

PATIOS IN RESIDENTIAL AREAS

What is a Patio?

A Patio is 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).

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 standards of the City's Built Form Policy and the Residential Design Codes Volume 1 (R Codes).
- is not located in a heritage protected place

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 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.

However, the required setback may be reduced to nil to the posts where the structure:

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

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 3.5m or less in height: 1m setback from the lot boundary.
- If the patio is more than 10m in length it is assessed based on its length and the length of any existing wall it is attached to. If less than 3.5m in height: 1.5m setback from the lot boundary.

Setbacks are measured to the posts of the proposed patio, not the roof or eaves.

**Please note that separate requirements under the National Construction Code may apply.*

Do I need to provide 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:

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

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 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
- Full set of above plans in PDF format (USB or CD)

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 variation and whether the application is considered to meet the relevant design principles or local housing objectives. Where variations 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).

I 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

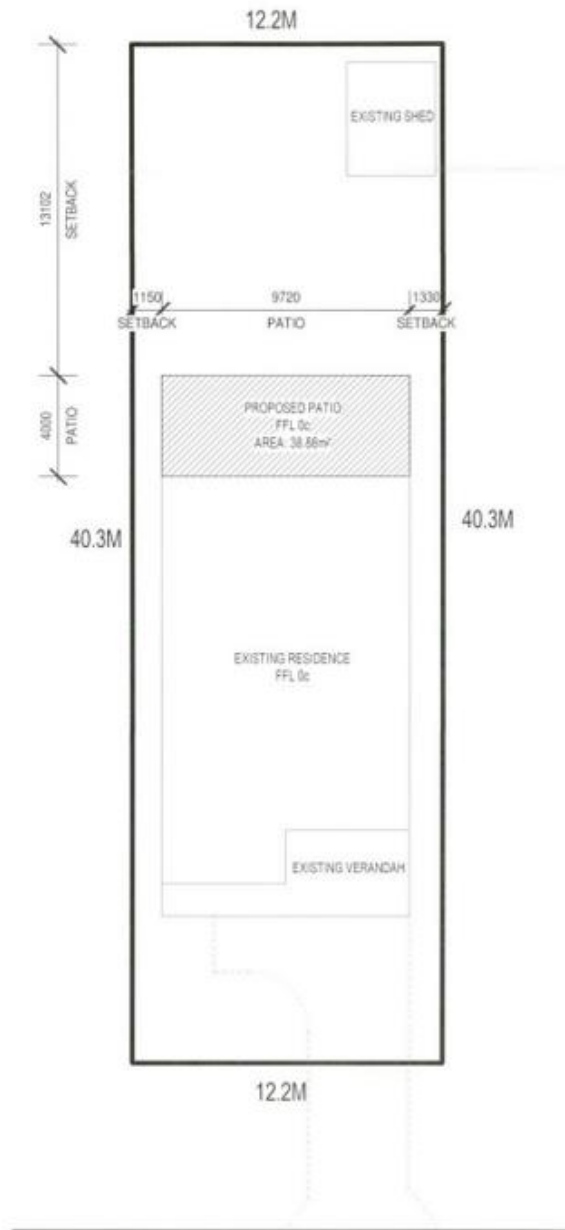
Address: Main Administration Building, 244 Vincent Street, Leederville 6007, WA

INFORMATION SHEET



CITY OF VINCENT

SITE PLAN EXAMPLE:

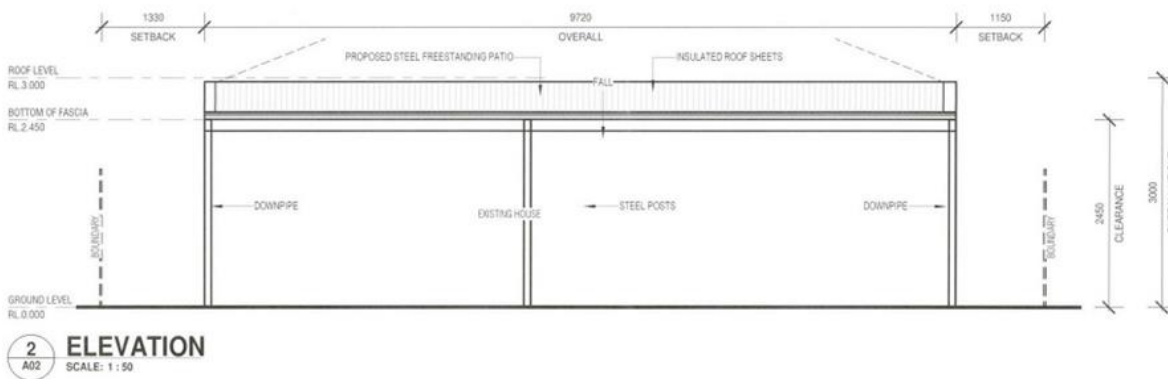
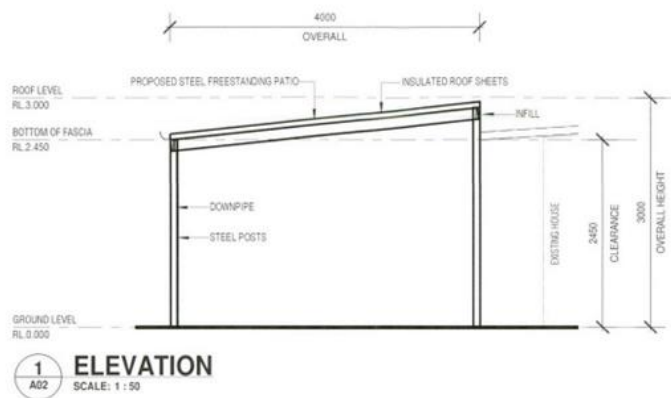


SITE PLAN
SCALE: 1 : 200

STREET NAME

ELEVATION PLAN EXAMPLE:

Need to include all elevations of the patio



FRAMEWORK	STEEL	SURFMAST
POSTS	STEEL	WOODLAND GREY
GUTTERS	STEEL	SURFMAST
DOWNPIPES	STEEL	WOODLAND GREY
ROOF SHEETS	STEEL	SURFMAST
INFILL	TWINWALL	ICE

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.