

Patios, Pergolas and Shade Sails Information Sheet

What is a patio?

A patio is an unenclosed (open on two or more sides) structure roofed in a water impervious material which may or may not be attached to a dwelling. A patio is usually used for outdoor living / entertaining.

What is a pergola or shade sail?

A pergola or shade sail is defined as an open-framed structure covered in a water permeable material or unroofed, which may or may not be attached to a dwelling.

Do I require Development Approval (Planning Approval)?

Development approval for your patio is not required if it complies with the following:

- A maximum height of 2.7m;
- A maximum length of 10m;
- The roof or gutter is setback at least 450mm from the lot boundary;
- The patio is setback the minimum distance from the street boundary for your zoning; and
- The patio provides sufficient open space and uncovered outdoor living area for your zoning.

Zoning	Min Uncovered Outdoor Living Area	Min Open Space	Min Street Setback
R10	No minimum	60%*	3.75m
R12.5	No minimum	55%*	3.75m
R20 / R25	20m ²	50%*	3m
R30	16m ²	45%*	2m
R40	13.3m ²	45%*	2m
R50 / R60	10.7m ²	40%*	1m
R80	10.7m ²	30%*	0.5m

*A patio that is open on two sides does not reduce the amount of open space unless it has an area larger than 50m² or 10% of your site area, whichever is the lesser.

Patios:

Patios are assessed against the Residential Design Codes – Volume 1 (R-Codes) as shown above.

Pergolas / Shade sails:

Planning Approval in most cases is not required for a pergolas or shade sails as these structures are exempt under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Consequently, they do not require planning approval, unless they are located within the Heritage Protection Area, or on a heritage listed site.

How do I find my zoning?

Your zoning can be found by entering your address into the [Address & Application Assistant](#) on the City's website.

Zone	Residential R30
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Do I need a Building Permit?

Patios / Shade sails:

A Building Permit is not required provided the patio/shade sail complies with ALL of the following:

- The structure is freestanding; and
- The structure has a maximum floor area of 10m²; and
- The maximum height is 2.4m.

In all other instances a Building Permit is required.

Pergolas:

A Building Permit is not required provided the pergola complies with ALL of the following:

- The structure is freestanding; and
- The structure has a maximum floor area of 20m²; and
- The maximum height is 2.4m.

In all other instances a Building Permit is required.

Do I need my neighbours approval?

Neighbour's approval is not required to lodge a development application (planning approval).

The City will assess the application and if required advertise the proposal to affected neighbours if it is considered there may be an amenity impact on the adjoining properties.

If you have a strata-titled lot you may require a separate approval under the Strata-Titles Act. Please contact Landgate on 9273 7373 for further information in regards to Strata Titles

What if I live in a Heritage Protection Area?

Mount Lawley, Menora and Inglewood make up the City's Heritage Protection Special Control Area (HPA). Local Planning Policy 3.1 Character Retention Guidelines Mt Lawley, Menora and Inglewood (LPP3.1), provide the requirements for patios and pergolas in these areas. LPP 3.1 can be found [here](#).

All patios, pergolas and shade sails in the HPA or on heritage listed properties requires development approval.

How long does the development application process take?

The City has 60 days in which to determine the application as stipulated in the *Planning and Development (Local Planning Scheme) Regulations 2015*. However, applications such as patios normally have a faster turnaround time.

Example 1:

- A proposed patio is 7m long and 2.5m high.
- The patio has a total area of 20m².
- The posts are on the side boundary, with the roof setback 0.5m from the boundary.
- The subject property is zoned 'R30' and has an area of 600m².
- The patio is in the back garden of the property.
- The back garden has over 50m² of unroofed outdoor living area remaining.
- In this instance, planning approval **would not** be required however a building permit **would** be required.

Example 2:

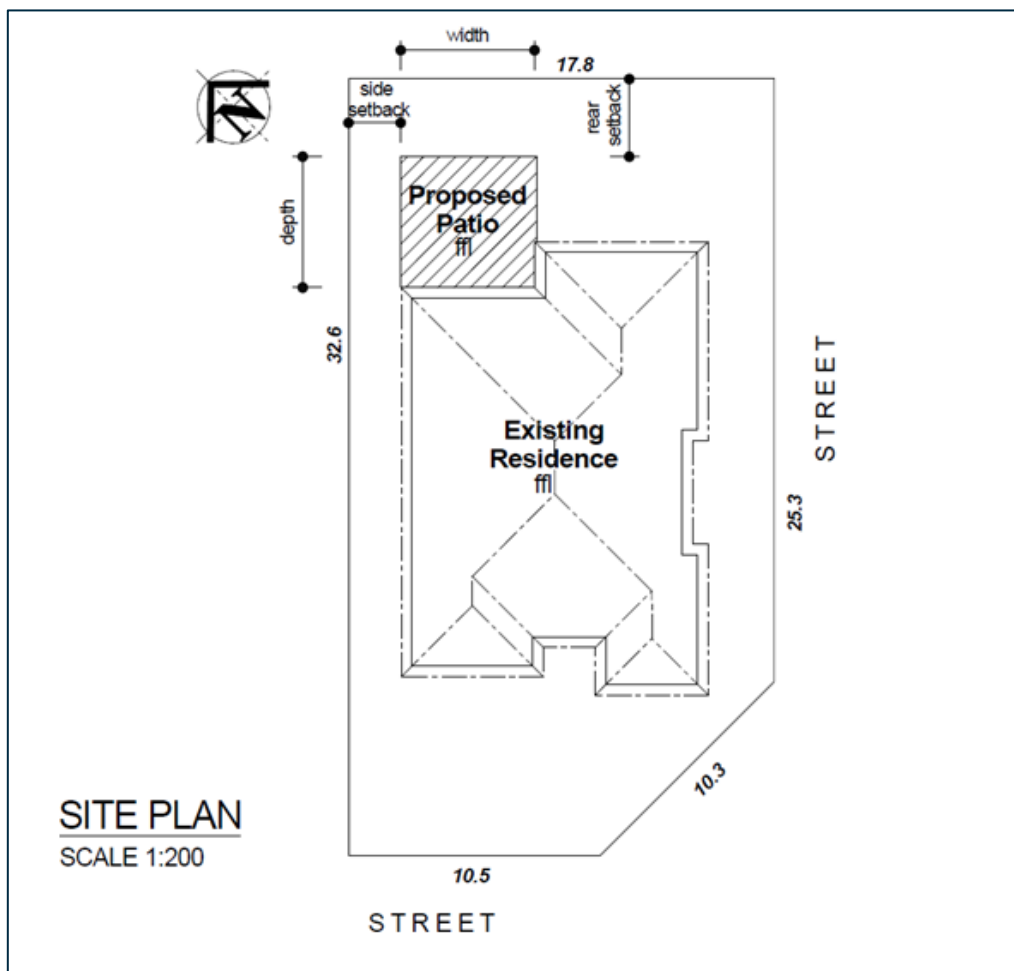
- A proposed patio is 9m long and 2.9m high.
- The patio has a total area of 30m².
- The posts are on the rear and side boundaries, with the roof setback 0.5m from the boundary.
- The subject property is zoned 'R40' and has an area of 250m².
- The patio is in the back courtyard of the property.
- The back garden has over 15m² of unroofed outdoor living area remaining.
- However, as the height of the patio is 2.9m which exceeds the 2.7m height permitted, this patio would not comply with the requirements.
- In this instance, **both** planning approval and a building permit would be required.

What information is required for a Development Application (Planning Approval)?

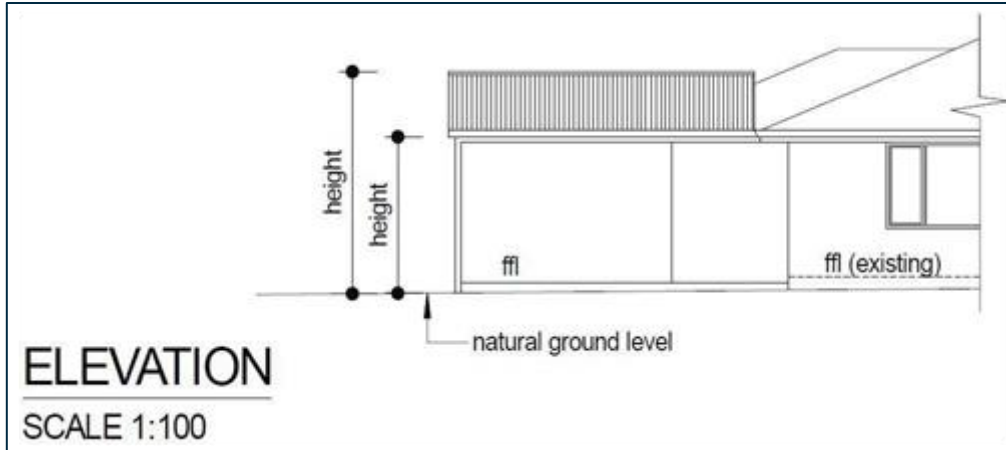
- 1) Completed Planning Application Forms ([link here](#))
 - a) Signed by each owner of the property
- 2) Planning Application Fee
 - a) Please refer to the fee schedule to determine the relevant fee ([link here](#)).
- 3) Certificate of Title (issued within 6 months)
- 4) Site Plan – one copy – Scale 1:200 showing:
 - a) North Point
 - b) Lot boundaries
 - c) Existing dwelling and other structures on the lot
 - d) Location of the proposed patio in relation to the lot boundaries and the existing dwelling

- e) Any changes to the existing ground level / floor level.
Refer to the example at the end of this document.
- 5) Floor Plans – one copy – Scale 1:100 showing:
 - a) Proposed layout of the patio
Refer to the example at the end of this document.
- 6) Elevation Plans – one copy – Scale 1:100 showing:
 - a) Front, side and rear elevations showing, height, natural ground levels, finished floor levels of the patio in relation to the existing dwelling.
Refer to the example at the end of this document.
- 7) Additional Information (where applicable)
- 8) Materials and roof colour for properties within the Heritage Protection Area.

Site Plan:



Elevations:



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Disclaimer:

This information is produced by the City of Stirling in good faith and the City accepts no responsibility for any ramifications or repercussions for providing this information. Verification with the original Local Laws, Planning Scheme and other relevant documents is recommended for detailed references.