



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal number:	25-020
Appellant:	Laura Ragonesi
Respondent/ Assessment manager:	Evolve Building Approvals
Co-respondent/ Concurrence agency:	Sunshine Coast Regional Council
Site address:	7 Acorn Court, Currimundi Qld 4551 and described as Lot 435 on Plan CP851299 – the subject site

Appeal

Appeal under section 229 and item 1(a) of table 1 of schedule 1 of the *Planning Act 2016* (PA) against the part refusal of a development application for construction of a carport in front of the dwelling on residential premises.

Date and time of hearing:	1.00pm 6 August 2025
Place of hearing:	The subject site
Tribunal:	John O’Dwyer—Chair Marie-Anne Ammons—Member
Present:	Laura Ragonesi—Appellant Giovanni Ragonesi—Owner Jeff Dodd and Ben Davis—Council representatives Glen Meiers and Richard Jones, Evolve Building Approvals— Assessment manager

Decision:

The Development Tribunal (Tribunal), in accordance with section 254(2)(a) of the *Planning Act 2016* (PA) confirms the decision to refuse the part of the application for the gable carport.

Background

1. Council advised that in October 2022 an application was made to Council for a relaxation of the front setback for two carports by JDBA Certifiers that was subsequently withdrawn in November 2022.

2. The Appellants constructed two carports on the subject land in late 2022, one a flat roof carport on the northern side of the dwelling that was located 4.0m from the frontage to Acorn Court, the other a gable roof carport between the dwelling and Acorn Court that was located within 0.3m of the frontage.
3. On 22 January 2025, Council sent a letter to the Appellants advising the carports were unapproved and requesting a response to the Council by 5 February 2025, identifying the issues and potential actions available to the Appellants and foreshadowing possible enforcement action.
4. On 18 February 2025, the Appellants, through the Assessment Manager, Richard Jones of Evolve Building Approvals, requested a Concurrence Agency Response (Building Work) in respect of the two carports.
5. On 16 May 2025, Council issued a Referral Agency Response that was part approval for the flat roof carport on the northern side of the building and part refusal for the gable roof carport on the eastern side of the dwelling between the dwelling and the frontage to Acorn Court. The stated reasons for the part refusal were—

1. *The proposal does not meet Performance Outcome PO2 (b) of the Dwelling house code*

Sunshine Coast Planning Scheme, Dwelling house code, performance outcome PO2 (b) - Garages, carports and sheds do not dominate the streetscape.

- *The proposed gable carport is 3.6m in height, 35.7m² in size and has a setback ranging between 0.3m-1m to the front boundary. The predominant streetscape of Acorn Court and Snapdragon Street is dwelling houses with garages and carports approximately 3m to the front boundary. The proposed gable carport has a maximum height of 3.6m and has a lesser setback than many other structures within the street and surrounding areas. Further, the proposed carport is located on the existing driveway, with landscaping unlikely to soften the appearance of the structure. It is therefore considered that the proposed carport will dominate the streetscape. As such, the proposed carport would not comply with Performance Outcome PO2 (b) - **Does not comply***

2. *The proposal does not meet Performance Outcome PO2 (d) of the Dwelling house code*

Sunshine Coast Planning Scheme, Dwelling house code, performance outcome PO2 (d) - maintain the visual continuity and pattern of buildings and landscape elements within the street.

- *The predominant streetscape of Acorn Court and Snapdragon Street is dwelling houses, garages and carports a minimum of 3m to the front boundary. In particular, the following sites have structures within the front boundary:*
 - o *1 Kauri PI - Carport 3m to the front boundary*

- o 5 Kauri Pl - Dwelling 3m to the front boundary*
- o 11 Snapdragon St - Shed 2.8m, and carport 3.8m to the front boundary*
- o 14 Snapdragon St - Garage 2m, Deck 2.525m to the front boundary*
- o 10, 16, 20, and 34 Snapdragon St have structures within the front boundary setback, however there is no Council records of these structures.*

*Further, the existing landscapes include open front yards with a number of mature trees within the road verge. The proposed gable carport with a minimum setback of 300mm is not consistent with existing approved structures in the area and therefore is not consistent with the visual continuity and pattern of buildings and landscape elements within the street. As such, the proposed carport would not comply with Performance Outcome PO2 (d) – **Does not comply.***

6. On 16 June 2025, Richard Jones of Evolve Building Approvals, the Assessment Manager, issued a Decision Notice – Refusal for the carport that extended to 300mm from the frontage.
7. On 24 June 2025, the Appellants lodged this appeal against the refusal of the carport on the east side of the dwelling.

Jurisdiction

8. The Tribunal has jurisdiction to hear this appeal under the PA schedule 1 table 1 item 1(a) and section 1(2)(g) against the part refusal of the development application.

Decision framework

9. As this appeal is against the part refusal of the development application, the onus is on the Appellants to establish that the appeal should be upheld.
10. The tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against. The tribunal may consider other evidence presented by a party with leave of the tribunal or any information provided in response to a direction from the tribunal.
11. The tribunal must decide the appeal by confirming the decision, changing the decision, replacing the decision with another decision or setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time.

Material considered

12. The material considered in arriving at this decision comprises:
 - (a) 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Tribunals Registrar on 24 June 2025.
 - (b) The PA.
 - (c) Email dated 7 August 2025 from the Assessment Manager showing the height of the car port as 3.9m at the western end against the dwelling and 4.23m above the ground at its eastern end adjacent to the frontage.
 - (d) Email dated 7 August 2025 from the tribunal directing the Appellant to provide information on properties with similar reduced setbacks and directing the Council to

comment further on the claim made at the hearing by representative of the Assessment Manager that the setback of the gable carport was more than 300mm from the frontage and approximately 2.0 m from the frontage.

- (e) Email dated 7 August from the Appellant titled 'Houses with similar structures nearby', send in response to the Tribunal's direction
- (f) Email dated 21 August 2025 sent from Council to the Registrar confirming their assessment with a minor change to respond to the claim that the setback was more than 300 mm.

Findings of fact

- 13. The tribunal finds the gable carport has a variable setback which—at a range of 0.3 metres to 1 metre—is less than 3 metres from the frontage at its deepest setback. This is less than the predominant setback which is 3 metres or more in the area.
- 14. The carport does not comply with the Acceptable Outcomes under the Dwelling House code regarding maximum height of 3.6 m and minimum setback of 6.0m.

Reasons for the decision

- 15. Having considered the claim that the gable carport was set back more than 300 mm, the tribunal determined not to seek an establishment survey as the primary issues were:
 - (a) that the impact of the gable was that the proposed carport will dominate the streetscape and so the proposed carport would not comply with Performance Outcome PO2(b)
 - (b) the proposed gable carport with a minimum setback of 300mm is not consistent with existing approved structures in the area and therefore is not consistent with the visual continuity and pattern of buildings and landscape elements within the street. As such, the proposed carport would not comply with Performance Outcome PO2(d).
- 16. The tribunal considers in relation to PO2(b), that the immediate area has a streetscape character in Acorn Court and Snapdragon Street comprising dwelling houses which predominately provide a minimum 3m setback to the street frontage. The street frontage height of the gable carport is 4.23m, which exceeds 3.6m from natural ground level. The bulk and location of the gable carport dominate the streetscape.
- 17. The tribunal considers in relation to PO2(d), that the existing pattern of dwellings with garages and carports within Acorn Court, Snapdragon Street and Kauri Place maintain a consistent minimum 3m front boundary setback. The pattern of plantings within the verge are mature trees and any landscaping proposed to protect visual amenity is unlikely to be effective due to the gable being over the carport's driveway.

John O'Dwyer
Development Tribunal Chair
Date: 23 September 2025

Appeal rights

Schedule 1, table 2(1) of the *Planning Act 2016* provides that an appeal may be made against a decision of a Tribunal to the Planning and Environment Court, other than a decision under section 252, on the ground of -

- (a) an error or mistake in law on the part of the Tribunal; or
- (b) jurisdictional error.

The appeal must be started within 20 business days after the day notice of the Tribunal decision is given to the party.

The following link outlines the steps required to lodge an appeal with the Court.

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

Enquiries

All correspondence should be addressed to:

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