



## PATIOS IN RESIDENTIAL AREAS

### What is a Patio?

A Patio is an unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.

### Do I need development approval for a Patio?

Development 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 requirements of the City's Policy No. 7.1.1 – Built Form (Built Form Policy) and State Planning Policy 7.3 - Residential Design Codes (R-Codes).

Development approval **is** required for all Patios located on properties subject to heritage protection or within character retention areas. Development approval is also required for a Patio that is located on the same lot as a Multiple Dwelling.

Where an application does not meet the requirements as set out in the City's Built Form Policy or the R-Codes, written justification detailing how the development satisfies the relevant design principles is required to be submitted with the application. A Planning Officer will consider this variation and whether the application is considered to meet the relevant design principles or objectives of the City's Built Form Policy and/or R-Codes, to determine whether the variation can be considered. Where variations are not deemed appropriate or in line with the design principles, amended plans or reconsideration of the proposal will be required.

### How far does my Patio need to be setback?

The required setback of a patio is determined by the zoning of both the subject property as well as adjoining properties. A patio is required to be setback in accordance with Tables 1-5.2a and 1-5.2c of the City's Built Form Policy, Tables 2a and 2b of the R Codes, Volume 1 where specified.

For properties with R40 zoning and below who adjoin properties zoned R40 and below the following setbacks generally apply:

- if the patio 9m or less in length (including any existing wall it is attached to) and is 3.5m or less in height, a 1.0m setback to the lot boundary will be required; or
- if the patio is greater than 9m in length (including any existing wall it is attached to) and is 3.5m or less in height, a 1.5m setback to the lot boundary will be required.

Refer to Clause 5.2 of the City's Built Form Policy where the zoning of the subject site or adjoining sites is greater than R40.

This setback is measured to the posts of the proposed patio (not the roof or eaves).

### Do I need to provide screening to my Patio?

If the finished floor level of the patio is greater than 0.5 metres above the existing natural ground level, the patio is required to be assessed against Clause 5.4.1 Visual Privacy requirements prescribed by the R-Codes - Volume 1, which are summarised as follows:

- The extent of the raised floor level is to be setback a minimum of 7.5m from the lot boundary/ies; or
- Permanently fixed visually impermeable screening with a minimum height of 1.6m (as measured from the finished floor level) is to be provided.

Any departures to the deemed-to-comply visual privacy requirements prescribed by the R-Codes will need to be considered through the submission of a development application.

### 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 community 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?

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?

Please refer to the relevant Development Application Checklist.

### 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.

If you would like further information on the Building Permit process and patio requirements please contact the City on **9273 6000**.

### Do you 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 Office Monday to Friday, 8.30am to 5.00pm, in person or on the phone.

Phone: **9273 6000**

Email: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)

Address: **Main Administration Building, 244 Vincent Street, Leederville 6007, WA**

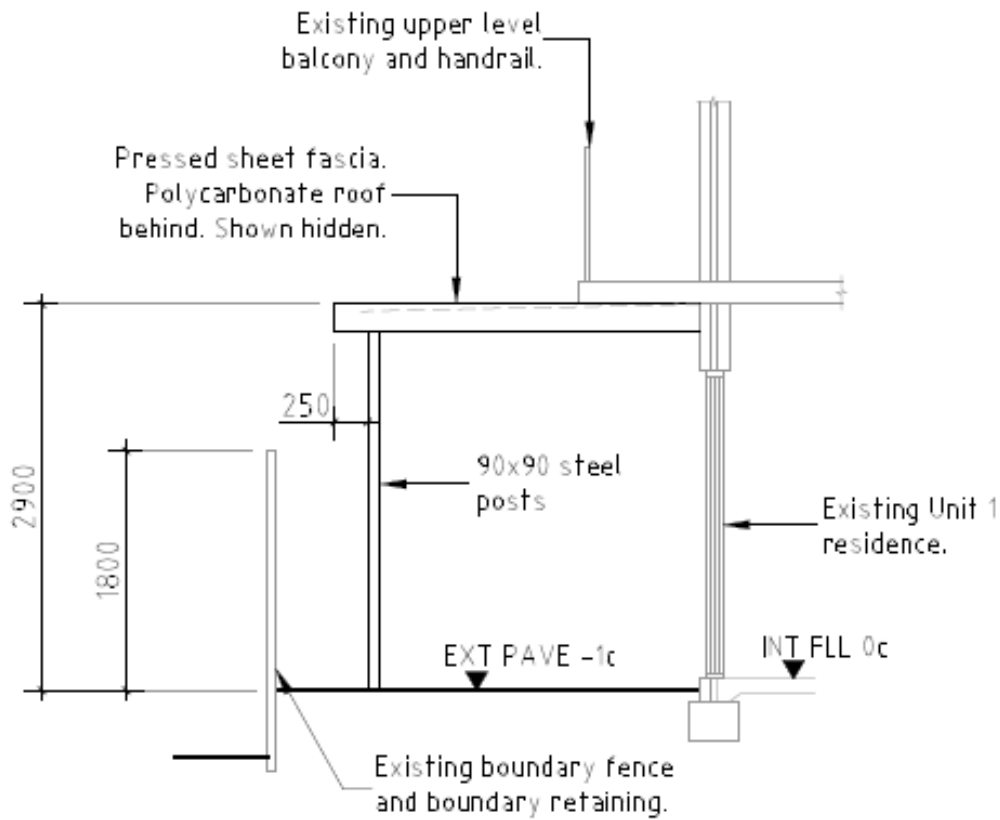
# INFORMATION SHEET



SITE PLAN EXAMPLE:



## ELEVATION PLAN EXAMPLE:



### Disclaimer:

*This information is produced by the City of Vincent 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.*