

# Patios, Pergolas & Shade Sails (in Residential Areas)

## What is a patio, pergola or shade sail?

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

A **pergola** is an open framed structure, covered in a water permeable material or operable louvered roofing, which may or may not be attached to a dwelling.

A **shade sail** is a piece of water permeable fabric fixed to posts or another structure. A shade sail with a non-permeable roof is deemed to be a 'patio'.

## When is (Planning) Development Approval required?

Development Approval is required where the patio, pergola or shade sail to a single, grouped or multiple dwelling is:

- Located within the front setback of the property and does not comply with the 'Deemed-to-Comply' provisions of the Residential Design Codes of Western Australia;
- Is in a heritage area designated in the City's Local Planning Scheme No.15;
- Is on a lot in a Special Development Precinct.
- Is located on a lot which is within, or abuts, the Swan River Trust Development Control area (DCA), or, in the opinion of Council, is likely to impact the quality of waters in the DCA (generally properties adjacent to the Swan River/Foreshore).



## When is a Building permit required?

A Building Permit is required for the erection of all patios, pergolas, and shade sails except where:

- A patio is free standing, less than 2.4m in height; and has an area of less than 10sqm;
- A pergola or shade sail associated with a Class 1 building is less than 20sqm in area and not more than 2.4m in height.

**Note:** While a patio, or pergola, or shade sail may be exempt from a Building Permit, (Planning) Development Approval still may be required. Similarly, a patio, or pergola, or shade sail may be exempt from Development Approval, but a Building Permit may be required.

*When a Building Permit is not required, it should be noted that the location and construction of the structure still must comply with the applicable building standards of the National Construction Code, Volume Two.*

*Where an application for a Building Permit is lodged that also requires (Planning) Development Approval, a Building Permit (where fully compliant) cannot be issued until the Development Approval has been granted and any relevant conditions have been resolved.*



## **What do I need to submit to the City for approval?**

### **Where a (Planning) Development Approval is required:**

A completed 'Application for Approval to Commence Development' form, a Certificate of Title (not more than 6 months old), relevant plans and specifications and payment of statutory fees are required on lodgement. Please refer to the City's website for further information on Planning Services requirements.

### **Where a Building Permit is required:**

- A completed Form BA1 Application for a Building Permit – Certified\* (10 Business Days) or Form BA2 Application for a Building Permit – Uncertified (25 Business Days);  
*\*A Form BA1 must be accompanied with a Form BA3 Certificate of Design Compliance issued by a registered Building Surveying Contractor.*
- Payment of Statutory fees (please refer to the Building Fee Schedule);
- Completion of a Construction Training Industry Fund levy form if the estimated value of the works exceeds \$20,000;
- Relevant plans and specifications. In the case of a Form BA1 application, this information will be determined by your Building Surveying Contractor. In the case of a Form BA2 application, the City will reasonably expect the provision of the following.
  - A Site Plan (minimum scale 1:200) showing the location of all existing and proposed structures, proposed setbacks, existing and proposed finished ground levels, easements, etc;
  - A copy of Elevations of the proposed structure(s) (minimum scale 1:100);
  - A copy of a floor plan (minimum scale 1:100);
  - Structural designs certified by a practising registered Structural Engineer.



# Lodging your Application

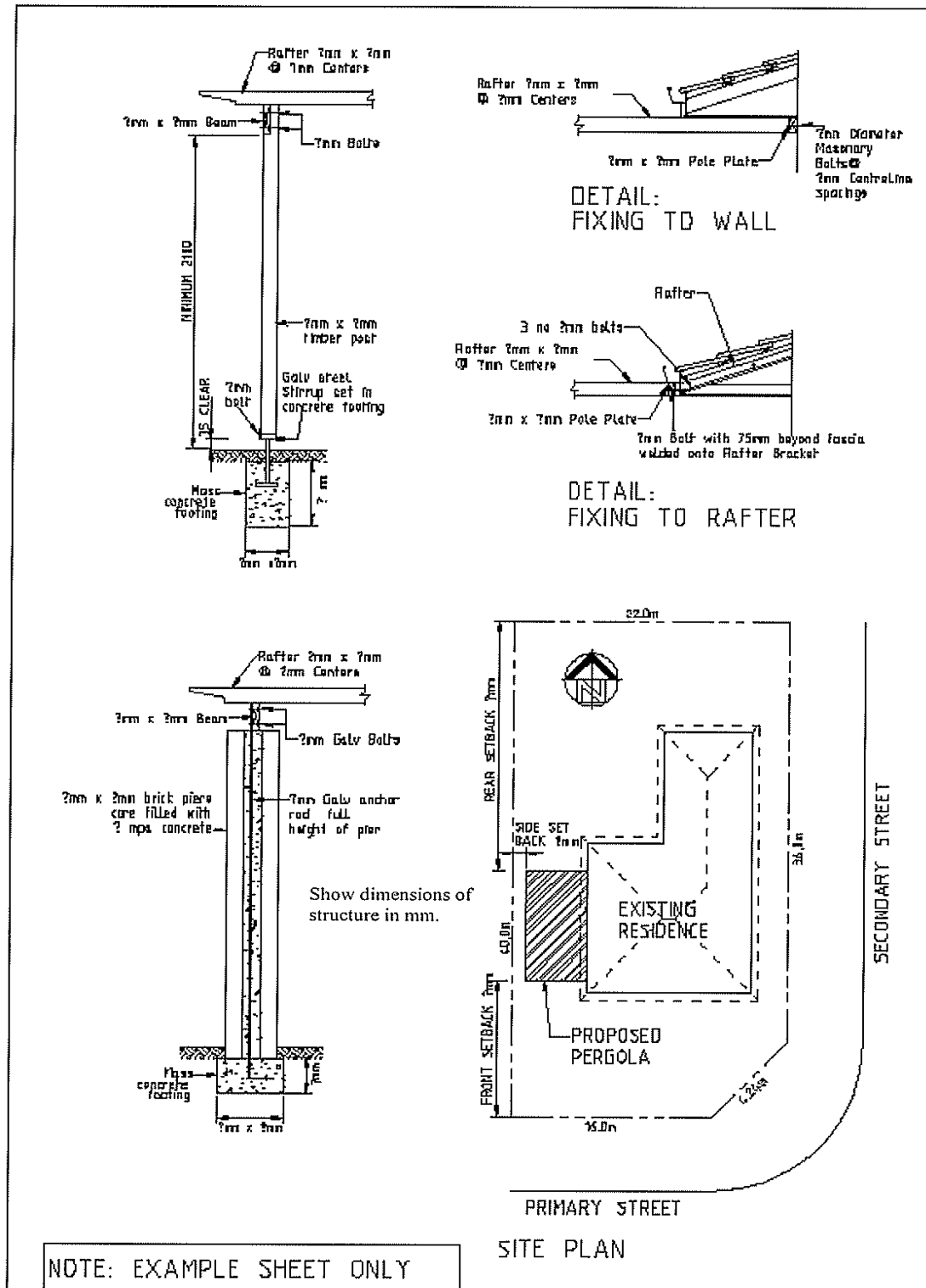
## Applications can be lodged:

- In person at the City of Belmont, 215 Wright Street, Cloverdale;
- By mail to City of Belmont, Locked Bag 379, Cloverdale WA 6985;
- Online via the City's Planning & Building Online Application portal (please check the City's website for further information).

## Useful Links

- Department of Local Government, Industry Regulation and Safety (Building & Energy)  
<https://www.wa.gov.au/organisation/building-and-energy/building-and-energy>
- WA Department of Planning, Lands and Heritage – Residential Design Codes  
<https://www.wa.gov.au/government/document-collections/residential-design-codes>

## Patio, Pergola & Shade Sail Example Sheet



**For further information, please contact the City of Belmont on 9477 7222**