



Building Fact Sheet:

Open Structures:

Alfresco, Carport, Gazebo, Patio, Pergola, Portico, Shade Sail, Vergola, Verandah or the like – Class 10a

- **Application for Building Permit – Certified - Form BA1 and**
- **Application for Building Permit – Uncertified - Form BA2**

For more information on building an open structure in the City of Melville, visit our [Building a Patio, Pergola or Shade Sail](#) page on our website.

Definitions

Alfresco's, Carports, Gazebo's, Patio's, Portico's, Shade Sails, Vergola's, Verandah's or the like, (defined as Open Structures for the purpose of this Fact Sheet) are used to provide shade to outdoor areas on residential and some commercial properties.

A patio, carport 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 eg. Colorbond 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. **Note:** A pergola with an impervious roof covering (eg. colorbond or polycarbonate sheeting) is classed as a patio.

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

Frequently Asked Questions

Is a Building Permit required for a Patio, Carport 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, Carport 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.

Is there anyone else who I should consult with if I'm not sure whether a Building Permit is required?

The City's Building and Engineering Services, and the Water Corporation, should be consulted prior to commencing any works to ensure that the proposed development does not require a Building Permit, and to ensure that there is no affect on the Water Corporation exists sewer line and the City's existing stormwater drainage lines.

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. If it is anticipated that standards may change during the construction period, the owner can apply for a Building Permit to fix the standards to the date of application.

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 City's Local Planning Policies. If you would like to clarify whether a proposal would require Development Approval you can contact the City's Planning Services by calling the City on 9364 0666 and asking to speak with the duty Planning Officer. Alternatively if you would prefer a response in writing you can apply for Written Planning Advice to confirm if your development requires a Planning Approval or not. For more information on whether or not you require a Development Approval, or for more information on Written Planning Advice please visit the City's website.

Can I build or alter an Open Structures 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-Builders 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, Carport, 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. The Builder and all owners must always sign the application for a Building Permit.

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 City's Building Services. If additional information is required, the applicant will be given 21 calendar days to provide the information. The City 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 City's Building Services. If additional information is required, the applicant will be given 21 calendar days to provide the information. The City then has the balance of the remaining 25 working days in which to provide a determination.

What are the fees for a Building Permit application?

For application fees, please refer to the "Building Permit Fee Schedule" on the City's [website](#).

Do I need to pay for all of the fees when I lodge?

Customers must have all information required to lodge (refer to the building or planning application checklists), including full payment. Split invoices cannot be issued, however, part payment can be made by credit card (or CC authorisation form) and a cheque (this may apply for Verge Bond payments).

Can I provide large paper copy plans when I'm lodging?

When lodging in person or via post, the City does not accept more than 10 copies of plans that are larger than A3 in size. Any more than 10 are required to be on a pen-drive or usb for downloading.

What plans and specifications do I need to lodge with a certified application for a Building Permit?

A completed Application form for a Building Permit – Certified (Form [BA1](#)) along with:

- A Certificate of Design Compliance ([BA3](#)) that has been signed by the registered Building Surveyor;
- Copies of all the approved plans, specifications and technical documents as stated in the Certificate of Design Compliance;
- Any other approvals required.

Please note the Housing Indemnity Insurance Certificate is only required when the value of works is over \$20,000 and the Patio/Verandah roof is constructed as part of the main roof to the house.

What drawings, plans, and specification do I need to lodge with a certified or uncertified application for a Building Permit?

Note: The following is a list of the minimum requirements to lodge for a **Certified Building Permit Application "BA1"** or for an **Uncertified Building Permit Application "BA2"** to successfully pass the City's validation process. Please also use the Checklist provided to help you lodge your application.

You may later be asked for a formal request for additional further information by a Building Surveyor, in which you will have 21 calendar days to provide, to facilitate the audit process.

By providing this information you will enable the City's Building Services to process your application in a timely and efficient manner.

1. **Application for Building Permit – Certified - Form [BA1](#)** – Application forms are available from the Department of Mines, Industry, Regulation and Safety (DMIRS) <https://www.commerce.wa.gov.au/publications/ba1-application-building-permit-certified>

OR



Application for Building Permit – Uncertified - Form BA2 – Application forms are available from the Department of Mines, Industry, Regulation and Safety (DMIRS) <https://www.commerce.wa.gov.au/publications/ba2-application-building-permit-uncertified>

Application forms are required when submitting your application online as well as over the Planning and Building Counter at the City or via the Post.

2. **Construction Trust Fund Levy Form (CTF) or CTF receipt** – The Construction Trust Fund (CTF) is only required to be paid for applications with a contract value that is over \$20,000 (cost of construction including GST). You may pay directly to CTF and provide a receipt as proof of the payment. CTF forms are available from CTF <https://ctf.wa.gov.au/>
3. **Owner-Builder Approval / Certificate** – Before an owner can undertake any proposed works over the value of \$20,000 as an owner-builder, that owner is required to apply for approval from the Building Services Board of the Building Commission (Department of Mines, Industry Regulation and Safety - DMIRS). (NOTE: The City does not accept completed owner-builder application forms). The owner-builder application form and information can be obtained by visiting the Building Commission's website at <https://www.commerce.wa.gov.au/building-and-energy/owner-builder-application>
4. **Certificate of Title and Diagram of Survey** – A copy of the Certificate of Title and Diagram of Survey is required for all applications. This is to include a copy of any Plan or Diagram depicting any easement on the property and must be no older than 12 months.
5. **Checklist for Open Structures - Class 10a** – Attach a signed copy of the Checklist when lodging the application as proof that you have provided all the required information.
6. **Building Permit Application Fee** - The fees payable are based on the estimated value of the building work / contract price (including GST). The value of the works must include all material costs, labour costs, necessary services, fees payable, overheads, and profit margin (as stated in the *Building Regulations 2012 Schedule 1 and 2*). Building Permit Fee Schedule <https://www.melvillecity.com.au/planning-and-building/lodge-and-track-planning-and-building-applications>
7. **Verge Bond Fee** – This fee payable is for Building Permit applications over \$20,000. The Verge Bond is required to be payable for all swimming pool and Demolition applications regardless of the value.
8. **Home Indemnity Insurance Certificate** – Original copy of the Home Indemnity Insurance Certificate under the provisions of the *Home Building Contracts Act 1991* from an approved insurer.

(NOT required for Open Structures with the value of works less than \$20,000 and not part of the main roof frame for the house.

(NOT required for Owner – Builders)
9. **Planning / Development Approval** – Planning Approval or Written Advice issued by the City of Melville's Statutory Planning Services for the proposed development (if applicable).
10. **BA20**
 - a) Completed BA20 from the owners of the adjoining properties if the proposed building work adversely affects the land beyond the boundaries. This is to ensure that there is compliance with s 77 and 77 of the *Building Act 2011*.



AND / OR

BA20A

- b) Completed BA20A if building work affects a party wall, removal of fences and gates or access adjoining land to do the work in compliance with s 78, 79, 80, 81, 84 and s 85 of the *Building Act 2011*.

11. Certificate of Design Compliance “BA3” for Certified BA1 Applications

- **Certified Application** - Provide a Certificate of Design Compliance (CDC) BA3 that is signed by a registered Building Surveyor specifying the relevant Drawings, Specifications and Technical Documents for each proposed structure and confirming compliance with the National Construction Code (NCC) / Building Code of Australia (BCA) and all referenced standards. Ensure that all documents stated on the Certificate of Design Compliance, (Drawings, Specifications and Technical Certificates) are attached in order as stated on the CDC and lodged with the application. The CDC will need to accompany the application for a Building Permit Certified Form BA1.

OR

- **Uncertified Application** – An uncertified application is where your application is made directly to the City who will undertake the assessment for compliance with the Building Code of Australia and issue a Certificate of Design Compliance BA3. An uncertified application must be made with a BA2 form. A Certificate of Design Compliance BA3 is not required for an uncertified building application.

12. Architectural Plans / Drawings (with scale) – The plans to be submitted must be legible and to an architectural / draftsman standard. Plans are to include the following:

- a) **Site Plan** with levels and stormwater drainage system (minimum scale 1:200);
- b) **Floor Plans** (minimum scale 1:100);
- c) **Elevations** (minimum scale 1:100); and
- d) **Cross Sectional View** (minimum scale 1:50).

The plans are required to be at scales of 1:50 or 1:100 (1:200 for site plans) and not less than A4 sheet in size.

Please do not re-submit stamped Planning / Development Approvals plans for Building Permit Applications. A new, matching set of plans are to be provided.

13. Termite Management Certificate – A Certificate from a Certified Pest Company or evidence that the open structure is not susceptible to termite attack.

14. Structural Engineers Plans and Details (with scale) – A copy of the plans designed and endorsed (certified / signed) are to be provided from a practicing Structural Engineer. These Engineer's plans are to include the following:

- a) **Footing and / or Slab Details** (minimum scale 1:50);
- b) **Structural Beams** (minimum scale 1:50);
- c) **Roof Construction / Tie Down Details / Fixings** (minimum scale 1:50);
- d) **Retaining Walls Details** where applicable (minimum scale 1:50).

Please also use the Checklist to help you lodge your application.

For further information please access the [City of Melville's](#) website or the [Department of](#)



[Mines, Industry Regulation and Safety](#) website.

Disclaimer

This fact sheet is provided as generalised information and advisory in nature with all due care as to its accuracy. However, the City does not warrant or represent that it is free from error or omission. While the aim is to keep the content of this document current and accurate, the City of Melville accepts no responsibility or warranties for actions based on the information provided. The City of Melville encourages you to seek professional advice before acting on any information contained in this document. The City may make changes to the information at any time and without notice. Further information for the application may be required as part of the audit / assessment process and may be requested once the application has been lodged with the City. Please contact the City of Melville if you wish to comment on the forms provided and information contained within. Any reported errors will be amended. This fact sheet is considered to be correct as at June 2020.