

**VOLUME ONE — ADMINISTRATIVE &
ASSESSMENT REQUIREMENTS**

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**VOLUME ONE — ADMINISTRATIVE &
ASSESSMENT REQUIREMENTS**

1.0 Introduction

Volume 1 - Administrative & Assessment Requirements - outlines the over-arching requirements for development on strategic port land. This Volume contains details on how to use the Cairns Port Authority Land Use Plan (LUP) and its supporting volumes, details on the role of the Assessment Manager and how to make development applications.

The *Transport Infrastructure Act 1994* (TIA) provides that, where a Port Authority considers land to which it holds title or that it holds directly from the State is, or may be needed for —

- an airport;
- for domestic or international trade;
- by industries requiring close proximity to a port;
- for the integration of sea transport with other transport modes;
- as port buffer lands;
- as a boating facility;
- for residential and tourist accommodation; and
- for the purposes of a port authority prescribed under a regulation.

The Port Authority may include details of the land and the current and proposed uses of the land in a proposed new LUP or an amendment of an existing LUP.

However, it is the *Sustainable Planning Act 2009* (SPA) that provides a framework to integrate planning and development assessment, so that development and its effects are managed in an ecologically sustainable manner. The purpose of SPA is to “*seek to achieve ecological sustainability*” managing the process by which development takes place, managing the effects of development on the environment, and continuing the coordination and integration of planning at the local, regional and State levels. Accordingly, the LUP endeavours to advance the purpose of the SPA as well as the TIA.

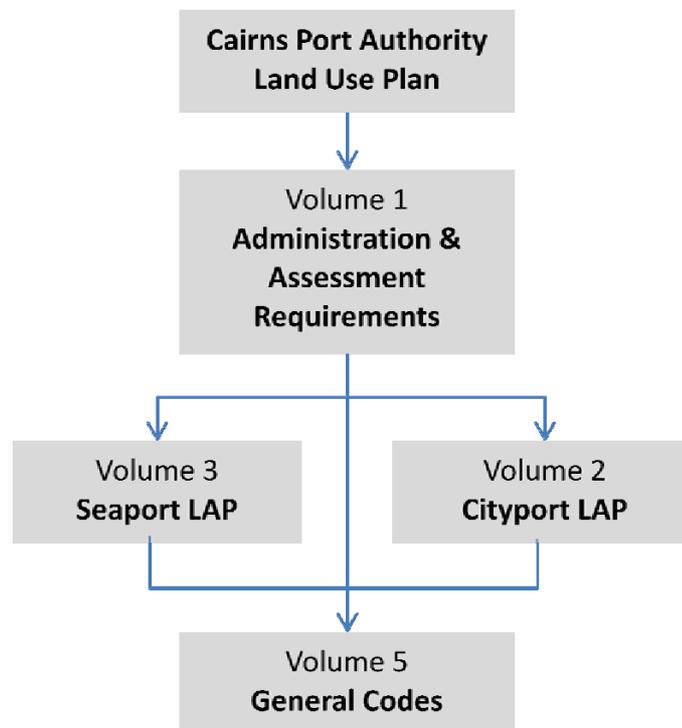
Far North Queensland Ports Corporation Limited (Ports North) currently manages three (3) primary land holdings —

- Cityport; and
- Seaport.

For the purpose of the LUP, each of these holdings has been identified as a “local area” and is assigned a separate volume within the LUP. Each local area is further categorised into a number of individual “planning areas” or “precincts”.

The overall structure of the LUP is outlined in Figure 1 below.

Figure 1: Cairns Port Authority LUP Structure



The LUP focuses on the planning and management of the Cityport and Seaport holdings. The LUP aims to —

- encourage sustainable expansion of the port holdings having proper regard to environmental values, community, tourism and economic needs, and availability of services and facilities;
- facilitate the integration of the interests of Ports North with relevant State and local government policies and interests;
- provide a basis for assessing development applications; and
- provide residents, State agencies and investors with confidence about future land use and development within the port holdings.

1.1 Vision

The Ports North's mission is —

“To deliver high quality air and sea transport infrastructure required to support a vibrant economy in the Tropical North Queensland Region”.

Ports North is committed to being a commercially sound organisation through self funded, responsible development of land and facilities for the greater benefit of the community of Cairns and Far North Queensland, whilst actively supporting best-practice environmental management.

The LUP is intended to ensure that the Port of Cairns provides its customers with quality service and continues to facilitate trade for the current and future development of Cairns and Far North Queensland through the following —

- provision of suitable passenger handling facilities to meet the demands of continued annual growth in passenger movements;
- development and provision of facilities in the rapidly growing tourism precinct of the port;
- development of Cityport to preserve the integrity of the commercial and industrial component of the port;
- provision of adequate and suitable facilities to meet customer needs in the diversified trades supported by the port;
- rehabilitation and upgrading of the port's ageing infrastructure to prolong its life and maintain it in serviceable condition to meet customers' needs;
- provision of an adequate supply of land to accommodate future growth in port operations and customers; and
- achieving an appropriate balance between economic, environmental and social issues.

1.2 Achieving the Vision

The LUP seeks to achieve the vision for the port by —

- detailing generic and prescriptive development guidelines for planning areas and precincts identified within the Port of Cairns;
- identifying specific performance criteria and preferred uses for each planning area and precinct; and
- specifying generic performance criteria and standards which apply to any development upon strategic port land, regardless of the planning area or precinct.

2.0 Structure

The LUP consists of Volumes 1 – 5. Volume 1, Administrative & Assessment Requirements (this volume) contains provisions which generally relate to each of the local areas – Cityport and Seaport. A Local Area Plan (LAP) has been prepared for each of the local areas. Volume 2 is the Cityport LAP, which supports and is complementary to Volume 1. The LAP for the Seaport is Volume 3. Volume 5 contains the General Codes, and along with this Volume, is applicable to each of the LAPs.

Each of the local areas is further categorised into planning areas or precincts to facilitate site specific planning. The preferred pattern of development for each of the planning areas or precincts within these local areas is depicted on the supporting plans and information contained in each volume.

2.1 Local Area Plans

For the purposes of this LUP, each of the Port Authority's main holdings – its strategic port land - is referred to as a LAP. A brief description of each of the LAP is provided below.

A schedule of the strategic port land is included as **Appendix A** to this LUP. This Schedule includes a cadastral based plan identifying strategic port land and a schedule which identifies the real property description of each parcel of land, the area and tenure and includes a summary of the present and possible future uses for each parcel (including the precinct designation in the relevant local plan). It should be noted that this Appendix is intended as a guide only. This information will also be updated as necessary.

Cityport

It is intended that Cityport will be redeveloped to create an outstanding urban waterfront area. The redevelopment will rationalise the port operations in Cityport, while providing new buildings and spaces which are integrated with the City centre, and provide for a range of activities which will maximise the community and tourism attraction of the waterfront.

Through properly structured planning and implementation phases, Cityport will deliver security of operations, revenue for port improvements, viable business opportunities and integration of the CBD and waterfront.

The overriding vision for Cityport is that it will make a significant contribution towards the identification of Cairns as 'A Premier Pacific Rim Destination'.

Seaport

The Seaport has been operational since the late 1800s. While demand for passenger related facilities is expanding, the cargo component of the Seaport is affected by a declining market. Seaport serves a diverse range of customers, trades and port industries, while also servicing local niche markets. To ensure the diverse needs of the key port users are achieved, expansion of the Port is anticipated. The expansion of the Port will also contribute to continued economic development in the Far North Queensland region.

2.2 Planning Areas & Precincts

The planning areas and precincts provide a comprehensive and structured approach to the planning and management of specific sites within each of the LAPs. Future development within each of the LAPs will be guided through the development of a number of individual planning areas or precincts. The boundaries of individual planning areas or precincts reflect the physical characteristics of the area, and both the current and future land use intentions.

The planning directions for the planning areas or precincts incorporate a combination of both a 'performance based' and 'prescriptive' approach. This approach allows for a degree of flexibility in the nature of the land use and development, provided that it can be demonstrated that the use or development does not result in unacceptable impacts when assessed against the preferred planning outcomes.

2.3 Supporting Plans & Information

The supporting plans will assist in determining appropriate uses and the intended character of each of the planning areas or precincts. The Planning Area Plan or Precinct Plan for each of the LAPs depicts the LAP area and individual planning areas or precincts. In addition to the Planning Area Plan or Precinct Plan, a number of other supporting plans are also included.

The plans also identify the preferred intent for some adjoining lands which are not under the control of Ports North, where such lands are considered to be of strategic importance to the operations of any of the port holdings. While the LUP indicates Ports North's view on the future development of these areas, it also recognises that other State agencies and/or Assessment Managers are responsible for the planning and development assessment for such land.

3.0 Using the Plan

3.1 The Cairns Port Authority Land Use Plan and its Relationship to the *Sustainable Planning Act 2009*

As previously stated, the purpose of the *Sustainable Planning Act 2009* (SPA) is to “seek to achieve ecological sustainability” by managing the process by which development takes place, managing the effects of development on the environment, and continuing the coordination and integration of planning at the local, regional and State levels..

Development¹ is defined in the SPA to include the following —

- building works;
- plumbing and drainage works;
- operational work;
- reconfiguration; and
- material change of use.

Port Authorities act as the Assessment Manager for all development applications for development undertaken wholly on strategic port land. The *Sustainable Planning Regulation 2009* (SP Reg) states —

- making a material change of use of premises on strategic port land that is inconsistent with the Land Use Plan approved under the *Transport Infrastructure Act*, section 286, is assessable development (Schedule 3); and
- reconfiguring a lot comprising strategic port land as defined under the *Transport Infrastructure Act 1994*, is exempt development (Schedule 4).

Development on strategic port land could also constitute assessable development under another provision of Schedule 3 of the SP Reg – eg. if the proposed development is making a material change of use of premises for an Environmentally Relevant Activity (ERA) under the *Environmental Protection Act 1994*. Further approvals outside of IDAS may be required under State or Commonwealth legislation for a development.

¹ Refer to definition in the *Sustainable Planning Act 2009*

3.2 Managing the Plan

Ports North will act as the Assessment Manager for development on strategic port land, and can comment on proposals for development on land adjoining or impacting on strategic port land and the operations of any of the port holdings.

Before the commencement of SPA, there were a number of different approval systems relating to development in Queensland. These approvals all had their own separate process for lodging, assessing and decision making, even where they applied to the same proposal.

SPA intends to bring these separate approval processes together into one streamlined process – IDAS, by providing a single point of contact for approvals and applications. As such, various approval processes will continue to be integrated into IDAS in due course.

3.3 Assessment Guideline

The SPA determines when a development application is required. However, in relation to a material change of use an assessment must first be done to determine whether the proposed use is consistent with the LUP. As a guide to determining whether a development application is required for a proposed material change of use, Steps 1 – 8 (below) should be followed.

Step 1 – Strategic Vision & Desired Environmental Outcomes

The first step is to determine whether the proposal is consistent with the strategic vision and desired environmental outcomes of the relevant LAP.

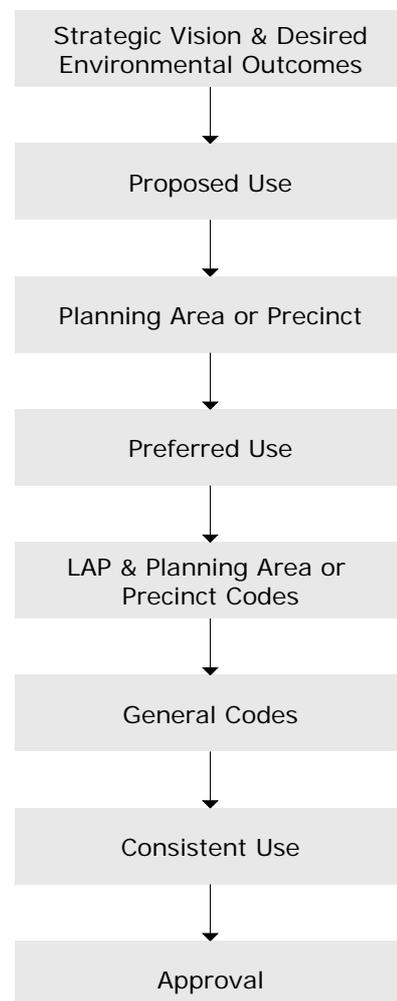
Step 2 – Proposed Use

The nature of the proposed use and how it is defined in the LUP needs to be determined. The Land Use Definitions (contained in Volume 1) include a description of each of the definitions. Where possible, a proposal should be defined as one of these uses. In some cases it may be that a proposed use is undefined. In this circumstance, CPA will determine how the proposed use should be defined.

Step 3 – Planning Area or Precincts

The next step is to determine which planning area or precinct the proposed development is included in under the LAP. Each LAP includes a planning area or precinct plan which depicts the location and extent of each of the planning areas or precincts. All proposals are assessed against the intent and performance criteria of the relevant planning area or precinct code and LAP code. A Planning Area Map or Precinct Map is included within each LAP and identified each of the planning areas/precinct and their locations.

All development must comply with the intent and performance criteria of the LAP code and the relevant planning area or precinct code.



Step 4 – Preferred Use

Once the nature of the use and the relevant planning area or precinct has been identified, the next step is to determine whether the proposed use is a preferred use within the planning area or precinct. Each planning area or precinct includes an intent statement outlining the future planning intent for the planning area or precinct. The Preferred Use Matrix also identifies whether a proposed use is considered appropriate within that planning area or precinct. A preferred use is a use that is intended within the planning area or precinct.

Step 5 – LAP, Planning Area or Precinct Codes/Development Principles

All proposals need to be assessed against the individual intent and code/development principles for the relevant planning area or precinct.

For development in the Cityport LAP, all proposals must comply with the intent statement and performance criteria of the relevant precinct code and the Cityport LAP Code.

For development within the Seaport LAP, all proposal must comply with the relevant planning area development principles and the Seaport LAP Development Guidelines.

Step 6 – General Codes

In addition to the provisions outlined in the LAP, all development must be assessed against the relevant General Codes (included as Volume 5 of the LUP).

The codes specify development guidelines for specific aspects of development. All new development will be affected by these Codes. For example, the Parking Code will be applicable to all new development. Future development must comply with the intent and performance criteria of the applicable general codes.

Development must comply with the purpose and performance criteria of each relevant code.

Step 7 –Consistent Use

A proposed development that is —

- consistent with the strategic vision and desired environmental outcomes of the LAP;
 - complies with the intent of the planning area or precinct;
 - is a preferred use within the planning area or precinct;
 - complies with the purpose and performance criteria of the LAP Code and relevant planning area or precinct code (Cityport);
- or

- complies with the Seaport LAP Development Guidelines and relevant planning area development principles (Seaport); and
- complies with the intent and performance criteria of all relevant General Codes.

will be consistent with the LUP. A consistent use is **exempt development**.

Development that is consistent with the LUP but the use requires a separate approval under other legislation, the material change of use component of the proposal remains exempt development. The approval for the development under other legislation is **code assessable**. A development application will be required to be lodged with the Ports North as the Assessment Manager and the application referred to the applicable State Agency(s).

Where a proposal is inconsistent with the LUP the development will require **code assessment** and a development application will be required to be lodged with Ports North as the Assessment Manager. In addition, the development application is **referred to the Minister of Transport as a Concurrence Agency** (along with any other referrals required). The Minister may require the application to be publicly notified.

Step 8 –Approval

Approvals may be required for various aspects of development including Material Change of Use, Building Works and Operational Works – refer to Schedule 3 of the *Sustainable Planning Act 2009* (SPA).

Once the level of assessment for a proposed development has been determined, any necessary approvals need to be obtained. A range of approvals may be required and Ports North should be contacted if you need further advice.

3.4 Making an Application

As outlined above, for a Material Change of Use Ports North will assess a development proposal to determine whether it is consistent with the provisions of the LUP. In order to make this assessment, Ports North requires a level of information to commensurate with the size and potential impacts of the proposal be submitted.

The following sets out the level of information required to be submitted with a proposal in order for the application to be assessed against the provisions of the LUP.

Note: this information will be required as part of a consistency assessment or as part of an IDAS application.

IDAS Forms

Mandatory information that the IDAS application must contain (made on an approved IDAS application form) —

- a real property description of the subject land;
- the address of the subject site (where possible);
- full name and postal address of the applicant;
- applicants' company name (where applicable);
- the signature of the lessee;
- the written consent of the owner of the land;
- the nature of the proposed use (proposed operations and activities to be carried out on site/premises); and
- if the application relates to building works, the dimensions and gross floor area.

Development Plans

Information that must be provided about the proposal (whether or not it is an IDAS application) —

- as above;
- site plan and elevations of buildings and structures; and
- the number of motor vehicles for which parking provision is to be made on the subject premises.

Additional Information

Ports North may request additional information in order to assess the application through an Information Request. The following information may be requested.

Proposal Description

Detailed description of the proposed development including —

- plans of the site and surrounding area and location of discharge points;
- outline of the proposed operations and activities; and
- details of processes to be used.

Site Plan

A site plan showing (where relevant to the application) —

- boundaries of the site;
- location and size of existing and proposed buildings or structures;
- site improvements including buildings, fences/walls, paving, drains, channels and ponds;
- streets which abut the site;
- pedestrian access;
- vehicular access, driveways, manoeuvring areas, parking and loading bays;
- areas to be landscaped;
- existing and proposed contours and levels (by reference to Australian Height Datum (AHD));
- existing and proposed site services including sewerage, water and electricity;
- the size and location of stormwater drainage systems;
- extent and location of any vegetation protection order;
- location of all existing and proposed discharge and emission points to the environment, including points at which the following occurs —
 - air and noise emissions;
 - discharges to water and land; and
 - discharges of other contaminants.
 - description of the source of the contaminants;
 - type(s) of contaminants(s) and expected concentrations;
 - the name and exact location of equipment giving rise to such discharges; and
 - the name and exact location of equipment used in the processing, reprocessing, treatment and/or discharge of wastes (for ease of reference, discharge should be labelled according to the substance being discharged).

Acid Sulfate Soil Management Plan

An acid sulfate soil management plan which considers (where applicable) —

- identifies any acid sulfate and potential acid sulfate soils likely to be disturbed by the proposed activity;
- considers the likely effects of such disturbance;
- identifies opportunities for preventing acid formation such as maintaining watertable levels;
- addresses the storage and treatment of excavated materials; and
- considers the management of stormwater run-off and leachate from disturbed areas and storage areas.

Erosion Management Plan

An erosion management plan which considers (where applicable) —

- minimising the amount of topsoil being disturbed at any one time by staging development;
- diverting upstream run-off away from disturbed areas as quickly as possible;
- installing and maintaining control measures such as hay bales, silt fences, settling basins, energy dissipaters and vegetated buffers; and
- timing of construction activities (eg to avoid wet season).

Sustainability Vision Report

A sustainability vision report which considers (where applicable) —

- energy management including alternative renewable energy supplies, energy conservation practices and proposed energy use reduction targets;
- water management including alternative water supplies, waste water and storm water reuse, water conservation practices and proposed water use reduction targets;
- waste management practices to reduce, reuse and recycle waste during design, construction and occupancy, including waste reduction targets;
- materials and products selection criteria to optimize preservation of the natural environment through the material/product lifecycle as well as maintaining interior air quality; and
- practices to optimize preservation of the natural environment (soil quality, flora and fauna, hydrology) of the site and surround or to operate in a more sustainable manner.

Stormwater Management Plan

A stormwater management plan (SMP) which considers (where applicable) —

- diverting upstream run-off away from contaminated areas;
- cleaning contaminated areas without using water;
- installing and maintaining control measures such as oil separators, silt, rubbish traps, gross pollutant traps and stormwater diversion systems;
- paving, roofing and bunding areas; and
- a wastewater recycling system.

Site Contamination Report

A site contamination report which considers (where applicable) —

- advice as to whether the site is on the Environmental Management or Contaminated Lands Register or has previously been used for a Notifiable Activity and if so confirmation that the Environmental Protection Agency has issued a suitability statement – this should include details of on site contaminants and proposed remediation actions.
- for each waste produced, detail whether the waste is —
 - discharged to the environment;
 - treated, recycled or reprocessed either on-site or off-site;
 - or
 - disposed of on-site or off-site.
- a floor plan;
- an elevation;
- longitudinal cross section;
- traffic report;
- acoustic report;
- geotechnical report;
- flora/fauna report, including a vegetation survey;
- details of consultation with relevant public authorities; and
- details of consultation with surrounding residents.

Prior to lodging any development application, or details of the proposal for determination as to whether the proposal will be exempt under the *Sustainable Planning Act 2009*, it is recommended that the applicant meet with Ports North to determine what information is required for assessment.

It should be noted that this 'pre-application stage' is not a legislative requirement but rather an opportunity to discuss a proposal prior to lodgement of an application. This step will ensure a timely assessment of the application and prevent submission of unnecessary information.

4.0 Definitions

The definitions are arranged in two groups.

Section 4.1 contains the Administrative Definitions, which are used in the LUP but do not have a specific land use meaning.

Section 4.2 contains the Land Use Definitions, which have a specific meaning for the purpose of the Preferred Uses Table.

4.1 Administrative Definitions

Access

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

AHD

Australian Height Datum.

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.

Applicant

Any person, group of persons, company, body corporate or unincorporated body who or which has made, or is required to make any application to Ports North.

Assessable Development

Development under this LUP that is code assessable development (or impact assessable under the direction of the Minister). The term does not include self-assessable development.

Assessment Manager

Entity prescribed under a regulation of the *Sustainable Planning Act 2009* to administer an application for development.

Best Practice Environmental Management

The management of an activity to achieve an ongoing minimisation of the activity's environmental harm through cost effective measures assessed against the measures currently used nationally and internationally for the activity.

Break Bulk

Non-bulk cargo that is not containerised. This can include unitised cargoes, as well as miscellaneous goods in boxes, bales, cases or drums, for example assembled cars, steel coils and pallets of timber.

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.

Bulk Cargo

Cargo such as sugar, ore or oil that is carried loose, takes up the shape of the ship's hold and is handled by direct application of conveyors, grabs, pumps, elevators and so on.

Carrying Capacity

A point of balance representing the maximum population which can be supported on a sustainable basis (in relation to land and resources).

Consistent Use

A consistent use is a proposal that—

- consistent with the strategic vision and desired environmental outcomes of the LAP;
- complies with the intent of the planning area or precinct;
- is a preferred use within the planning area or precinct;
- complies with the purpose and performance criteria of the LAP Code and relevant planning area or precinct code (Cityport); or
- complies with the Seaport LAP Development Guidelines and relevant planning area development principles (Seaport); and
- complies with the intent and performance criteria of all relevant General Codes.

Dwelling Unit

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

Dry Bulk

Bulk cargo that is dry, such as wheat, cotton seed, coal and woodchip.

Environmental Management Plan (EMP)

A plan that details outcomes for management of a site or process to minimise impacts of development.

Environmental Harm

Any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency), on an environmental value, including environmental nuisance.

Environmental Protection Policy (EPP)

Environmental Protection Policy administered under the *Environmental Protection Act 1994*.

Environmentally Relevant Activity (ERA)

As defined in Schedule 1 of the Environmental Protection Regulations made under the *Environmental Protection Act 1994*.

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 alternation, 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 alternation on or partly on the same of 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;
 - re-erect with or without alteration on another position on the same lot or any of them or on another lot or lots.

Frontage

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

Gross Floor Area (GFA)

The sum of the areas (inclusive of all walls, columns, 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, air conditioning or other mechanical or electrical plant and equipment rooms;
- the area of any unenclosed private balcony whether roofed or not, where accessible only from one (1) dwelling unit only and up to a maximum of twenty (20) percent of the gross floor area of the storey upon which the balcony is located*;
- toilets and stairwells and other ancillary and service facilities;
- the area of any building or other structure (inclusive of all walls and columns) which extends less than one (1) metre above the ground level at any location, measured from the underside of the slab forming the roof to the basement/semi-basement car 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, Ports North 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; and
- basement of semi-basement car parking (where the semi-basement car park is below Q100 level)**.

Note:

* The GFA of the storey excludes the balcony area. Where a private balcony exceeds the maximum 20% of GFA of the storey, the area in excess of 20% will constitute GFA but is not included in the GFA of the storey to determine the 20% excluded from GFA.

** Ground and podium level car parking is included in the calculation of GFA.

Habitat

The sum of environmental conditions which determine the existence of any community (of plants or animals) in a specific place.

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 specialised nature occupied neither frequently nor for extended periods.

Height (of building/s)

The distance in metres measured in a vertical axis from any point of natural ground level or, in case where a finished ground level is specified by Ports North, 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.

Ports North at its discretion may exclude features it considers ancillary to the function of the building from the calculation of height, however Ports North, whilst encouraging varied and interesting roof design and concealed lift towers, does not favour excessively tall parapets or roof features such as spires, domes, flag poles and the like, except where specified.

- for buildings with a height of 15 metres or more, features ancillary to the function of a building shall not exceed 5 metres in height from the underside of the ceiling to the top of the building unless otherwise approved by Ports North.
- for buildings with a height less than 15 metres, features ancillary to the function of the building shall not exceed 3.5 metres in height from the underside of the ceiling to the top of the building.

Industrial & Operational Safety

The protection of members of the public from any existing or potential sources of harm, existing either naturally or from processes being undertaken at the port.

Land Use Plan (LUP)

The Cairns Port Authority Land Use Plan.

Landscaping, Landscaped or Landscape

The term 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;
- the formation and construction of footpaths and verges; or
- street tree planting.

Minor Building Work

Building work to an existing building where not for a residential or tourism use and where the work is for a —

- internal fit out;
- roofed structures over ground level outdoor landscape or recreation area;
- sun hoods over windows and door;
- an alternation, addition or extension to an existing building where the GFA including balconies is less than 5% of the building of 25m² whichever is lesser; and
- carports or car shade structures of up to 25m² in area.

The following are not minor building work —

- awning over footpaths; or
- alternations to structures listed on the Queensland Heritage Register.

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 car parking 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 Uses

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

- holiday accommodation;
- child care centre;
- education establishment;
- multi-unit housing;
- park; and
- place of assembly.

Plot Ratio

Plot ratio means the ratio between the gross floor area of a building and the area of the precinct 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 with the older and lower scale buildings or with the podium of new Tall Building, as applicable.

Port Authority

Far North Queensland Ports Corporation Limited (Ports North)

Port Related

Land for trade, water related industries, for the operation of the port, for use by industries requiring port facilities or which would enhance the usage of the port, for integration between sea or air transport and another mode, or for a buffer between incompatible land uses.

Preferred Use

Any use that is identified as a preferred use within the Planning Precinct.

Premises

Any land, building or other structure or any part thereof.

Public Sector Entity

Any Government, Semi-Government, Statutory or Local Authority.

Public Transport

Includes taxi, bus, rail, air and ferry modes which transport people via means other than the private vehicle.

Residential Development

Any development which provides residential accommodation of any form.

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.

Self-Contained

A dwelling unit capable of being occupied independently and on a permanent basis by residents such that the dwelling unit must at least contain the following —

- a kitchen area including food preparation, cooking (not a microwave oven solely), 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.

Setback

The space, distance or dimension between the frontage of a lot and the external wall of an existing or proposed building. Such space, distance or dimension is determined without reference to an eave or a roof surface.

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 a precinct or lot, or more than one lot if each of the such lots is continuous with the other or another of such lots.

Site Coverage

The largest area of a precinct occupied by a building/s at any level projected on to a horizontal plane and expressed as a percentage of total precinct 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/s including all passageways, staircases and the like. Unenclosed private verandahs, balconies or patios accessible only from one dwelling unit or the like are excluded from the calculation.

In all precincts/planning areas, the site coverage includes all ancillary buildings (eg. restaurants, foyers, reception areas) except where, such ancillary buildings are considered to be outbuildings (garages, carports, pergolas and the like whether attached or detached).

For developments where several buildings of different storeys are proposed to be erected in one precinct, the applicable site coverage for the entire development will be based on the particular site coverage requirements for the tallest building.

Site Population Density

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

- Caretaker's Residence – 3 persons per residence
- Accommodation Dwelling —
 - 1 bedroom unit – 1.5 persons per unit
 - 2 bedroom unit – 2.5 persons per unit
 - 3 bedroom unit – 3.5 persons per unit
 - Unit with more than 3 bedrooms – 3.5 persons plus 0.5 persons for each additional bedroom in excess of 3 bedrooms
- Holiday Accommodation —
 - 1 bedroom unit – 1.5 persons per unit
 - 2 bedroom unit – 2.5 persons per unit
 - 3 bedroom unit – 3.5 persons per unit
 - Unit with more than 3 bedrooms – 3.5 persons plus 0.5 persons for each additional bedroom in excess of 3 bedrooms
 - 1 person per bed for each bed in a dormitory or in a communal room
- Hotel or Motel Room – 1.5 persons per room (where rooms are not self-contained).

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 next floor level above, or if there is no floor level above, the ceiling or roof above. A level used partly or solely for car parking is included as a storey, other than basement car parking, which is excluded.

Tall Building

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

Use

In relation to land, includes the carrying out of excavation work in or under land and the placing on land of any material or thing which is not a building or structure, and any use which is incidental to and necessarily associated with the lawful use of the relevant land.

Wet Bulk

Bulk cargo that is wet and can not be containerised, or which it is uneconomical to containerise eg. oil.

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 (includes areas of marine water, the depth of which is not more than 6 meters at low tide.

Wharfage Areas

Purpose built areas at the waterfront at which ships load and unload.

4.2 Land Use Definitions

Accommodation Units

The use of premises for multiple dwelling units on one lot for permanent residential purposes.

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

The use does not include holiday apartment or hotel as herein defined.

Advertising Device

Any poster, hand bill, placard, notice or sign, and the advertising structure to which the advertisement is affixed to, painted on, or supported by (including trivision illuminated and pylon mounted sign). It excludes official traffic signs.

Airport

The use of premises as an authorised public landing area for aircraft, including facilities for the:

- housing, servicing, maintenance and repair of aircraft;
- assembly of passengers or goods prior to, or the dispersal of passengers or goods subsequent to the embarkation or disembarkation, of such passengers or goods;
- convenience and refreshment of passengers and their guests; and
- support commercial and business services, including airport operation offices, and the like.

Airport Related Business Facility

Means the use of premises for the conduct of a business or office where the principle activities is the provision of Airport-dependant or Airport-related business or professional advice, services and goods or the office based administrative functions of such an organisation.

The use includes facilities commonly described as government authority offices, port authority offices, professional offices, car rental offices and support facilities, airline lounges, service and sale counters, airport and airline administration, commercial car park, service centres, retail convenience stores, catering services.

The use does not include airport related retail facilities, business/technology/industrial park, commercial premises, shop, restaurant, service station, shopping centre or showroom as herein defined.

Airport related Infrastructure and Movement Areas

The use of premises for infrastructure and movement areas which are associated with the Airport, including –

- movement areas and associated navigational infrastructure and meteorological services and facilities; and
- service and research services.

Airport Related Retail Facility

Means the use of the premises for the display and retail sale of goods and other customer services to members of the public and Airport users.

The use includes facilities commonly described as duty free, fast-food outlet, food and beverage outlet, speciality retail outlets, souvenir shops, retail convenience stores, newsagency.

The use does not include airport related business facilities, commercial premises, shop, restaurant, shopping centre or showroom as herein defined.

Billboard

Any large (greater than 4m²) advertising device, whether free-standing or attached to a building in the form of sign, notice poster or like advertising products via words, symbols or pictorial display.

Aquaculture

The use of premises for the cultivation or holding of live fisheries resources (including marine, estuarine or freshwater organisms other than mollusks) in ponds, tanks or in enclosures in the water.

Business/Technology/Industrial Park

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 or administered).

The use includes 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.

Car Park

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.

Car Rental Support Facilities

The use of premises for the cleaning and maintenance of car rental vehicles.

Caretaker's Residence

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.

Child Care Centre

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, creche 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*.

Commercial Premises

The use of premises for business offices or for other business or commercial purposes, including –

- 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, chiropractor, naturopath, chiropodist, dentist, general or specialist medical practitioner, optometrist, pathologist, physiotherapist or radiologist, together with ancillary services such as pharmacy where not involving the accommodation of persons on the premises; or
- a service type industry (eg. photographic developing).

The use does not include shop, restaurant, service station, shopping centre or showroom as herein defined.

Conservation

The use of premises which protects and conserves the ecological values of the area.

Convention Centre

The use of premises for entertainment, performances, indoor sporting events, conferences, public or community group gatherings, trade exhibitions/displays and the like and associated catering, bars and other similar uses. A convention centre also includes an associated indoor sport and entertainment use.

Detached Bottle Shop

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.

Educational Establishment

The use of premises for the provision of pre-school, primary, secondary or tertiary education or course of study or training for the purpose of general education or for preparing for an occupation.

The use included 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.

Fast Food Outlet

The use of premises for the purpose of preparing by cooking or otherwise and sale to members of the public of food, light refreshments and take-away meals whether or not provision is also made for the consumption of such food on the premises. The term includes premises, which incorporate a drive-in take away facility. The term does not include a function centre, hotel, restaurant or a shop as herein defined.

Freight Depot

The use of premises for any or all of the following purposes -

- the receipt, storage and distribution of goods for transport by any means, and the loading and unloading of such goods; and
- the transfer of goods from one transport or container to another transport or container.

The term includes the storage of goods for collection following their transportation and the loading, unloading and storage of containers, and the garaging, refueling cleansing, servicing and repair of road transport vehicles, when carried out in conjunction with any of the above uses.

The term does not include the receipt and dispatch of goods where such use is ancillary to some other lawful use, or a transport and equipment depot as herein defined.

Fuel Depot

The use of premises for bulk storage for wholesale distribution of petroleum products or other flammable fuels. The term does not include a service station as herein defined.

Function Centre

The use of premises for the holding of functions or receptions at which food or drink is served. The term does not include a hotel, indoor sport and entertainment, nightclub or restaurant as herein defined.

Ground Transportation Business Storage and Operational Facilities

The use of premises for the parking, storage and office facilities for car rental, taxi and coach operations.

Heavy Vehicle Parking

The use of premises not elsewhere defined herein, for the storage, garaging or parking of heavy vehicles. The term includes running repairs; servicing and cleaning of such vehicles of a minor nature and a type which do not normally immobilise a vehicle for a period longer than 2 hours.

Holiday Apartments

The use of premises for the accommodation of tourist 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 may also include the use of the premises for 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 facilities commonly described as holiday accommodation, holiday suites, service apartments, international or resort hotel or motel. The use does not include accommodation unit or hotel as herein defined.

Hotel

The use of premises subject to a General License being issued under the *Liquor Act 1982*. Such a premises may include the short term accommodation.

Hospital

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.

Illuminated Tennis Court

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.

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, reception room or theatre.

Industry

The use of premises for any of the following operations—

- any manufacturing process whether or not such a process results in the production of a finished article;
- the breaking up or dismantling of any goods or any articles for trade, sale or to gain ancillary to any business;
- the extraction or processing of sand, gravel, soil, rocks, stone or similar substances from land;
- repairing and servicing of articles including vehicles, machinery, buildings or other structures, laundering of articles, but not including on-site work on buildings or other structures, laundering of articles, but not including on-site work on buildings or other structures;
- any operations connected with the installation of equipment and services and the extermination of pests, but not including on-site work on buildings or other structures on land; or
- the dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations for any purpose other than that of a service station.

When carried out on any premises upon which any of the above operations are carried on the ancillary use of such premises for -

- the storage of goods used in connection with or resulting from any of the above operations;
- the provision of amenities for persons engaged in such operations;
- the sale of goods resulting from such operations; or
- administration or accounting in connection with such operations.

Industrial Retail Premises

The use of premises for the display and retail sale of goods and products where such use is ancillary to the following industries -

- building material, tools and equipment;
- motor vehicles and machine parts;
- mowers and accessories; or
- second hand furniture.

Junk Yard

The use of premises for the collection, storage, abandonment, salvage or sale of scrap materials or scrap goods, or used for the collection, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery, and for the sale of parts thereof.

Local Utility

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.

Low Key Nature-Based Recreation and Tourist Facilities

The use of premises for passive recreational and tourist facilities which cause minimal impact and educates the public about an areas ecological significance and importance, including boardwalks and educational signs.

Marina

The use of premises for launching, landing, berthing or storage of boats. The term includes ancillary facilities for fuelling, servicing, maintenance and provisioning, and trailers, for recreation and amenity and ancillary offices, chandlery, provisions shop and caretaker's residence.

The term does not include any residential use of the premises except for caretaker's residence.

The term does not include major repairs to vessels.

Market

The use of premises on a regular basis, for the sale of home or farm produced products, artefacts or general merchandise.

Nightclub

The use of premises for a cabaret or nightclub, where entertainment is regularly provided to members of the public and which is the subject of a licence under the provisions of the *Liquor Act 1992*. The use includes the provision of music and dancing facilities for persons attending the premises. The use includes facilities commonly described as dance club and music club.

The term does not include a function centre, hotel, indoor sport and entertainment or restaurant as herein defined.

Outdoor Sport and Entertainment

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.

Outdoor Sales Premises

The use of premises for the display and retail sale of goods in a predominantly outdoor setting.

The term may include but is not limited to the display and retail sale of the goods listed in **Appendix 1**.

Appendix 1

Agriculture equipment	Motor vehicles
Boats	Modular swimming pools
Caravans	Trucks
Machinery	Trailers

Park

The use of premises for recreation, aesthetic appreciation or environmental protection.

The use includes facilities for the enjoyment and convenience of users of the park such as kiosks, picnic places, scenic lookouts, shelters, children's play areas, car parking areas and public toilets.

Passenger Terminal

The use of premises for the assembly and dispersal of passengers prior to, or subsequent to their transportation irrespective of the mode of transport. The term includes facilities for providing refreshments and reading material to passengers, but does not include the storing, servicing or repairing of passenger transport vehicles or an airport or landing as herein defined.

Place of Assembly

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

The use includes social and 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 room(s).

Public Purpose

The use of premises for any purpose included in but not limited to **Appendix 2** hereto. The term does not include local utilities or public utilities as herein separately defined.

Appendix 2

Federal government purposes

Local government purposes

State government purposes

Statutory authority purposes

Any other public purposes not separately defined in this clause

Public Utility

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

Restaurant

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 term includes facilities commonly described as bistro, bar and grill, café, milk bar, snack bar, coffee shop, tearoom, takeaway, drive-thru food outlet or fast food outlet.

Restricted Premises

The use of a 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.

Roads & Services

Has the same meaning as in the SPA.

Scientific Research Activities

The use of premises for small-scale scientific field research and investigations. The term does not include laboratories, education establishment or institutes.

Service Station

The use of premises for -

- the retail sale of motoring requirements such as fuels, lubricants, oils and greases, batteries, types spare parts and auto accessories to the travelling public and of convenience items;
- the hire of a limited number of vehicles or trailers;
- the washing of motor vehicles for a fee, including facilities provided to the public to wash their own vehicles.

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

Shop

Any premises used or intended for use for the sale or displaying or offering for sale, of goods to members of the public. The term includes a video outlet and ancillary storage of goods on the same premises but does not include a shopping centre or showroom as herein defined.

Shopping Centre

Any premises used or intended for use as a shop or group of shops in the form of an integrated development having a gross floor area exceeding 1000m² (of shops).

Showroom

Any premises comprising a gross floor area greater than 400m² used or intended for use for the purpose of displaying and/or offering for sale to members of the public goods of a similar or bulky nature where the activity is conducted predominantly indoors.

Sport and Recreation

The use of premises for sport, physical exercise, recreation or public entertainment either within a building or outdoors for any purpose included in, but not limited to **Appendix 3** hereto.

The term includes amenities, spectator facilities, equipment storage facilities and club facilities not requiring a liquor licence, but does not include an indoor entertainment or outdoor entertainment as herein defined.

Appendix 3

Archery	Football
Athletics	Golf
Baseball	Hockey
Basketball	Lacrosse
Boating	Rowing, sailing and yachting
Bowling (other than indoor bowling)	Softball
Cricket	Swimming pool
Croquet	Tennis (excluding private unlit tennis courts)
Cycling	

Telecommunications Facilities

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*.

Tourist Attraction

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 outlets for the sale of souvenirs and similar items, kiosk, restaurant, administrative office and managers residence. The use includes facilities commonly described as pioneer village, sanctuary and animal park, theme park, waterslide or zoo.

Transport and Equipment Depot

The use of premises for garaging, storing and maintenance of vehicles and equipment including trucks, buses, taxi fleets, earthmoving equipment or any other vehicle or equipment used for hire or reward. The term does not include freight depot as herein defined.

Vehicle Hire Premises

The use of premises for hiring of motor cars, trucks, motorcycles, mopeds, boats or other registered vehicles. The term includes facilities for cleaning, servicing and effecting minor repairs to the machinery available for hire.

Vehicle Repair Station

The use of premises for carrying out, either or without servicing, of repairs to motor vehicles, including motorcycles, trucks and buses, farm machinery, boats or motor mowers. The term includes the sale, fitting and maintenance of wheels and tyres, but does not include any panel beating which involves dismantling or spray painting other than of a minor touch up character.

Warehouse

The use of premises for the storage of goods, merchandise or materials in large stocks whether or not such storage is required for an adjoining shop or other commercial premises. The term includes a milk depot and mini storage facilities.

4.3 Interpretation

Where a proposed use is not defined above, Ports North will determine the appropriate definition of this use under this Plan.

Where any term used in this LUP is not defined herein but is defined in the SPA or in the Cairns City Council Planning Scheme, the term shall, for the purposes of this Plan and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act or Planning Scheme.

Ports North may from time to time determine that a particular use should be re-defined or re-classified, having regard to any change which has occurred to the nature, scale or intensity of the use.

Wherever in this Plan reference is made to any Act, Regulation, Australian Standard, to AMCORD, or to a State or Local Planning Policy, or Local By-Law such reference shall be taken to include a reference to any amending or substitution instrument. Ports North shall determine any question as to the relevant amending or substituting instrument.