

Open Structures: Alfresco, Gazebo, Patio, Pergola, Portico, Shade Sail, Verandah, Vergola

Definitions

Alfrescos, Gazebos, Patios, Pergolas, Porticos, Shade Sails, Verandahs, Vergolas (open structures) or the like are used to provide shade to outdoor areas on residential and some commercial properties.

A patio or the like are unenclosed (open on two or more sides) structures with an impervious roof covering (material that doesn't allow water to pass through for example, colourbond or polycarbonate sheeting), which may or may not be attached to a house.

A shade sail is a piece of permeable fabric that is fixed to timber or metal posts to provide shade to an outdoor area. **Note:** A shade sail made of impervious fabric (i.e. impenetrable to water) is classed as a patio.

A pergola is an open-sided structure that is supported by columns or posts. It generally has an open roof or a permeable roof cover (e.g. shade cloth). A pergola may be freestanding or attached to the dwelling.

The [National Construction Code](#) (NCC) classifies these structures as being of Class 10a.

Is a Building Permit required for a Patio or Shade Sail?

The Department of Mines, Industry Regulation and Safety (DMIRS) has established that certain Building Works are exempt from requiring a Building Permit.

Building work for which a Building Permit is not required is stated in Schedule 4 clause 2 of the *Building Regulations 2012*.

A Building Permit is NOT required for a Patio or Shade Sail where the construction, erection, assembly or placement of a freestanding Class 10a building that –

- (a) has a floor area of 10m² or less; and
- (b) is no more than 2.4 metres in height; and
- (c) is not located in a wind region C or D as defined in Australian Standard AS 1170.2.

Please refer to the Building Regulations 2012.

Is a Building Permit required for a Pergola?

A Building Permit is NOT required for a Pergola as stated in Schedule 4 clause 2 of the *Building Regulations 2012* where the construction, erection, assembly or placement of a pergola associated with a Class 1 building that –

- (a) is no more than 2.4 metres in height; and
- (b) is not located in a wind region C or D as defined in Australian Standard AS 1170.2; and
- (c) covers an area not exceeding 20m².

Please refer to the Building Regulations 2012.

Note: Where a Building Permit is not required, the building or incidental structure must still comply with the building standards, local laws and planning policies that apply during the period of construction.

Is Planning Approval required for open structures (Development Approval)?

A Planning / Development Approval is required for development that does not comply with the Residential Design Codes or the Town's Residential Design Guidelines or located in a heritage-protected place. If you would like clarification if a proposal would require Development Approval, you can contact the Town's Planning Services on 9339 9339 and ask to speak with the Planning Officer.

Can I build or alter an Open Structure as an Owner-Builder?

Yes, owner builders are allowed to construct open structures. If the construction value is over \$20,000, you will need to apply to the Building Services Board at the Department of Mines, Industry Regulation and Safety (DMIRS) for an [Owner-Builder application](#). Once approved, you will receive an Owner-Builder Certificate. A Building Permit cannot be issued for building works that are over \$20,000 unless an Owner Builder Certificate has been received or a registered Builder has been contracted to do the building work.

Do I need a Structural Engineer's Certification for the proposed Open Structure?

Yes, you will need to have the proposed Patio, Shade Sail or the like, checked, certified and signed by a practicing, professional Structural Engineer.

Who can lodge the Building Permit application?

The property owner or the Builder / Agent can lodge the Building Permit application.

How long will my Building Permit application take to process?

Certified Applications must be processed within 10 working days of it being lodged with the Town. If additional information is required, the applicant will be given 21 calendar days to provide the information. The Town then has the balance of the remaining 10 working days in which to provide a determination.

Uncertified Applications must be processed within 25 working days of it being lodged with the Town. If additional information is required, the applicant will be given 21 calendar days to provide the information. The Town then has the balance of the remaining 25 working days in which to provide a determination.

What is the difference between certified and uncertified applications?

A Certified Application has had its assessment completed by a private Building Surveyor and has been issued with a Certificate of Design Compliance. Certified Applications must be submitted complete with all prior approvals (including Development Approvals). The Town will issue a Building Permit for the proposed structure.

An Uncertified Application is submitted to the Town for a full assessment. The Town will issue a Certificate of Design Compliance and a Building Permit for the proposed structure.

What do I need to submit if I need a building permit?

Certified Applications:

- Completed [BA1 application form](#).
- Completed Certificate of Design Compliance that has been signed by the registered Building Surveyor.
- One copy of all referenced documents as stated in the Certificate of Design Compliance.
- Building and Construction Industry Training Fund and Levy (BCITF) form or copy of BCITF receipt (required where estimated costs of building or construction exceeds \$20,000 incl. GST)

Uncertified Applications:

- Completed [BA2 application form](#).
- 1x copy of a site plan. The site plan must be drawn at a minimum scale of 1:200, showing the distance the proposed structure will be setback from the lot boundaries and any other structures on the lot.
- 1x copy of the floor plan / elevations / sections drawn at a minimum scale of 1:100, showing all dimensions.
- 1x copy of construction details showing materials to be used, their respective sizes, spacing and spans.
- 1x copy of connection details to the existing main roof frame and anchorage to footings, including dimensions.
- 1x Structural Engineers details.
- Building and Construction Industry Training Fund and Levy (BCITF) form or copy of BCITF receipt (required where estimated costs of building or construction exceeds \$20,000 incl. GST)

What are the fees for the Building Permit application?

The fee is based on the estimated value of construction, minimum \$171.65. If the value is more than \$20,000, please refer to the [Fee Calculator – Planning & Building](#).

Payment of an Infrastructure Bond is required for all Building and Demolition Permits issued.

Effective October 2021