

# Patios, Pergolas and Shade sails

This information sheet is provided to assist in development within a residential area.

## 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 / 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 need Development Approval?

### Patios

Planning Approval for a patio is required where variations to the deemed-to-comply requirements of the Residential Design Codes of WA ([R-Codes](#)) are sought or the property is located within the City's Heritage Protection Area. The standard requirements are outlined further below under the Frequently Asked Questions section.

### Pergolas/ Shade sails

Planning Approval is in most cases not required for a pergola (including vergola) or shade sails as these structures are not classified as a 'building' 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.

Pergolas and shade sails are exempt from requiring planning approval if they are located over a driveway or car parking area as long as they do not obstruct required car parking bays and vehicle sightlines.

## Do I need a Building Permit?

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

1. The structure is freestanding; and
2. The structure has a maximum floor area of 10m<sup>2</sup>; and
3. The maximum height is 2.4m.

In all other instances a Building Permit is required.

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

1. The structure is freestanding; and
2. The structure has a maximum floor area of 20m<sup>2</sup>; and
3. The maximum height is 2.4m.

In all other instances a Building Permit is required.

### **How big can I build my patio and how does it affect my site coverage?**

A patio is not included in site coverage if it is open on at least two sides and covers no more than 10% of the site or 50m<sup>2</sup> (wherever is the lesser).

There are restrictions on the amount of area you are allowed to cover in your outdoor living area and this is dependent on your R-Coding. An example of the calculation is as follows:

#### **Example – R30**

Minimum required courtyard size (refer Table 1 of the R-Codes)	24m <sup>2</sup> (R30)
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Actual courtyard size	36m <sup>2</sup>
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2/3 of required courtyard is to remain unroofed	16m <sup>2</sup>
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The total amount of courtyard that can be covered with a roof is	20m <sup>2</sup>
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Variations to the above require written justification to support the proposal for the City’s consideration through the development application process.

#### **Do I need my neighbours approval?**

Consultation with neighbours may be required where a variation to the requirements of the R-Codes is sought. The City is able to undertake neighbour consultation as part of the planning assessment process.

#### **How far from the side and rear boundary can I build my patio?**

Patios that are less than 9m in length and 3.5m in height are permitted to have a setback of 1m from the post with the roof overhang/gutter 500mm – 900mm (refer Fire Separation of Building Codes of Australia 3.7.1) from the boundary.

Patios that are over 9m in length and/or 3.5m in height are permitted to have a setback of 1.5m to the post with the roof overhang/gutter 500mm – 900mm (refer Fire Separation of Building Codes of Australia 3.7.1) from the boundary.

There are specific provisions for development within the Heritage Protection Area and there are other local planning policies with more specific provisions. There are also specific provisions for rear setbacks for development on lots coded Residential R15 and below. Please refer to the R-Codes and City’s Local Planning Policies for more information on setbacks to the side and rear.

Variations to the above require written justification to support the proposal for the City’s consideration through the development application process.

### **How far from the front and secondary street boundary can I build my patio?**

The distance from your front boundary depends on the zoning of your land and is in accordance with Table 1 of the R-Codes. Please refer to [StirlingMaps](#) or call the City on 9205 8555 to determine your land zoning.

The setback to a secondary street is required to be in accordance with Table 1 of the R-Codes (generally a setback of 1m – 1.5m).

Please refer to the R-Codes for further detailed information regarding the setbacks (R-Codes available [here](#)).

### **Where is the setback from the boundary measured too?**

The setback is measured from the boundary to the patio post/pier.

### **Can I build my patio on the boundary?**

The R-Codes do permit boundary walls if your land is zoned R20 and above. Boundary walls are permitted to one side boundary and have height limits (please refer to the R-Codes for further information on boundary wall requirements). It should be noted that if your dwelling has another boundary wall you will require planning approval and neighbour comment for a second boundary wall.

### **What information is required for a Development Application?**

1. Completed Planning Application Form
  - Signed by each owner of the property
2. Planning Application Fee
  - Please refer to the fee schedule to determine the relevant fee.
3. Certificate of Title (within 6 months)
4. Clean site feature survey endorsed by a Licensed Land Surveyor for patios that are proposed on sloping sites and / or have alterations to levels proposed
5. Site Plan – one copy – Scale 1:200 showing:
  - North Point
  - Cadastral boundaries
  - Existing dwelling and other structures
  - Location of the proposed patio in relation to the lot boundaries
  - Any changes to the existing ground level / floor level

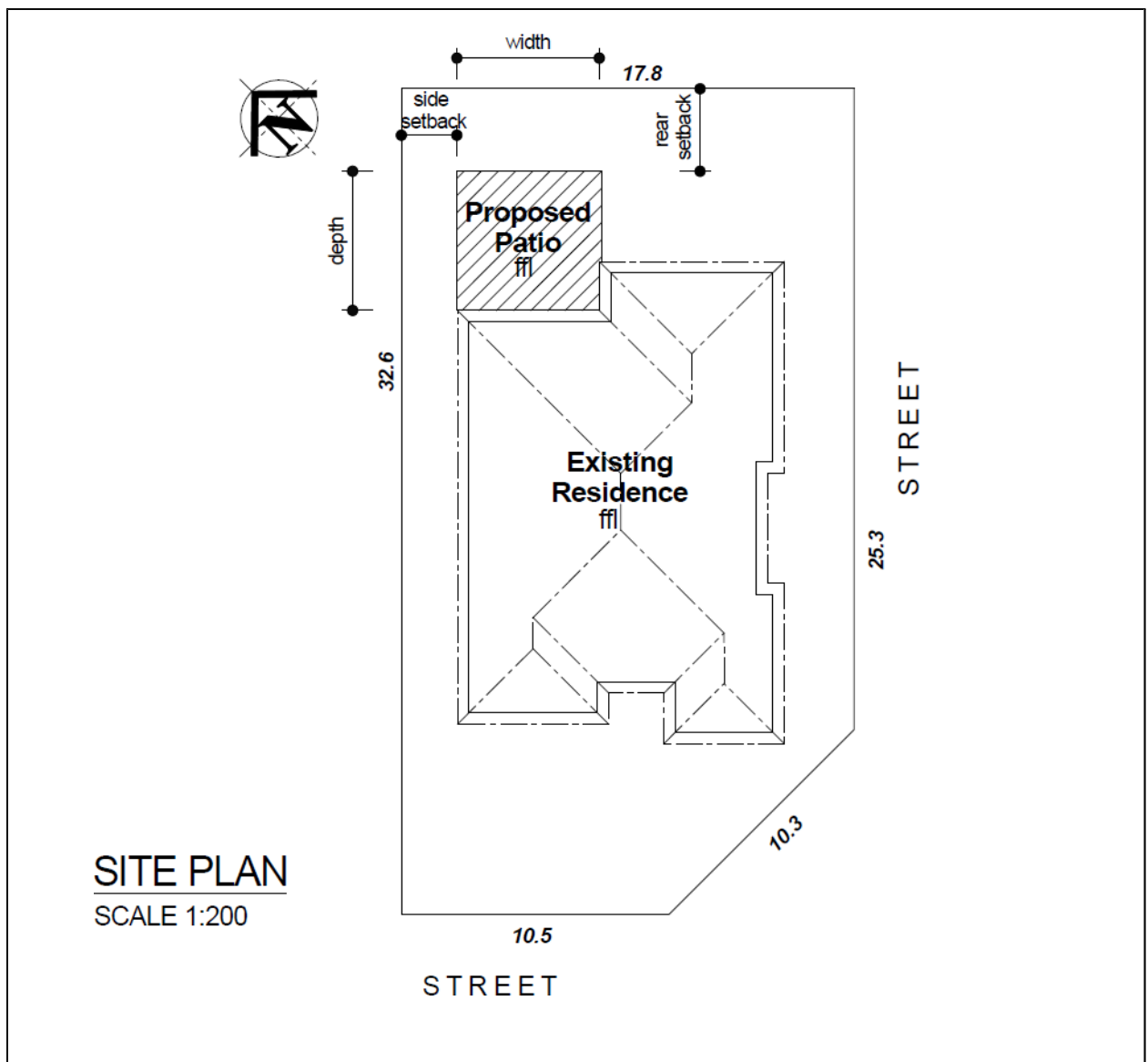
Refer to the example at the end of this document

6. Elevation plans – one copy – Scale 1:100 showing:
  - Front, side and rear elevations showing natural ground levels, finished floor levels and height of patio.

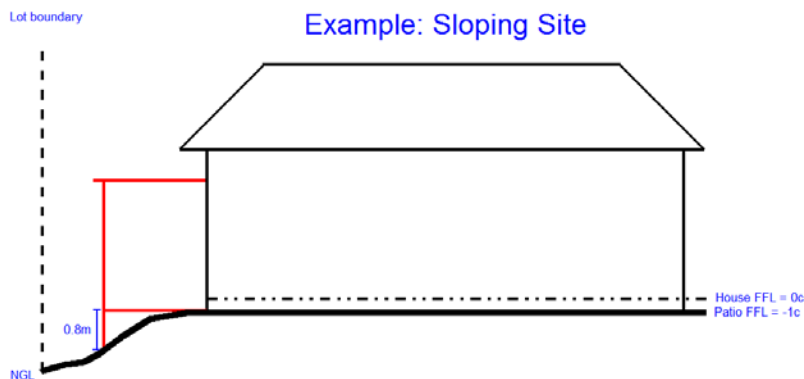
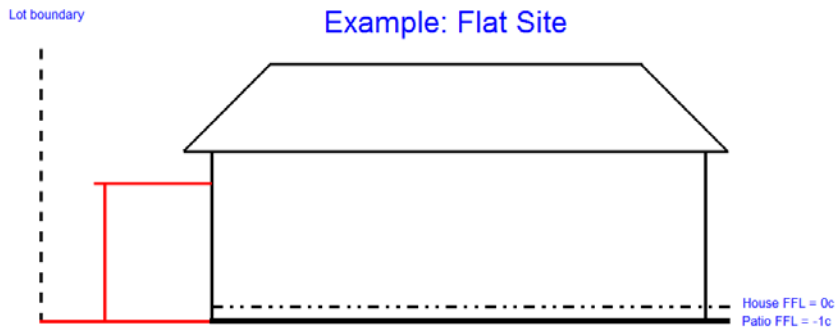
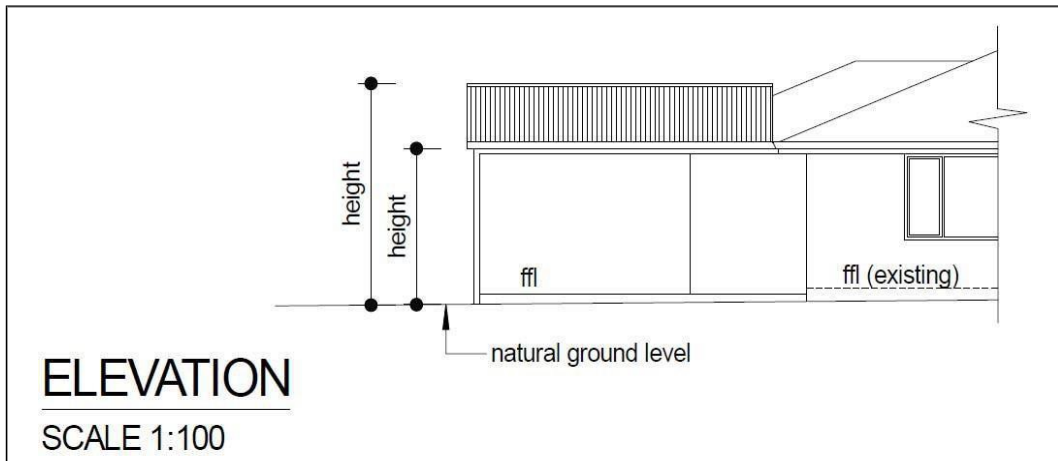
Refer to the example at the end of this document.

7. Additional Information (where applicable)
- Written justification for variations to Deemed-to-comply requirements of the R-Codes
  - 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 schemes and other relevant documents is recommended for detailed references.