

22 January 2021

M Z Cebrian
C/- All Construction Approvals
PO Box 331
EDMONTON QLD 4868

By Email: patrick@acapprovals.com.au

Dear Sir

CONCURRENCE AGENCY RESPONSE

Response number:	2797/2021
Property Address:	13 Talasea Street Trinity Beach
Property Description:	Lot 351 on RP736864
Certifier:	H W Weber – All Construction Approvals

DECISION

In accordance with section 56 of the *Planning Act 2016* the application for variation to the siting requirements outlined in the Queensland Development Code MP1.2 has been assessed and the siting of Carport has been **approved** in accordance with the approved plans attached as Appendix 1 to this response.

The decision was made by Cairns Regional Council on 22 January 2021.

Concurrence Agency Conditions

1. A development permit for carrying out building work must be obtained.
2. Carry out the development in accordance with the approved plans attached as Appendix 1.
3. The Carport is approved to be sited as follows:
 - a. 0m from the front boundary with a height of 2.8m.

Further advice

1. Any additional crossover will require an Operational Works Development Permit.

This decision is valid for a period of two (2) years from the decision date.

Reasons for decision

1. The proposed Building Work has been assessed against the performance criteria stated in MP1.2 of the Queensland Development Code.
2. The proposed Building Work is considered to facilitate an acceptable streetscape appropriate for the bulk of the structure.
3. The proposed Building Work is considered to facilitate an acceptable streetscape appropriate for the road boundary setback of neighbouring structures.
4. The proposed Building Work is therefore considered to satisfy the performance criteria stated in MP1.2 of the Queensland Development Code.

Rights of appeal

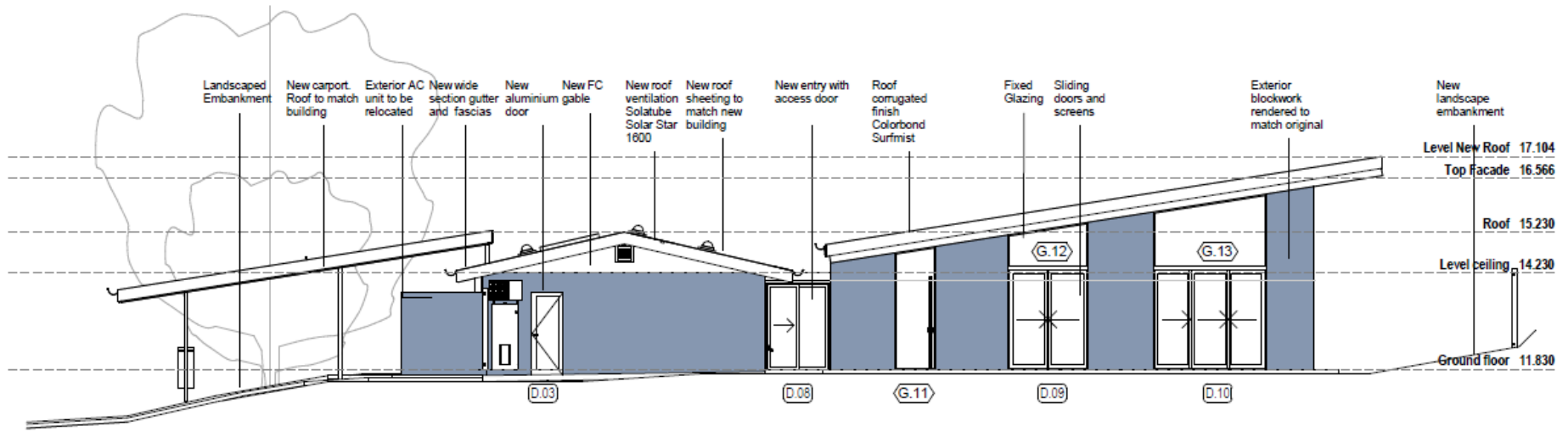
A copy of the relevant provisions is attached as Appendix 2.

This concurrence agency response notice is in relation to the siting provisions only and it is the responsibility of the Building Certifier or applicant to ensure that the building application complies with applicable codes of the *CairnsPlan 2016*, the *National Construction Code*, and all other relevant legislation.

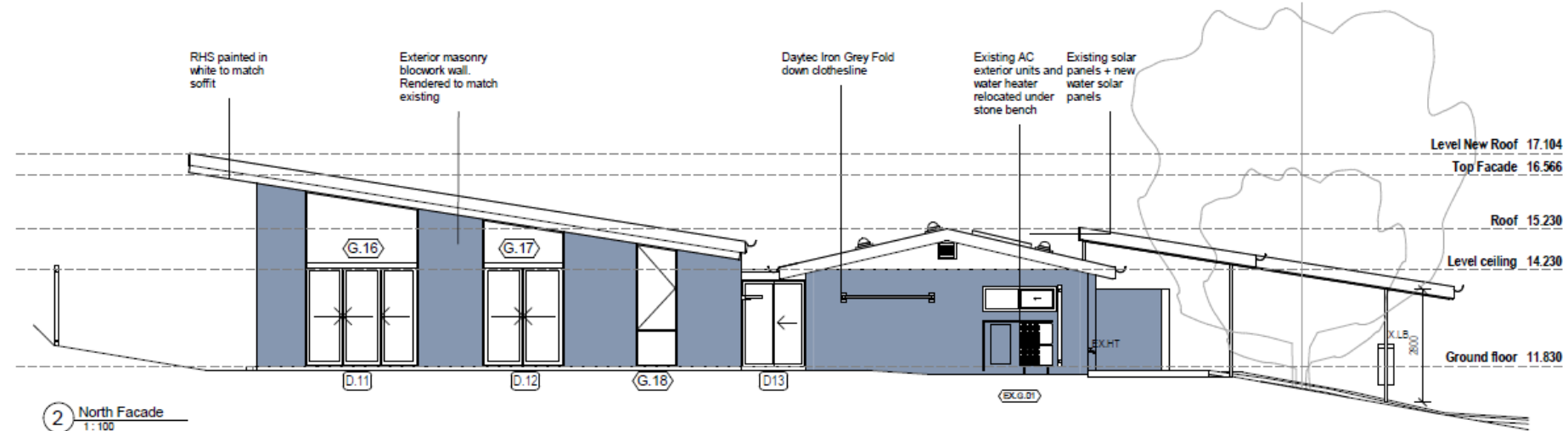
Planning Officer	Ben Santagiuliana	
Concurrence Agency	Cairns Regional Council	
Decision Date	22 January 2021	
Delegated Authority		Courtney Mariot Acting Team Leader Planning

Attachments

- APPENDIX 1: Approved Plans
- APPENDIX 2: Appeal Provisions



1 South Facade
1:100



2 North Facade
1:100

GENERAL NOTES

1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE PROJECT PROGRAM AND AS SHOWN ON THE DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

REV	DATE	NOTE

TPG ARCHITECTS

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Talasea House

0 1 2 4m

SCALE 1:100 @ A3

NORTH

Elevations North and South.

DATE:	DRAWN:	CHECKED:	PHASE:
12/2020	Author	Checker	Project Status
PRODUCT NO:	PROJECT NO:	DATE:	REV:
ZOR01	CD.09		

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Appendix 2 – Appeal Provisions

Rights of Appeal as per Planning Act 2016 Schedule 1

Planning Act 2016

Schedule 1

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

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- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.