use such as kitchen and laundry facilities.
setback	means the distance from any lot boundary to a building on the lot.
shipping container storage	means use of land to store shipping containers and if such use is made of the land, includes the cleaning, repair, servicing, painting or fumigation of the shipping containers.
sign	means a device that is intended to give information, advertise or attract attention to a place, product, service or event.
significant habitat	means native vegetation determined from published scientific literature and/or agreed by the Threatened Species Section (DPIPWE) in consultation with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC) as habitat within the known range of a threatened or vulnerable flora or fauna species that: <ul style="list-style-type: none"> <li>(i) is known to be of high priority for the maintenance of breeding populations throughout the species' range; and/or</li> <li>(ii) if converted to non-native vegetation is considered to result in a long term negative impact on breeding populations of the species.</li> </ul>

	It may include areas that do not currently support breeding populations of the species but that need to be maintained to ensure the long-term future of the species.
single dwelling	means a dwelling on a lot on which no other dwelling is situated, or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.
site	means the lot or lots on which a use or development is located or proposed to be located.
site area per dwelling	means the area of the site (excluding any access strip) divided by the number of dwellings.
site coverage	means the proportion of a site (excluding any access strip) covered by roofed buildings.
solar energy installation	means a solar panel, evacuated tube solar collectors, or the like.
solid fuel depot	means use of land to sell solid fuel, such as briquettes, coal, and firewood.
standard	means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.
State authority	means as defined in the Act.
State-reserved land	means: <ul style="list-style-type: none"> <li>(a) land owned by the Crown or a State authority and reserved for any purpose under the <i>Nature Conservation Act 2002</i>, or the <i>Crown Lands Act 1976</i>; or</li> <li>(b) fee simple land reserved for any purpose under the <i>Nature Conservation Act 2002</i> where the Director of Parks and Wildlife is the managing authority.</li> </ul>
State waters	means as defined in s.5 of the <i>Living Marine Resources Management Act 1995</i> .
storey	means that part of a building between floor levels, excluding a mezzanine level. If there is no floor above, it is the part between the floor level and the ceiling.
streetscape	means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures

	<p>fronting the road reserve.</p> <p>For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site.</p>
subdivide	<p>means to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:</p> <p>(a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;</p> <p>(b) a lease of airspace around or above a building;</p> <p>(c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;</p> <p>(d) the creation of a lot on a strata scheme or a staged development scheme under the <i>Strata Titles Act 1998</i>; or</p> <p>(e) an order adhering existing parcels of land.</p>
subdivision	means the act of subdividing or the lot subject to an act of subdividing.
suitably qualified person	means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience in a recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration.
take away food premises	means use of land to prepare and sell food and drink primarily for immediate consumption off the premises.
threatened vegetation	means a threatened native vegetation community that is listed in Schedule 3A of the <i>Nature Conservation Act 2002</i> or a threatened native ecological community that is listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth).
traffic impact assessment	means a study prepared by a suitably qualified person that shows the likely effects of traffic generated by use or development on the local environment and on the road or railway networks or both in terms of safety, efficiency and amenity, having regard to present and assumed future conditions. It includes recommendations on measures to be taken to maintain the safety and efficiency of the road or railway networks.
turf growing	means use of land for growing grass which is cut into sods or rolls containing the roots and some soil for direct transplanting.
use	means as defined in the Act.

vehicle crossing	means a driveway for vehicular traffic to enter or leave a road carriageway from land adjoining a road.
veterinary centre	means land used to: <ul style="list-style-type: none"> <li>(a) diagnose animal diseases or disorders;</li> <li>(b) surgically or medically treat animals; or</li> <li>(c) prevent animal diseases or disorders, and includes keeping animals on the premises for those purposes.</li> </ul>
video shop	means use of land to hire out videos, films and computer games.
wall height	means the vertical distance from natural ground level immediately below the wall to the uppermost part of the wall excluding any roof element.
waste transfer station	means use of land to receive and temporarily store waste before it is disposed of elsewhere.
watercourse	means a defined channel with a natural or modified bed and banks that carries surface water flows.
wetland	means a depression in the land, or an area of poor drainage, that holds water derived from ground water and surface water runoff and supports plants adapted to partial or full inundation and includes an artificial wetland.
wharf	means use of land to provide facilities for ships, such as bulk and container ships, passenger ships, and defence force marine craft.
winery	means use of land for the manufacture of vineyard products and if land is so used, includes the display and sale of vineyard products, and the preparation and sale of food and drink for consumption on the premises.
visitor centre	means land used for the principal purpose of providing information to tourists and may include incidental retail sales and supplementary services to tourism.
works	means as defined in the Act.