

Chapter 1 Preliminary

Part 1 Introduction

Division 1 Preliminary

1.1.1 Short Title

The Planning Scheme may be cited as the *Beaudesert Shire Planning Scheme 2007*.

1.1.2 Commencement

The Planning Scheme commences on the date of publication of the notice of adoption of the Planning Scheme in the Gazette.¹

Division 2 Purpose of the Planning Scheme

1.1.3 Purpose of the Planning Scheme

The purpose of the Planning Scheme is to provide a framework for managing development in a way that advances the purpose of the *Integrated Planning Act 1997* by—

- (a) identifying Desired Environmental Outcomes for the Planning Scheme Area (the Shire); and
- (b) identifying the Zones and the Overlays within the Shire; and
- (c) identifying in respect of the Zones and the Overlays, Assessment Categories for development being Exempt development, Self-assessable development and assessable development; and
- (d) identifying in respect of the Zones and the Overlays, development which is Consistent Development and inconsistent development; and
- (e) identifying in respect of the Zones and the Overlays, Assessment Criteria in the form of Codes for assessing Self-assessable development and assessable development.

¹ The notice of adoption was published in the Government Gazette on 30 March 2007

Division 3 Application of the Planning Scheme

1.1.4 Application of the Planning Scheme

The Planning Scheme applies to the Shire of the Beaudesert Shire Council, (the Local Government).²

Division 4 Relationship to the Integrated Planning Act 1997

1.1.5 Relationship of the Planning Scheme to the Integrated Planning Act 1997

The Planning Scheme functions as part of the Integrated Development Assessment System (IDAS) and must be read with the *Integrated Planning Act 1997*.³

Division 5 Relationship to the South East Queensland Regional Plan

1.1.6 Relationship of the Planning Scheme to the South East Queensland Regional Plan

The SEQ Regional Plan—

- (a) is a Statutory Instrument under the *Statutory Instruments Act 1992* and is also a planning instrument under the *Integrated Planning Act 1997*; and
- (b) had effect from 30 June 2005; and
- (c) includes regulatory provisions which came into effect when the Regional Plan was released on 30 June 2005; and
- (d) includes regulatory provisions that have the capacity to regulate land use and development throughout the Shire and to prohibit aspects of development in specified locations.
- (e) includes regulatory maps that allocate land into the following categories:
 - (i) Regional Landscape and Rural Production Area;
 - (ii) Urban Footprint;

² See schedule 10 and section 2.1.2 (Area to which Planning Scheme applies) of the *Integrated Planning Act 1997*.

³ See Chapter 3 (Integrated Development Assessment System (IDAS)) of the *Integrated Planning Act 1997*.

- (iii) Rural Living Area;
- (iv) Investigation Area.

1.1.7 Premises Zoned for an Urban Purpose

For the purposes of Division 2 of the Regulatory Provisions of the SEQ Regional Plan, a premises is Zoned for an Urban Purpose only to the extent that is located within the Urban Footprint.

Division 6 Relationship between the Bromelton State Development Area and the Planning Scheme

1.1.8 Bromelton State Development Area

The Bromelton State Development Area was declared by the Governor-in-Council on 28 August 2008. A Development Scheme for the Bromelton State Development Area was prepared by The Coordinator-General under the *State Development and Public Works Organisations Act 1971* and declared by the Governor-in-Council on [insert date] 2011.

A material change of use of land in the Bromelton State Development Area is to be assessed by The Coordinator-General in accordance with the Development Scheme. Development, other than a material change of use of land, is to be assessed by the Council under the *Beaudesert Planning Scheme 2007* in accordance with the *Sustainable Planning Act 2009*. Accordingly, there is no table of assessment in the Beaudesert Planning Scheme 2007 for the assessment of development applications for a material change of use of land.

Part 2 Structure of Planning Scheme

Division 1 Composition of the Planning Scheme

1.2.1 Composition of the Planning Scheme

The Planning Scheme consists of—

- (a) the Desired Environmental Outcomes for the Shire; and
- (b) a Strategic Framework which demonstrates how the Planning Scheme measures co-ordinate and integrate the matters (including the core matters) dealt with by the Planning Scheme, including any State and regional dimensions of the matters; and
- (c) Planning Scheme measures which comprise—
 - (i) Planning Scheme Maps being—
 - (A) Zone Maps (ZM Maps); and
 - (B) Overlay Maps (OV Maps);
 - (ii) Planning Scheme provisions being—
 - (A) Assessment Tables; and
 - (B) Consistent Development Tables; and
 - (C) Codes; and
- (d) a statement of the State Planning Policies that are reflected in the Planning Scheme.

Division 2 Desired Environmental Outcomes

1.2.2 Desired Environmental Outcomes

The Planning Scheme identifies Desired Environmental Outcomes for the Shire which are—

- (a) based on ecological sustainability established by the *Integrated Planning Act 1997*⁴; and
- (b) an expression of the Strategic Framework upon which the Planning Scheme is based; and
- (c) the basis for the Planning Scheme measures.

⁴ See section 1.3.3 (Meaning of “ecological sustainability”) of the *Integrated Planning Act 1997*.

Division 3 Strategic Framework

1.2.3 Strategic Framework

The Planning Scheme identifies a Strategic Framework based on a vision for the Shire of a proud, vibrant and prosperous community – living, working and playing locally, celebrating our diversity, natural assets and talents⁵.

Division 4 Planning Scheme Maps

1.2.4 Planning Scheme Maps

- (1) The Planning Scheme Maps are identified in section 1.1 (Planning Scheme Maps) in Schedule 5 (Planning Scheme Maps).
- (2) The Planning Scheme incorporates Planning Scheme Maps being—
 - (a) Zone Maps which identify the Zones and Precincts within the Shire; and
 - (b) Overlay Maps which identify the Overlays within particular localities within the Shire in respect of which assessment provisions are specified.

1.2.5 Zones and Precincts

The Planning Scheme—

- (a) divides the Shire into the Zones identified in column 1 in Table 1.2.5 (Zones and Precincts) which are shown on the Zone Maps; and
- (b) divides each Zone into the Precincts identified in column 2 in Table 1.2.5 (Zones and Precincts) which are shown on the Zone Maps.

Table 1.2.5 Zones and Precincts

Column 1 Zones	Column 2 Precincts	Column 3 Section
Mt Lindesay Corridor.	Town Centre Core. Frame. Mixed Use. Minor Convenience Centre. Industry. Residential.	3.2.1

⁵ See the Corporate Plan of the Beaudesert Shire Council.

Column 1 Zones	Column 2 Precincts	Column 3 Section
	Park Living. Rural Residential. Emerging Community. Future Investigation. Conservation. Countryside. Active Recreation. Passive Recreation. Community Facilities.	
Rural.	Village. Rural Residential. Conservation. Countryside. Equestrian Activities. Future Dam Catchment. Active Recreation. Passive Recreation. Community Facilities.	3.3.1
Kooralbyn.	Business. Industry. Residential. Rural Residential. Emerging Community. Active Recreation. Passive Recreation. Community Facilities.	3.4.1
Bromelton State Development Area.	Major Industry. Rail Dependent Industry. Rural Industry. Community Facilities. Bromelton Countryside. Passive Recreation.	3.5.1
Beaudesert Township	Town Centre Core. Frame. Industry. Residential. Medium Density Residential. Rural Residential.	3.6.1

Column 1 Zones	Column 2 Precincts	Column 3 Section
	Emerging Community. Countryside. Active Recreation. Passive Recreation. Community Facilities.	
Tamborine Mountain.	Business. Gallery Walk. Curtis Falls. Cottage Tourist Facility. Special Development. Village Residential. Residential. Park Living. Rural Character. Conservation. Countryside. Escarpment Protection. Active Recreation. Passive Recreation. Community Facilities. Botanic Gardens. Restricted Residential.	3.7.1
Canungra Township	Village Centre Residential. Rural Residential. Emerging Community. Countryside. Active Recreation. Passive Recreation. Community Facilities. Mixed Use. Park Living.	3.8.1

1.2.6 Overlays

The Planning Scheme identifies parts of the Shire as being affected by the Overlays identified in column 1 in Table 1.2.6 (Overlays) which are shown on the Overlay Maps in column 2 in Table 1.2.6 (Overlays).

Table 1.2.6 Overlays

Column 1 Overlays	Column 2 Overlay Maps	Column 3 Section
Infrastructure.	OV Maps 1.1A, 1.1B, 1.1C and 1.1D.	4.2.1
Nature Conservation.	OV Maps 2.1A, 2.1B, 2.1C, 2.1D, 2.2A, 2.2B, 2.2C, 2.2D, 2.3A and 2.3D.	4.3.1
Development Constraints.	OV Maps 3.1A, 3.1B, 3.1C, 3.1D, 3.2A, 3.2B, 3.2C, 3.2D, 3.3A, 3.3B, 3.3C and 3.3D.	4.4.1
Local Heritage.	OV Maps 4.1A, 4.1B, 4.1C and 4.1D.	4.5.1
Character Places.	OV Map 5.1.	4.6.1
Catchment Management, Waterways and Wetlands.	OV Maps 6.1A, 6.1B, 6.1C and 6.1D.	4.7.1

Division 5 Assessment Tables for Development

1.2.7 Assessment Tables

The Assessment Tables in respect of—

- (a) the Zones and Precincts are identified in section 1.2.8 (Assessment Tables for Zones and Precincts); and
- (b) the Overlays are identified in section 1.2.9 (Assessment Tables for Overlays).

1.2.8 Assessment Tables for Zones and Precincts

The Assessment Tables in respect of development in the Zones and Precincts are identified in—

- (a) column 3 in Table 1.2.8 (Assessment Tables for Zones and Precincts), in the case of development being a Material Change of Use; and
- (b) column 4 in Table 1.2.8 (Assessment Tables for Zones and Precincts), in the case of development not being a Material Change of Use.

Table 1.2.8 Assessment Tables for Zones and Precincts

Column 1 Zones	Column 2 Precincts	Column 3 Assessment Tables for Material Change of Use	Column 4 Assessment Tables for Development not being a Material Change of Use
Mt Lindesay Corridor.	Town Centre Core. Frame. Mixed Use. Minor Convenience Centre. Industry. Residential. Park Living. Rural Residential. Emerging Community. Future Investigation. Conservation. Countryside. Active Recreation. Passive Recreation. Community Facilities.	3.2.4	3.2.5
Rural.	Village. Rural Residential. Conservation. Countryside. Equestrian Activities. Future Dam Catchment. Active Recreation. Passive Recreation. Community Facilities.	3.3.4	3.3.5
Kooralbyn.	Business. Industry. Residential. Rural Residential. Emerging Community. Active Recreation. Passive Recreation. Community Facilities.	3.4.4	3.4.5
Bromelton State	Major Industry.	Not applicable.	3.5.5

Column 1 Zones	Column 2 Precincts	Column 3 Assessment Tables for Material Change of Use	Column 4 Assessment Tables for Development not being a Material Change of Use
Development Area.	Rail Dependent Industry. Rural Industry. Community Facilities. Bromelton Countryside. Passive Recreation.		
Beaudesert Township	Town Centre Core. Frame. Industry. Residential. Medium Density Residential. Rural Residential. Emerging Community. Countryside. Active Recreation. Passive Recreation. Community Facilities.	3.6.4	3.6.5
Tamborine Mountain.	Business. Gallery Walk. Curtis Falls. Cottage Tourist Facility. Special Development. Village Residential. Residential. Park Living. Rural Character. Conservation. Countryside. Escarpment Protection. Active Recreation. Passive Recreation. Community Facilities.	3.7.4	3.7.5

Part 2 - Structure of Planning Scheme

Column 1 Zones	Column 2 Precincts	Column 3 Assessment Tables for Material Change of Use	Column 4 Assessment Tables for Development not being a Material Change of Use
	Botanic Gardens. Restricted Residential.		
Canungra Township	Village Centre. Residential. Rural Residential. Emerging Community. Countryside. Active Recreation. Passive Recreation. Community Facilities. Mixed Use. Park Living.	3.8.4	3.8.5

1.2.9 Assessment Tables for Overlays

The Assessment Tables in respect of development in the Overlays are identified in column 2 in Table 1.2.9 (Assessment Tables for Overlays).

Table 1.2.9 Assessment Tables for Overlays

Column 1 Overlays	Column 2 Assessment Tables for Overlays
Infrastructure.	4.2.4
Nature Conservation.	4.3.4
Development Constraints.	4.4.4
Local Heritage.	4.5.4
Character Places.	4.6.4
Catchment Management, Waterways and Wetlands.	4.7.4

1.2.10 Assessment Categories

- (1) An Assessment Table specifies in column 2 of the Assessment Table, an Assessment Category for development being Exempt

development, Self-assessable development and assessable development in respect of the development specified in column 1 of the relevant Assessment Table.

- (2) A conflict in the Assessment Category for development is to be resolved in accordance with section 1.4.6 (Relationship between Assessment Categories in Assessment Tables).

1.2.11 Assessment Criteria

- (1) An Assessment Table specifies in column 3 of the Assessment Table, the Assessment Criteria for the Self-assessable development and the assessable development specified in column 2 of the relevant Assessment Table.
- (2) The Assessment Criteria specified in column 3 of an Assessment Table in respect of—
- (a) a Self-assessable development, are applicable Codes for the purposes of section 3.1.4(3)(a) (When is a development permit necessary) and section 4.3.2 (Self-assessable development must comply with Codes) of the *Integrated Planning Act 1997*; and
 - (b) a Code-assessable development, are applicable Codes for the purposes of section 3.5.4(2)(a) (Code assessment) of the *Integrated Planning Act 1997*; and
 - (c) an Impact-assessable development, are relevant Planning Scheme measures for the purposes of section 3.5.5(2) (Impact assessment) of the *Integrated Planning Act 1997*.
- (3) A conflict in the Assessment Criteria for Self-assessable development and assessable development is to be resolved in accordance with section 1.4.7 (Relationship between Assessment Criteria in Codes for Self-assessable Development) and section 1.4.8 (Relationship between Assessment Criteria in Codes for Assessable Development).

Division 6 Consistent Development Tables

1.2.12 Consistent Development Tables

The Planning Scheme identifies in the Consistent Development Tables specified in column 2 in Table 1.2.12 (Consistent Development Tables), Self-assessable development and assessable development which is a Consistent Development in the Zones specified in column 1 in Table 1.2.12 (Consistent Development Tables).

Table 1.2.12 Consistent Development Tables

Column 1 Zones	Column 2 Consistent Development Table
Mt Lindesay Corridor.	3.2.7
Rural.	3.3.7
Kooralbyn.	3.4.7
Beaudesert Township.	3.6.7
Tamborine Mountain.	3.7.7
Canungra Township.	3.8.7

1.2.13 Consistent Development

- (1) A Consistent Development is a development which is specified as a Consistent Development in a Consistent Development Table for the Zone (**Consistent Development**).
- (2) A Consistent Development is potentially consistent with the applicable Zone Code and the relevant Overlay Code.

1.2.14 Inconsistent Development

- (1) An Inconsistent Development is a development which is not specified as a Consistent Development in a Consistent Development Table for the Zone (**Inconsistent Development**).
- (2) An Inconsistent Development is inconsistent with the applicable Zone Code and the relevant Overlay Code.

Division 7 Codes

1.2.15 Planning Scheme seeks to achieve Outcomes

The Planning Scheme seeks to achieve in respect of the area or development identified in column 1 in Table 1.2.15 (Planning Scheme Outcomes), the Outcomes for the category of development identified in column 2, which are contained in the Assessment Criteria identified in column 3 in Table 1.2.15 (Planning Scheme Outcomes).

Table 1.2.15 Planning Scheme Outcomes

Column 1 Applicable Area or Development	Column 2 Outcomes	Column 3 Assessment Criteria
Zones and Precincts.	Overall Outcomes, Specific Outcomes and Probable Solutions for assessable development. Acceptable Solutions for Self-assessable development.	Zone Codes (Chapter 3).

Column 1 Applicable Area or Development	Column 2 Outcomes	Column 3 Assessment Criteria
Overlays.	Overall Outcomes, Specific Outcomes and Probable Solutions for assessable development. Acceptable Solutions for Self-assessable development.	Overlay Codes (Chapter 4).
Development for a Stated Purpose or of a Stated Type.	Overall Outcomes, Specific Outcomes and Probable Solutions for assessable development. Acceptable Solutions for Self-assessable development.	Use Codes, Work Codes and Reconfiguring a Lot Code (Chapter 5).

1.2.16 Types and Application of the Codes

The Planning Scheme comprises—

- (a) Zone Codes that apply to development in the Zones; and
- (b) Overlay Codes that apply to development affected by an Overlay; and
- (c) Use Codes that apply to development of a Stated Purpose; and
- (d) Work Codes that apply to development of a Stated Type; and
- (e) a Reconfiguring a Lot Code that applies to development being Reconfiguring a Lot.

1.2.17 Structure of the Codes

The Codes comprise—

- (a) a statement of Desired Outcome that is the purpose of a Code under section 3.5.13(2) (Decision if application requires Code assessment) of the *Integrated Planning Act 1997* (**Overall Outcome**); and
- (b) a statement of Desired Outcome that contributes to the achievement of an Overall Outcome of the Code (**Specific Outcome**); and
- (c) an Assessment Criteria that is a precise criteria that Self-assessable development must comply with (**Acceptable Solution**); and
- (d) an Assessment Criteria that provides for assessable development a guide for achieving a Specific Outcome in

whole or part but does not necessarily establish compliance with the Specific Outcome (**Probable Solution**).

Part 3 Development in Zones

Division 1 Exempt Development

1.3.1 Exempt Development

- (1) Development listed in Schedule 9 of the Integrated *Planning Act 1997* is Exempt from assessment against the Planning Scheme.
- (2) Exempt development is also development, specified in column 1 of an Assessment Table, which is specified as Exempt in column 2 of an Assessment Table.

Division 2 Self-assessable Development

1.3.2 Self-assessable Development

Self-assessable development is development, specified in column 1 of an Assessment Table, which is specified as Self-assessable in column 2 of an Assessment Table.

Division 3 Assessable Development

1.3.3 Code-assessable Development

Code-assessable development is development, specified in column 1 of an Assessment Table, which is specified as Code-assessable in column 2 of an Assessment Table.

1.3.4 Impact-assessable Development

Impact-assessable development is development, specified in column 1 of an Assessment Table, which is specified as Impact-assessable in column 2 of an Assessment Table.

Division 4 Material Change of Use and Associated Work

1.3.5 Material Change of Use and Associated Work

If development involves a Material Change of Use and Associated Work (including Building Work) then Associated Work shall be assessed at the time of the assessment of the Material Change of Use.

Division 5 Ongoing Use of Premises

1.3.6 Codes Applicable to Ongoing Use

A Code that is applicable to a Material Change of Use is also applicable to the ongoing use that results from that change.

Part 4 Interpretation

Division 1 Definitions

1.4.1 Definitions—The Dictionary

The Dictionary in Schedule 1 (Dictionary) defines particular words used in the Planning Scheme.

1.4.2 Structure of the Definitions

The Definitions are divided into—

- (a) Defined Uses in section 1.1 (Defined Uses) in Schedule 1 (Dictionary); and
- (b) Defined Use Classes and Use Categories in section 1.2 (Defined Use Classes and Use Categories) in Schedule 1 (Dictionary); and
- (c) Defined Terms in section 1.3 (Defined Terms) in Schedule 1 (Dictionary).

Division 2 Interpretation of the Planning Scheme

1.4.3 Terms Defined in the Integrated Planning Act 1997

A term defined in the *Integrated Planning Act 1997* which is used in the Planning Scheme has the meaning given in the *Integrated Planning Act 1997*.

1.4.4 Undefined Terms

If a term is not defined in the Planning Scheme or the *Integrated Planning Act 1997* the term shall, subject to section 14A (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954*, have the meaning assigned to it by the edition of the Macquarie Dictionary that is current at the commencement date⁶.

1.4.5 Interpretation of the Planning Scheme

- (1) In the interpretation of the Planning Scheme, consideration may be given to extrinsic material pursuant to section 14B (Use of extrinsic material in interpretation) of the *Acts Interpretation Act 1954*.

⁶ Section 14A(1) (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954* provides that in the interpretation of a provision of the Act the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation.

- (2) *The Beaudesert Shire Planning Scheme 2007 Explanatory Notes* are extrinsic material under the *Statutory Instruments Act 1992* which assist in the interpretation of the Planning Scheme.

Division 3 Relationship between Planning Scheme Provisions

1.4.6 Relationship between Assessment Categories in Assessment Tables

- (1) If there is a difference between the Assessment Category for development identified in an Assessment Table in the assessment provisions applicable to a Zone and the Assessment Category for development identified in another Assessment Table in the assessment provisions applicable to an Overlay, the higher Assessment Category shall prevail.
- (2) However a lower Assessment Category specified in an Assessment Table in the assessment provisions applicable to an Overlay shall prevail, if in accordance with this sub-section, the assessment provisions applicable to the Overlay provide that the lower Assessment Category is to prevail.
- (3) For the purposes of subsection (1)—
- (a) Self-assessable development is a higher Assessment Category than Exempt development; and
 - (b) Code-assessable development is a higher Assessment Category than Exempt development and Self-assessable development; and
 - (c) Impact-assessable development is a higher Assessment Category than Exempt development, Self-assessable development and Code-assessable development.

1.4.7 Relationship between Assessment Criteria in Codes for Self-assessable Development

If there is a difference between an Acceptable Solution of one Code and an Acceptable Solution of another Code, the Acceptable Solution which requires a higher numerical standard or level of provision shall prevail unless the Code provides otherwise.

1.4.8 Relationship between Assessment Criteria in Codes for Assessable Development

- (1) If in relation to Code-assessable development there is a difference between the Assessment Criteria of one Code and the Assessment Criteria of another Code, where the Codes—
- (a) are not in the same category of Assessment Criteria as specified in column 3 in Table 1.2.15 (Planning Scheme

- Outcomes), the Assessment Criteria which are to prevail shall be resolved in accordance with subsection (2) unless the relevant assessment provisions in the Code provide otherwise; and
- (b) are in the same category of Assessment Criteria as specified in column 3 in Table 1.2.15 (Planning Scheme Outcomes), the relevant Assessment Criteria in the Code which requires a higher numerical standard or level of provision shall prevail unless the relevant assessment provisions in the Code provide otherwise.
- (2) For the purposes of subsection (1)(a)—
- (a) a Zone Code prevails over—
 - (i) an Overlay Code except that the Overlay Code shall prevail over the Zone Code where a higher numerical standard or level of provision is stated in the Overlay Code; and
 - (ii) a Use Code; and
 - (iii) a Work Code; and
 - (iv) a Reconfiguring a Lot Code; and
 - (b) an Overlay Code prevails over a Use Code, a Work Code and a Reconfiguring a Lot Code; and
 - (c) a Reconfiguring a Lot Code prevails over a Use Code and a Work Code; and
 - (d) a Use Code prevails over a Work Code.

Division 4 Interpretation of Planning Scheme Maps

1.4.9 Relationship between Planning Scheme Maps

If there is a difference between the Planning Scheme Maps such that—

- (a) a Planning Scheme Map indicates that land is in a specified division and another Planning Scheme Map indicates that the land is not in the specified division, that Planning Scheme Map which indicates that the land is in a specified division shall prevail; or
- (b) a Planning Scheme Map indicates that the land is in a specified division and another Planning Scheme Map indicates that the land is in a different specified division, the Planning Scheme Map—

- (i) which is later in time shall prevail; or
- (ii) in respect of which the relevant Assessment Table imposes a higher Assessment Category as specified in section 1.4.6(3) (Relationship between Assessment Categories in Assessment Tables) shall prevail, if the Planning Scheme Maps have the same date.

1.4.10 Interpretation of Planning Scheme Maps

The Planning Scheme Maps identified in section 1.1 (Planning Scheme Maps) in Schedule 5 (Planning Scheme Maps) are to be interpreted in accordance with section 2.1 (Interpretation of Planning Scheme Maps) in Schedule 5 (Planning Scheme Maps).

1.4.11 A Road, Watercourse or other Unzoned Land

If a road, watercourse or other land in the Shire is not included in a Zone and Precinct on the Zone Maps, the road, watercourse or other land shall be deemed to be included—

- (a) in the Zone and Precinct of the adjoining land, if the road, watercourse or other land is adjoined—
 - (i) on both sides by land in the same Zone and Precinct; or
 - (ii) on one side only by land in a Zone and Precinct; or
- (b) in the Zone and Precinct of the adjoining land up to the centre of the road, watercourse or other land, if the road, watercourse or other land is adjoined on both sides by land in a different Zone and Precinct; or
- (c) in the Zone and Precinct of the balance of the lot, if the road, watercourse or other land is part of a lot which is included in a Zone and Precinct.

Division 5 Interpretation of the Use of Premises

1.4.12 Use of Premises for a number of Predominant Activities

If the premises is used for more than one predominant activity then each predominant activity shall be a separate use of the premises.

1.4.13 Predominant Activity to include an Associated Activity

The use of premises for a predominant activity includes an activity which is an associated activity.

1.4.14 Use of Premises not a Defined Use

If the use of the premises is not a Defined Use, the use shall be subject to the Assessment Category and Assessment Criteria specified in the relevant Assessment Table for the Material Change of Use.

1.4.15 Use of Premises Unknown

If the use of the premises is not known, the use of premises shall be taken to be the use for which the premises is most likely to be used having regard to its design, construction and character as determined by the Local Government.

1.4.16 Use of Premises adjoining the Boundary of the Local Government Area

In determining the use of premises which adjoins the boundary of the Local Government area, the Local Government may have regard to the development of premises adjoining the premises notwithstanding that—

- (a) the adjoining premises is not within the Local Government area; and

in a particular case, the use of the premises would thereby be a use of premises which is characterised by an activity being carried out wholly or on part of the premises

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