

Schedule 2: Definitions

2.1 Defined Uses

In this document, unless inconsistent with the context or subject matter:

abattoir means premises used for the slaughter and dressing of animals, and includes the processing of meat from such slaughter;

agriculture means, as a commercial enterprise:

- (a) the growing of crops, pasture, timber trees and the like, but does not include a **plant nursery or horticulture**; and
 - (b) the keeping and breeding of livestock
- but does not include **animal boarding, intensive animal husbandry or stables**;

animal boarding means premises used as a commercial enterprise for the accommodation of domestic animals, but does not include **intensive animal husbandry or stables**;

bar-public means premises primarily used to sell alcoholic beverages to the public for consumption on the premises, where the maximum capacity is more than 100 persons at any one time. The use may include **ancillary** sale of food for consumption on the premises and entertainment activities, but does not include a **bar-small, club, hotel/motel, nightclub entertainment facility, or restaurant**;

bar-small means premises primarily used to sell alcoholic beverages to the public for consumption on the premises, where the maximum capacity does not exceed 100 persons at any one time. The use may include **ancillary** sale of food for consumption on the premises and entertainment activities, but does not include a **bar-public, club, hotel/motel, nightclub entertainment facility, or restaurant**;

caravan includes a vehicle registered or eligible for registration within the meaning of the *Motor Vehicles Act 1949* which is designed or adapted for human habitation;

caravan accommodation means the use of a **caravan** for temporary or permanent accommodation on a **site** other than a **caravan park**;

caravan park means land used for the parking of **caravans** or the erection or placement and use of tents or cabins for the purpose of providing accommodation. The use may include, where **ancillary**, a manager's residence and **office, bar-small, food premises-cafe/take away, shop**, amenity buildings, restaurant and the provision of recreation facilities for the use of occupants of the **caravan park** and their visitors;

car park means the parking of motor vehicles otherwise than as an **ancillary** use of land, and does not include **vehicles sale and hire**;

car wash means premises primarily used for the commercial cleaning of motor vehicles by mechanical or manual processes;

child care centre means premises used for the minding, education and care of children but does not include an **education establishment** or family day care as a **home based business**;

clearing of native vegetation means the removal or destruction, by any means, of **native vegetation** on an area of land, other than:

- (a) the removal or destruction of a declared weed within the meaning of the *Weeds Management Act* or of a plant removed under the *Plant Health Act 2008*;
 - (b) the lopping of a tree;
 - (c) incidentally through the grazing of livestock;
 - (d) the harvesting of **native vegetation** planted for harvest;
 - (e) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artefacts;
 - (f) by fire;
 - (g) the removal or destruction of **native vegetation** occurring on a **site** previously cleared in accordance with a permit issued under the Act; or
 - (h) incidentally through mowing an area previously cleared of **native vegetation**;
- and includes the selective removal of a species of plant, a group of species of plants, a **storey** or group of **storeys** in whole or in part;

club means premises used by persons associated for social, political, sporting, athletic or other similar purposes for social interaction or entertainment. The use may include the sale of alcoholic beverages and food to members and their guests;

community centre means a building or part of a building used for providing artistic, social or cultural facilities and community support services to the public and may include the **ancillary** preparation and provision of food and drink;

demountable structure means a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from **site** to **site**, but does not include a **caravan** or transportable module used in conjunction with an **education establishment** or as a **medical clinic** or as a construction site office or a prefabricated **dwelling**;

dwelling-caretakers means a **dwelling** which is **ancillary** to the non-residential use of the land on which it is erected and which is occupied by the bona fide caretaker of the land;

dwelling-community residence means a **dwelling**:

- (a) used to accommodate persons who are not necessarily related and who live together as a single household, with or without paid supervision or care; and
- (b) that is managed so that day to day activity is of a residential character; and
- (c) where the management of the household is assisted by a community, religious or charitable organization or an educational, departmental or institutional establishment, but does not include a **residential care facility**;

dwelling-group means a **dwelling** that is one of a group of two or more **dwellings** on the same **site** such that no **dwelling** is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a **dwelling** on a unit title with common property;

dwelling-independent means an **ancillary dwelling** that is constructed on the same **site** as a **dwelling-single**;

dwelling-multiple means a **dwelling** or **serviced apartment** that is wholly or partially vertically over or under another **dwelling** on a **site** and includes any **dwellings** above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;

dwelling-single means a building containing one **dwelling** only;

emergency services facility means the provision of essential emergency services or disaster management services by a government or community organisation including operational support and training facilities;

education establishment means premises used for the purposes of providing education including an academy, college, lecture hall, pre-, primary or secondary school, vocational training college or university, but does not include a **place of worship** or **community centre**. The use can include where **ancillary, café / take away, office, rooming accommodation** or **shop** that directly service the needs of students and staff;

excavation and fill means the removal or importation of material to, from or within a **site** that will change the **ground level** of the land, but does not include that normally required in association with the construction of a building, swimming pool, ornamental pond or the like;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum. The use can also include where **ancillary café / take away** and **office**;

food premises-café / take away means small-scale premises (other than a **bar-small**) used for the preparation and sale of food and drinks that may be either taken away or consumed at seating on the premises;

food premises-fast food outlet means premises used for the preparation and sale of food and drinks primarily packaged to be taken away for consumption off premises that incorporate a drive-through service, and may include the provision of seating for the consumption of food on the premises;

food premises-restaurant means premises (other than a **bar-public, bar-small, shop,** or part of a **hotel/motel**), used for the preparation, sale and service of food and drinks for consumption primarily on the premises where seating is provided, and may include the **ancillary** provision of take-away food;

fuel depot means a depot for the storage or sale of solid, liquid or gaseous fuel, but does not include a **service station**;

helicopter landing site means a place that may be used for the purposes of land or taking-off of helicopters, other than as a commercial enterprise and does not include a helicopter engaged in the provision of emergency operations, **transport terminal**, or **passenger terminal**;

home based business means use of a **dwelling** or the **site** of a **dwelling** by a person who resides in the **dwelling** for a business activity which is subordinate to the primary residential use including;

- (a) family day care for no more than 7 children;
- (b) storage of materials and vehicles;
- (c) carrying out of an occupation or profession; and
- (d) provision of temporary accommodation on a commercial basis within the **dwelling**;

horticulture means the commercial cultivation of fruit, vegetables, and flowers, including the wholesale growing of plants;

hospital means a building used to provide health services including preventative care, diagnosis, medical and surgical treatment and counselling to persons admitted as in-patients. The use can include where **ancillary, food premises-café / take away, medical clinic, office, rooming accommodation** and **shop** that directly service the needs of staff, patients and visitors;

hotel/motel means premises primarily used for the short term accommodation of travellers. The use can include where **ancillary, meeting and function rooms, restaurants, a bar-small,** and recreation facilities, but does not include a **bar-public, club, or nightclub entertainment venue**;

industry-general means an **industry** in which the process carried on, the machinery used and goods and commodities carried to and from the premises on which the **industry** is sited has potential for significant impacts on the surrounding **amenity** due to off-site emissions including aerosol, fume, dust, smoke, waste products, odours, noise, generation of heavy vehicle traffic flows in the locality and the potential for night-time and/or outdoor activities. The use can include when **ancillary office** and **shop**;

industry-light means an **industry** in which the process carried on, the machinery used and the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise. The use may include where **ancillary food premises-café/take away, office and shop**;

industry-primary means an **industry** which involves the storage, treatment, processing or packing of primary products transported to the **site** where the process carried on and the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality; (previously rural industry);

intensive animal husbandry means:

- (a) the breeding, keeping and feeding of animals, including poultry and pigs, in sheds, stalls, ponds, compounds or stockyards; or
 - (b) aquaculture;
- as a commercial enterprise;

leisure and recreation means the provision indoors or outdoors of recreation, leisure or sporting activities and includes cinemas, theatres, sporting facilities, gymnasiums and the like as a commercial enterprise but does not include a **club** or **community centre**. The use can include where **ancillary a bar-small, café / take away, restaurant and shop**;

market means premises or land managed and used for the sale of goods, food and drink to the public on a regular basis, where the items are primarily sold from a number of vehicles, trailers or temporary structures such as stalls, booths or trestle tables. The use may include entertainment provided for the enjoyment of customers;

medical clinic means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care, or their employees, but does not include a **hospital**;

motor body works means premises for repairing the body work of motor vehicles and includes body building, panel beating or spray painting of motor vehicles;

motor repair station means premises used for carrying out repairs to motor vehicles but does not include a **motor body works** or a **transport terminal**;

nightclub entertainment venue means a premises used to provide entertainment, dancing and music. The use generally includes the sale of alcoholic beverages and food for consumption on the premises;

office means a building or part of a building used for the conduct of administrative, secretarial or management services or the practice of a profession, where no goods or materials are made, repaired, sold or hired but does not include a **home based business**;

passenger terminal means premises used as a railway or bus station, shipping passenger terminal, airline passenger terminal, hover port or heliport;

place of assembly means the use of premises for the gathering of people to attend functions whether or not for commercial purposes including convention facilities, or auditoriums. The use can include **ancillary bar-small, café / take away, office and shop**.

place of worship means premises used as a church, chapel, mosque, temple, synagogue or place of religious instruction or worship or for the purpose of religious training. The use can include where **ancillary an office and shop**;

plant nursery means premises principally used for the growing and sale to the public of plants, whether or not seeds, equipment, landscape materials or other associated products are displayed or sold, but does not include the use of land for **agriculture, horticulture or industry-primary**;

recycling depot means premises used for the collection, storage or sale of scrap metals, waste paper, rags, bottles or other scrap material or goods, or used for dismantling, storage or salvaging of machinery whether or not parts of them are for sale;

renewable energy facility means premises primarily used for the commercial generation and wholesale distribution of energy from renewable (naturally reoccurring) sources;

residential care facility means the use of premises for supervised accommodation where the use integrates:

- (a) rehabilitation; and/or
- (b) medical; and/or
- (c) other support;

facilities for residents who cannot live independently and/or require regular nursing or personal care;

retail agricultural stall means a building used for the display and retail sale of agricultural, market garden or horticultural produce grown on the land on which the building is erected;

rooming accommodation means premises such as hostels, guest houses, student and worker accommodation used for the accommodation of unrelated persons which may include:

- (a) the provision of food or other services and facilities, and/or
- (b) on-site management or staff and associated accommodation,

and where each guest/resident:

- (c) has a right to occupy one or more rooms; and
- (d) does not have a right to occupy the whole of the premises in which the rooms are situated; and
- (e) may have separate facilities for private use or share communal facilities or communal space with other residents

The use can include where **ancillary**, **bar-small**, **food premises-café/take away**, **office**, and **shop**;

service station means premises used for the sale by retail of fuels, oils and other products for use in connection with the operation of motor vehicles, whether or not it includes convenience shopping, but does not include a **fuel depot**, **motor repair station**, **motor body works**, or **shopping centre**. The use can include, where **ancillary**, a **café / take away** and **shop**;

sex services-commercial premises means a premises from which a **sex services business** operates and that business engages **sex workers** (but does not include a **sex services-home based business**);

sex services-home based business means the use of a **dwelling** for the purpose of **sex work** by a person resident in the **dwelling**;

shop means premises used for the display and sale by retail or for hire of goods or to provide services but does not include a **café / take away**, **fast food outlet**, **restaurant**, **retail agricultural stall**, **service station**, **shopping centre**, **showroom sales** or **vehicle sales and hire**;

shopping centre means an integrated complex of three or more individual tenancies that is comprised primarily of **shops**;

showroom sales means premises used for the sale or hire of bulky goods that require a large area for handling, display or storage including:

- (a) furniture, floor coverings, furnishings, household appliances or camping gear; or
- (b) materials, tools, equipment or machinery for use in **industry**, commerce, the trades, primary production, medical purposes or party hire;

sport and recreation means the use of land for recreation purposes, but does not include such a use which involves commercial transactions, motor sports or activities which, by virtue of the generation of noise or disturbance, will adversely affect the **amenity** of adjoining land nor does it include **leisure and recreation**;

stables means premises used for the keeping, exercising or training of horses or other animals of burden as a commercial enterprise;

telecommunications facility means land used to accommodate:

- (a) any part of the infrastructure of a telecommunications network; or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network,

but does not include a facility classified as low impact within the *Telecommunications Act 1997* (Cth.) and the *Telecommunications (Low-impact Facilities) Determination 2018* (Cth.).

transport terminal means premises used for the:

- (a) loading, discharge or storage of goods in the course of the transport of those goods by air, road, rail or ship;
- (b) garaging and maintenance of fleet vehicles; or
- (c) servicing, repair and garaging of buses;

vehicle sales and hire means premises used wholly or principally for the display for sale by retail or for rental of motor vehicles, **caravans**, trailers, farm machinery or boats. The use may include **ancillary** repair or servicing activities and sale or fitting of accessories;

veterinary clinic means premises used for the medical treatment of animals, whether or not the animals are boarded there as part of the treatment;

warehouse means premises used for the bulk storage of goods, or the display and sale of goods by wholesale;

2.2 General Definitions

If a word or expression used in this Scheme is listed in this clause, its meaning is as follows:

access means the entry of persons and vehicles onto a lot, either existing or proposed, from a road, laneway or other space which abuts that lot;

active street frontage means any frontage of a building that creates activity on the adjacent street or another public place. Unless otherwise specified, **active street frontage**:

- (a) contains active uses such as retail, entertainment and dining uses for a minimum of 75% of the street front boundary,
- (b) is built to the street front boundary at **ground level**;
- (c) has windows and door openings to the adjacent street or public place; and
- (d) minimises driveway and servicing **access** across the **active street frontage**;

alfresco dining area means an open air dining area that is not air-conditioned, and is primarily used for the provision of tables and chairs as an **ancillary** seating space for the consumption of food and beverages for a **bar, club, food premises** or **nightclub entertainment facility**. This area may be under a roof, may be capable of being enclosed and/or secured and may include spaces such as a courtyard, beer garden, deck, area on a rooftop or podium, balcony, or a space on public land or a road reserve (subject to land owner authorisation);

amenity in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable;

ancillary means associated with, but auxiliary and subordinate to the primary land use;

Australian Noise Exposure Forecast (ANEF) is a single number index (shown as a series of contours on the ANEF maps produced by the Department of Defence) that predicts for a particular future year the cumulative exposure to aircraft noise likely to be experienced by communities near airports during a specified time period;

basement means a **storey** either below **ground level** or that projects no more than one metre above **ground level**;

building height means the vertical distance between the **ground level** and the highest point of the building roof (apex) or parapet at any point, but not including any load bearing antenna, aerial, chimney, flagpole or the like; (taken from existing height clause);

building setback means the distance from any lot boundary to a building or structure and shall be measured from all boundaries to:

- the wall of a building or structure;
- the outer surface of the railings of a balcony or verandah;
- the outer surface of any support column of a **ground level** verandah; and
- the outer surface of any support column for structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.

In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersecting point of the **primary street** setback and the **secondary street** setback;

car parking area means an area set aside or designated for the parking of three or more motor vehicles;

car parking space means a space designated for the parking of one motor vehicle;

common building boundary means the designated boundary between one lot and an adjoining lot; (remainder of existing definition deleted);

consent means the consent of the consent authority within the meaning of the *Planning Act 1999*;

dwelling means a building, or part of a building, designed, constructed or adapted as a self-contained residence;

end of trip facilities means secure bicycle storage, showers, changing rooms, lockers and other facilities that support cycling and other active modes of transport;

floor area in relation to a building, includes all wall thicknesses of the external walls and all roof areas used as floors, but does not include verandahs, balconies or areas set aside for car parking or **access** thereto;

ground level means the ground surface level that exists on a **site** prior to the commencement of earth or construction works associated with the development of a building;

habitable room means any room of a **dwelling** other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods;

heritage object means a heritage object within the meaning of the *Heritage Act 2011*;

heritage place means a heritage place within the meaning of the *Heritage Act 2011*;

industry means the use of land for processes involving manufacturing, assembling, packaging, altering, repairing, renovating, finishing, cleaning, treating of waste materials, testing or analysis or dismantling of an article, goods, or material including the storage or transportation associated with any such activity;

loading bay means an area set aside or designated for the loading and unloading of vehicles associated with the use of the land;

main road means a main road defined on the zoning maps;

mezzanine means an intermediate floor within a room;

mining activity means the conduct of any mining activity under any mining interest (where the terms “mining activity” and “mining interest” have the same meaning as in the *Mining Management Act 2001*);

native vegetation means terrestrial and inter-tidal flora indigenous to the Northern Territory, including grasses, shrubs and mangroves;

net floor area in relation to a building, includes all the area between internal surfaces of external walls but does not include:

- (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building;
- (b) lobbies between lifts facing other lifts servicing the same floor;
- (c) areas set aside as public space or thoroughfares; (remainder of line deleted)
- (d) areas set aside as plant and lift motor rooms;
- (e) areas set aside for use of service delivery vehicles; and
- (f) areas set aside for car parking or **access**;

non-residential building means a building that is not a **residential building** or **outbuilding**;

outbuilding means a non-habitable structure that is **ancillary** to the *Permitted* use of the land including a shed, garage, carport, pergola or shade sail;

plot ratio means the **floor area** divided by the area of the **site**;

primary street means the street or where there is more than one street, the street with the wider carriageway or that which carries the greater volume of traffic but does not include any street where **access** is restricted by the controlling Agency;

primary use means the use of land or premises to which all other uses are **ancillary**;

proposed main road means a proposed main road shown on the zoning maps;

public open space means outdoor spaces that are generally accessible to the community and provide for a range of sport, recreation, cultural, entertainment or leisure pursuits;

residential building means a building or part of a building used or developed or proposed to be developed for a **dwelling-community residence, dwelling-caretakers, dwelling-grouped, dwelling-independent, dwelling-multiple, dwelling-single, hotel/motel, residential care facility, or rooming accommodation**;

secondary street means – in the case of a **site** that has **access** to more than one public street – the street or streets that are not the **primary street**;

serviced apartments means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and which is regularly serviced or cleaned;

sex services business means a business that provides for or arranges **sex work**;

sex work means the provision by a person of services that involve the person participating in sexual activity with another person in return for payment or reward;

sex worker means a person who performs **sex work**;

site means an area of land, whether consisting of one lot or more, which is the subject of an application to the consent authority;

storey means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling. It may comprise an attic, **basement** or be built over an area for car parking;