

Thinking of Building a Patio or Pergola?

If you are proposing to build a new patio or pergola or to replace an existing patio or pergola, you need to obtain the necessary approval from the City. Even if you are altering an existing patio or pergola you may still need approval, and therefore it is necessary to make enquiries before you commence work, to confirm what kind of approvals are needed and what the City requires.

What is a Pergola?

A pergola is defined as “a structure comprising only columns and an open-roofed framework but may include roof sheeting of a transparent or translucent nature.” (Town Planning Scheme No. 6, Schedule 1)

Transparent or translucent sheeting includes most polycarbonate roof sheeting. Transparent or translucent roofing is considered to have less impact visually than opaque roofing materials such as ‘Colourbond’ metal or tiles, and allows sunlight to reach the area of open space being covered. Weather protection is still afforded through the use of such sheeting.

Approval required to be obtained from the City for a Pergola prior to construction commencing:

- Building Licence.**

Planning approval is not required for a Pergola.

What is a Patio?

A patio is defined as “a water impermeable roofed open-side structure.” (Residential Design Codes of WA 2002, Clause 2.2)

Having regard to the respective definitions of ‘pergola’ and ‘patio’ set about above, within the District of the City South Perth, a ‘patio’ is an open-sided structure which is roofed with ‘Colourbond’ metal, tiles or another opaque and water impermeable material, but does not include a structure roofed with a transparent or translucent water impermeable materials.

Approvals required to be obtained from the City for a Patio prior to construction commencing:

- Planning Approval.**
- Building Licence.**

Applying for Planning Approval and Building Licence

Please refer to the City’s information sheet series on applying for Planning Approval and a Building Licence, available on the City’s website. Also available on the City’s website are the necessary application forms, Planning Approval application checklist and fee schedule.

Before submitting your application(s), please examine these documents as they provide information regarding the details on drawings and other documents which need to be submitted with your applications. Failure to supply sufficient or accurate information *will* result in unnecessary delays.

Preparing the site plan

All applications for approval of patios and pergolas need to include a site plan in addition to drawings of the proposed structure. Most applicants find it helpful to obtain the site plan which was prepared for the original dwelling or extensions in order to prepare a suitable site plan for their patio or pergola application. Upon payment of the prescribed fee, the City permits owners to request a search of all

the building licences for their property. However, it is to be noted that many old site plans do not meet today's standard for preparing plans and may not actually be helpful in preparing your application. Please refer to the City's information sheet "How do I obtain a copy of my Building Plans? (Building Plan Archive Search)".

Standard Specifications

If you are purchasing your patio or pergola from a company, they may have a set of standard specifications which can be submitted to the City with your application. Generally these standard specifications will be sufficient, however some larger proposals may require a structural engineer's signature. If a structural engineer's signature is required for the building licence application, the signature needs to be in ink of a colour other than black and on each page of both copies.

Town Planning Requirements for a Patio

The City will assess your application for Planning Approval for a patio against the requirements of the City's Town Planning Scheme and Policies, and the Residential Design Codes of Western Australia 2002 (R-Codes). The major requirements are set out below:

Setbacks

As specified in the Residential Design Codes, support columns must be set back a minimum of 1.0 metre from the side and rear boundaries of the site. In some instances, depending upon the amenity impact on the adjoining property, a lesser setback could be approved. An alternative variation that can be considered is locating the columns at the boundary with the roof being 500mm from the boundary.

Before making a decision on a request for a setback variation, the City will usually consult the affected neighbour and will consider any response which may be received from that neighbour. The neighbour has two weeks in which to respond.

Minimum Open Space

Clause 3.4.1 of the R-Codes requires a minimum percentage of any lot to be maintained as 'open space'. The actual percentage depends on the density coding allocated to a particular property (refer to the City's Town Planning Scheme No. 6 Zoning Maps to find your property's density coding).

Table 1 of the R-Codes 2002 indicates the amount of open space required:

- In areas coded R15 to R25: 50%.
- In areas coded R30 to R40: 45%.
- In areas coded R50 or higher: refer to Table 1 of the R-Codes 2002.

Open space is defined by the R-codes (Clause 2.2) as:

"Generally that area of a lot which is not occupied by any building and includes:

- open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*
- areas beneath eaves overhangs, verandahs or patios not more than 0.5 metres above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50 sq.metres whichever ever is the lesser;*
- pergolas;*
- uncovered driveways (including access aisles in parking areas) and uncovered carbays;*
but excludes:
- non-accessible roofs, verandahs and balconies over 0.5 metres above natural ground level;*
- covered car-parking bays and walkways, areas for rubbish disposal, stores, outbuildings or plant rooms."*

If your dwelling is part of a strata titled group, open space is calculated over the area allocated for the exclusive use of that dwelling together with a proportion of any associated common property (refer to

the Clause 3.4.1, A1 and Clause 2.2, 'Site' of the R-Codes). Therefore the application site plan must show the entire group of dwellings, as well as the strata lot boundaries and fence lines of each dwelling.

Outdoor Living Area

The R-Codes require an 'Outdoor Living Area' to be maintained. Clause 3.4.2, A2 requires:

"An Outdoor Living Area to be provided:

- *in accordance with Table 1;*
- *behind the street setback area;*
- *directly accessible from a habitable room of a dwelling;*
- *with a minimum length and width dimension of 4 metres, ...; and*
- *to have at least 2/3 [two thirds] of the required area without permanent roof cover."*

The required minimum area to be provided as an 'Outdoor Living Area' varies according to the density coding allocated to a particular property. The actual required minimum area for your property is determined in the following manner:

1. On the City's website, examine the No. 6 Town Planning Scheme Zoning Maps to identify the density coding allocated to the property eg. 20.
2. From the link on the City's website, access the Residential Design Codes of Western Australia 2002 and examine Table 1. Column 1 is headed "R Code". In the list of density codings under that heading, eg. R20, locate the density coding of your property. In Column 7(c), headed "Minimum Outdoor Living Area", alongside the applicable density coding, locate the required minimum area to be provided as "Outdoor Living Area" for your property.

Patios in front of the dwelling

The presentation of the dwelling as part of the streetscape is an important consideration. Patios located in front of a dwelling rarely comply with the City's policy requirements relating to streetscape. If you are proposing a patio in front of the dwelling, consult the City's Planning Policy No. P370_T "General Design Guidelines for Residential Development". When lodging your application you need to include a covering letter explaining how your application meets the provisions and objectives of this policy.

Building Requirements for a Patio or Pergola

The City will assess your Building Licence application for a patio or pergola against the Building Code of Australia (BCA) and the City's Policies. The major requirements are set out below:

Setbacks

In the first instance, in the case of a proposed patio, it is necessary to maintain the setback upon which Planning Approval was issued.

The following required setbacks are for the purpose of 'fire separation' under the BCA.

The roof covering of the patio or pergola must be set back a minimum of 500mm from the lot boundary or from another building (Figure 3.7.1.6 of the BCA) The guttering must be set back a minimum of 450mm.

Subject to compliance with the 'fire separation' requirements of the BCA (Figure 3.7.1.7), support columns may abut the lot boundary. Your architect, draftsperson or builder will be able to advise you further in this respect.

If you wish to have the roof less than 500mm from the lot boundary, a parapet wall may be necessary to meet the 'fire separation' requirements and particular attention needs to be given to the guttering design. Your architect, draftsperson or builder will be able to advise you further in this respect.

Other requirements

Other requirements relating to matters such as drainage, structural adequacy and flashing and guttering details are considered in the assessment of a Building Licence application. Your architect, draftsman or builder will be able to advise you further in this respect.

Relevant Publications

The following documents are available on the City's Town Planning and Building Information webpage (under Environmental Management, Built Environment, Town Planning & Building Information):

- *City of South Perth Town Planning Scheme No. 6*
- *Residential Design Codes of WA (2002) (R-Codes 2002)*
- *Applying for a Planning Approval information sheet*
- *Applying for a Building Licence information sheet*
- *Archive Search information sheet*
- *Planning Approval Application form*
- *Planning Approval Application checklist: Proposed Patio Addition to Existing Dwelling(s)*
- *Building Licence Application form*
- *Fee Schedule*

Should you have any further questions regarding this, or any other matter you are welcome to contact one of the City's officers by telephone or make an appointment to see an officer in person.

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