

# Patios, Pergolas and Shade Sails in Residential Areas

## Definitions

### Patio

The Residential Design Codes definition of a patio is as follows:

“An unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.”

### Pergolas

The Residential Design Codes definition of a pergola is as follows:

“An unenclosed open-framed structure covered in a water permeable material or unroofed which may or may not be attached to a dwelling.”

### Shade Sail

A shade sail is a piece of fabric (which may be water permeable or impermeable) fixed to posts or other structures, but not a dividing fence. A water permeable shade sail is considered to be a pergola, while a water impermeable shade sail is considered a patio.

## Requirement For Building Permit

### Patio

The Building Regulations 2012, Schedule 4, Part 2 – Item 1 states that:

“Construction, erection, assembly or placement of a freestanding Class 10a building that:

- (a) has a floor area not exceeding 10m<sup>2</sup>;
- (b) is no more than 2.4 m in height; and
- (c) is not located in wind region C or D as defined in AS 1170.2.”

A patio that does not meet any of (a), (b) or (c) will require an application for a building permit. A patio that is not freestanding, i.e. attached to a structure, will require an application for a Building Permit regardless of the fact that it meets (a), (b) or (c).

Notwithstanding the above, development approval is required if:

- a patio is to be built in the front setback area of the lot.

### Pergolas

The Building Regulations 2012, Schedule 4, Part 2 – Item 1 states that:

“Construction, erection, assembly or placement of a pergola associated with a Class 1 building that:

- (a) is not more than 2.4 m in height; and
- (b) is not located in wind region C or D as defined in AS1170.2; and
- (c) covers an area not exceeding 20 m<sup>2</sup>.”

A pergola that does not meet any of (a), (b) or (c) will require an application for a building permit.

In any case, the following applies for construction of any pergola:

- A pergola is permitted to be built to the boundary however, it must not touch or be fixed to the dividing fences or neighbours parapet wall, all footings and construction must be kept within the lot boundaries.
- A pergola must be constructed of good quality metal or timber framing which may be free standing or attached to an existing structure although not to a dividing fence. The roof may consist of lattice, timber, shade cloth or other water permeable material.
- A pergola may be supported by post, columns or piers and must not be enclosed by wall sheeting, cladding, panelling or the like. Second hand materials shall not be used without approval from the City.

## Application For Building Permit

Building Permit Application forms (Certified or Uncertified) are available from the Building Commission's website:

[www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au)

Applications for a Certified Permit must be accompanied by a Certificate of Design Compliance.

Building Permit applications are to be accompanied by payment of fees and two copies of the following:

- A site plan at a minimum scale of 1:200 showing the location of all existing buildings and the proposed structure(s), setbacks, existing and proposed ground levels, easements, etc. New work is to be clearly identified from existing structures.
- Plans, sections and elevations at a minimum scale of 1:100.
- Sectional details of the proposed structure(s), including type, size, stress grade, spans, spacing of members, connections and footings at a minimum scale 1:50.
- Where manufacturer's standard specification are provided with alternative details and sizes, the specifications must clearly state what is to be used all irrelevant details must be deleted.
- Engineers details required for steel frame structures. May be required for timber frame structures.

## Planning Application Requirements

If your proposal does not meet the deemed-to-comply standards, you may seek an assessment against the relevant Design Principles of the R-Codes. An application for assessment against the Design Principles does not guarantee the approval of your proposal.

All Patios on strata lots, and for commercial developments and caravan parks also require planning approval.

If you require planning approval for one of these reasons, or, you are seeking an assessment against the performance criteria of the R-Codes please refer to the City's Planning Application Checklist available at the City's Customer Service Centres or online.

## Fees

Please refer to Building Services Schedule of Fees and Planning Services Schedule of Fees available online or provided upon request from one of the City's Customer Service Centres.

For further information please contact the City's Building Services on **9400 4961** or Planning Services on **9400 4460**. You may visit the Joondalup library to view a copy of the BCA.

Information regarding the R-Codes may be viewed on the Department of Planning website or purchased from the State Law Publisher – Western Australia.