



PATIOS IN RESIDENTIAL AREAS

What is a Patio?

A **Patio** defined in the R Codes as “an unenclosed structure covered in a water impermeable material and may or may not be attached to a dwelling.” It is different from a **Pergola** which has water permeable roofing (slatted roof or louvres), and is different from a **Carport**, as it is not used for parking of vehicles.

Do I need development approval for a Patio?

Development (planning) approval is not required for a Patio if it —

- is located on the same lot as a Single House or Grouped Dwelling, and
- is fully compliant with the deemed-to-comply standards of the City’s Built Form Policy and the Residential Design Codes Volume 1 (R-Codes) Part B or Part C; or
- is exempt from requiring development approval under the City of Vincent [Local Planning Policy: Planning Exemptions](#); and
- is not located in a heritage protected place; and

Development approval is required for a Patio that is located on the same lot as a commercial premises and Multiple Dwelling (i.e. apartment buildings) or does not meet the Deemed-to-Comply standards of the R Codes.

How can my Patio be exempt from development approval?

Development which meets all of the Deemed-to-Comply requirements of the R Codes Volume 1 does not require development approval. You may still require a building permit. In addition to these exemptions, under the City’s [Local Planning Policy: Planning Exemptions](#), a patio is exempt from requiring development approval if the following conditions are met:

1. The works are not located in a heritage-protected place;
2. The works are associated with a single or grouped dwelling;
3. [the works are for a patio]
4. The works:
 - a. Are not located within the primary or secondary street setback of a building;
 - b. Have an area of no more than 30 square metres;
 - c. Have a total height of no more than 3.5 metres above natural ground level;
 - d. Have a floor level no more than 0.5 metres above natural ground level; and
 - e. Do not result in departures to the R-Codes Volume 1:
 - i. [Part B](#) Outdoor Living Area, Open Space and Boundary Wall length deemed-to-comply standards; or
 - ii. [Part C](#) Private Open Space, Site Cover, Solar Access and Ventilation and Boundary Wall length deemed-to-comply standards.

How far does my Patio need to be setback from other properties?

The required setback of a patio is determined by its height and length and that of the existing dwelling, in accordance with Tables 2a and 2b of the R-Codes Part B, or Table 3.4a and Table 3.4b of the R-Codes Part C.

As a general guide, the setbacks required under Tables 2/2b are as follows:

- If the patio is 10m or less in length and is 3.5 metres or less in height: 1 metres setback from the lot boundary.
- If the patio is more than 14 metres in length and is 3.5 metres or less in height: 1.5 metres setback from the lot boundary.

Under the R Codes Volume 1 [Part B](#), the setback may be reduced to nil where the structure is:

- is not more than 10 metres in length and 2.7 metres in height;
- is located behind the primary street setback; and
- has eaves, gutters and roofs set back at least 450 millimetres from the lot boundary*

Note: If the patio is more than 10 metres in length, and/or more than 2.7 metres in height, the setback is calculated based on the entire length of the buildings on-site, in accordance with the R Codes Clause 5.1.3.



Under the R Codes Volume 1 [Part C](#), the setback of buildings up to 3.5 metres in height is 1 metre. This may be reduced to nil where the structure:

- does not exceed 10 metres in length, along the boundary;
- does not exceed an equivalent wall height of 3 metres (measure to the top of pillar and/ or posts);
- does not exceed a ridge height of 4.2 metres; and
- pillars and posts on the boundary are of a horizontal dimension of no more than 450 millimetres x 450 millimetres.

Setbacks are measured to the posts of the proposed patio, not the roof or eaves, provided eaves do not exceed 0.75 metres depth.

**Separate requirements under the National Construction Code may apply.*

Do I need to provide privacy screening to my Patio?

If the finished floor level of the patio is more than 0.5 metres above the natural ground level, it is required to be assessed against Visual Privacy requirements of the R-Codes. These are summarised as follows:

Part B

- The extent of the raised floor level is to be setback 7.5 metres or more from the lot boundary for areas coded R50 or below or 6 metres for areas coded higher than R50; or
- Permanently fixed visually impermeable screening with a minimum height of 1.6 metres (as measured from the finished floor level) is to be provided.

The setback is measured as a 'cone of vision' that extends to 45 degrees to each side of the elevation that is being assessed. Any departures to the deemed-to-comply visual privacy standards of the R-Codes can only be considered through the submission of a development application.

Part C

- The extent of the raised floor level is to be setback 7.5 metres or more from adjoining property's active habitable spaces for areas coded R50 or below or 6 metres for areas coded higher than R50. Note that measurements are to active habitable spaces, rather than lot boundaries; or
- All sources of overlooking are to be oriented, offset or setback in accordance with the R-Codes Part C.

How long does the development application process take?

The City has 60 days in which to determine the application or 90 days if the application requires consultation.

Clause 75(c) of the *Planning and Development (Local Planning Schemes) Regulation 2015* states that applications may take longer than 90 days where it is agreed to in writing between the local government and the applicant.

How long do I have to build my Patio after I get Development Approval?

Development approvals are valid for 2 years. The installation of the patio is to be substantially commenced within this time period.

What information is required for a Development Application?

Development applications will always require the following items:

- City of Vincent Application for Development Approval Form
- Metropolitan Region Scheme Form 1
- Current copy of the property's Certificate of Title (no more than three (3) months old)
- One (1) copy of the Site Plan, Floor Plan and Elevation Plans of all sides of the structure drawn to scale (see *example of end of document*)
- One (1) copy of the colours and materials schedule (Can be noted on elevation drawings)
- One (1) copy of Landscaping Plans

Please refer to the relevant [Development Application Checklist](#) further information regarding site specific requirements and plan details.



Where a proposal does not meet the deemed-to-comply standards of the City's Built Form Policy and the R-Codes, written justification detailing how the development satisfies the relevant design principles is required to be submitted with the application.

An Urban Planner will consider this departure from the planning framework and whether the application is considered to meet the relevant design principles or local housing objectives. Where departures are not deemed appropriate or in line with the design principles, amended plans or reconsideration of the proposal will be required.

Do I need building approval?

Applying for development approval and a building permit are two separate processes, both controlled under different legislation. A building permit ensures that the building is structurally safe and complies with the relevant building legislation.

Under Schedule 4 of the Building Regulations 2012 a building permit is not required for the construction, erection, assembly or placement of a freestanding patio —

- (a) has a floor area not exceeding 10m²; and
- (b) is no more than 2.4m in height.

Note that compliance with the National Construction Code is still required, including Fire Separation standards. This exemption only applies to freestanding structures.

If you would like further information on the Building Permit process and requirements, please contact the City's Building team on [9273 6000](tel:92736000).

Have more questions?

The City is unable to confirm if a proposal will be supported in the absence of a formal development applications. However, applicants can discuss planning proposals and preliminary plans with the City's Urban Planners. Urban Planners can provide general advice to applicants on a proposed development or land use and the information required to lodge a complete application.

A Duty Planner is available to talk to at the City's Administration Centre Monday to Friday, 8.30am to 5.00pm, in person, or on the phone.

Phone: [9273 6000](tel:92736000)

Email: mail@vincent.wa.gov.au

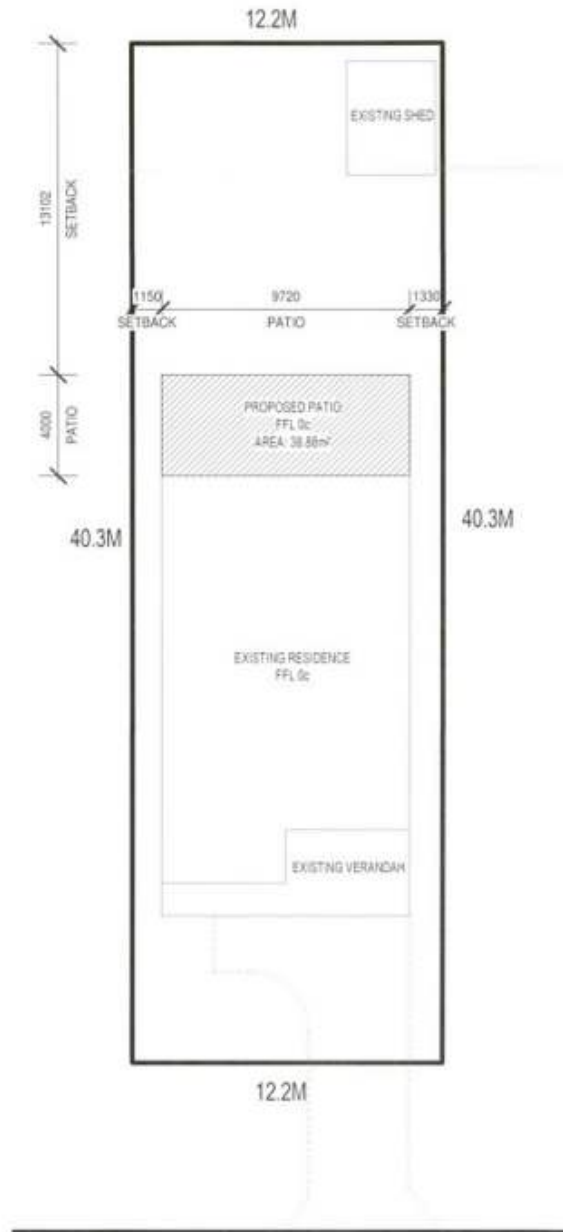
Address: [Main Administration Building, 244 Vincent Street, Leederville 6007, WA](#)

INFORMATION SHEET



CITY OF VINCENT

SITE PLAN EXAMPLE:

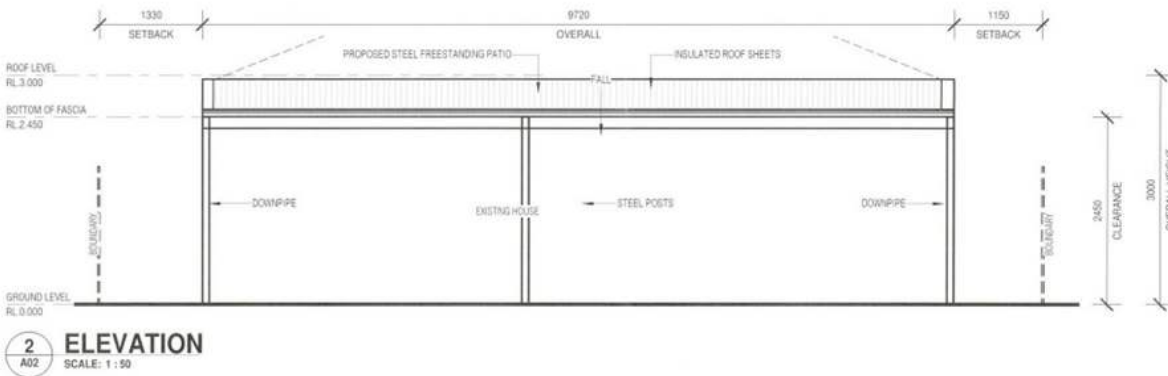
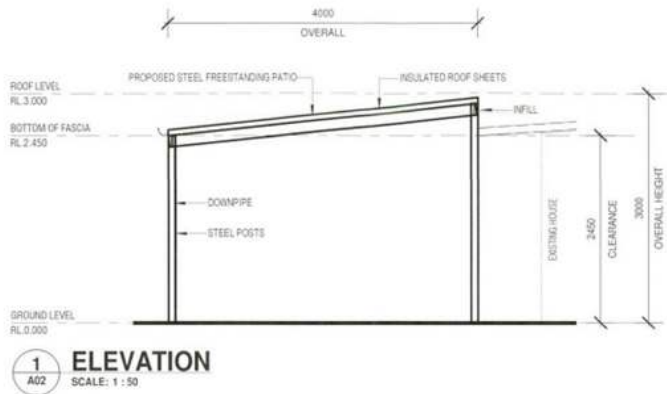


SITE PLAN
SCALE: 1 : 200

STREET NAME

ELEVATION PLAN EXAMPLE:

Need to include all elevations of the patio



FRAMEWORK	STEEL	SURFIMST
POSTS	STEEL	WOODLAND GREY
GUTTERS	STEEL	SURFIMST
DOWNPIPES	STEEL	WOODLAND GREY
ROOF SHEETS	STEEL	SURFIMST
INFILL	TIRNALL	ICE

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