

**Title:** Awnings, Balconies And Verandahs On Council Property  
**Policy No:** 20  
**Responsibility:** Director Technical Services

Version	Decision Number	Decision Date	History
1	17\1745	23/06/97	Adopted
2	19\4604	12/06/07	Reviewed
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### DEFINITIONS

- Awning** 1. a canvas or similar material stretched on a frame and used to shade a shop window, doorway or other area from the sun or rain.
- Balcony** 1. a balustraded platform on the outside of a building with access from an upper floor door or window.
- Verandah** 2. (Aus And NZ) a roof over a pavement in front of a shop. (Oxford Dictionary. 1990)

### OBJECTIVES

To encourage the construction of **awnings** and **verandahs** over public footpaths by property owners and developers within the Central Business District and other specified commercial precincts for the comfort and amenity of pedestrians.

To allow **awnings** and **verandahs** over Council footpaths to be considered for any business-zoned property (B1 - B5) within the Municipality of Darwin, and to enable such structures to be constructed where warranted by the merits of the proposal.

To allow **balconies** over a Council-owned public place to be considered for specific precincts and malls within the Municipality of Darwin, and to enable such structures to be constructed where warranted by the merits of the proposal.

To enhance the pedestrian amenity of footpaths, provide weather protection and flexibility to business premises, and to encourage development in a tropical architectural style; without compromising public safety, street tree planting programs, pedestrian corridor networks or the visual amenity of the streetscape in terms of scale, colour, materials or character.

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POLICY

- 1) Awnings and verandahs shall be encouraged with new developments and the refurbishment of existing premises within the following commercial precincts:-
  - Darwin Central Business District,
  - Parap Shopping Village,
  - Nightcliff Shopping Centre, and
  - any other commercial precincts that Council decides to include in this policy.
  
- 2) Approval for an awning or verandah in another commercial area shall be considered on merit if the structure is warranted, for example:-
  - if an awning or verandah is desirable to provide shade over an established pedestrian corridor.
  - if an awning or verandah is needed for weather protection, such as to shade produce or premises from excessive afternoon sun;
  - if an awning or verandah will facilitate a new and appropriate use of the building, such as outside table settings in appropriate locations.
  - if an awning or verandah is desirable for the visual amenity of the streetscape or to continue pedestrian amenity from adjacent structures.
  
- 3) Applications for habitable balconies over a public place shall only be considered if Council has freehold title to the land below the proposed structure, or is in the process of acquiring freehold title, following a Council decision. Currently, balconies will only be considered in the following public places:-
  - Smith Street Mall,
  - Parap Place within Parap Shopping Village,
  - Pavonia Way within Nightcliff Shopping Centre.

In the usual course, tenure to airspace above Council property will be offered via a standard airspace lease agreement prepared by Council.

In special circumstances, for example where the cost of stamp duty may be prohibitive, consideration will be given to offering the use of airspace via an easement on Council's title.

- 4) An awning, balcony or verandah should display excellence in building design to benefit the ongoing function and amenity of Darwin's commercial precincts, malls and public places. All structures shall be in harmony with the building to which they are attached and also with the adjacent built form. The architectural style shall reflect the structures presence in a tropical city and complement the existing or proposed streetscape.

- 5) An awning, balcony or verandah shall enhance the amenity of the passing pedestrian corridor, and shall not, in any way, erode the physical performance of the adjacent footpath or level of safety offered to pedestrians. Replaced and reinstated footpath shall comply with all relevant policy and guidelines.
- 6) An awning, balcony or verandah shall be designed to accommodate existing street trees, and provide for any street tree planting program that may apply.
- 7) An awning, balcony or verandah must comply with the objectives, policies and provisions of the Darwin Town Plan and applicable Land Use Objectives.
- 8) In certain precincts where specific strategies for pedestrian amenity are in place via Council policy or Land Use Objectives the Council may facilitate the construction of an awning, balcony or verandah by widening the footpath, narrowing the carriageway, or limiting the amount of vehicular traffic especially when such measures are consistent with adjacent developments.
- 9) Existing balconies over road reserve will be considered for endorsement by Council provided that they do not conflict with the objectives of this policy and satisfy the relevant requirements of statutory authorities.

Existing balconies should not be used for commercial purposes until an agreement pursuant to this policy is in place with Council.

- 10) Rental will be charged for commercially used space on balconies or under verandahs on an equitable basis and at rates comparable with other commercial users of Council managed property.
- 11) Council retains the right to seek the removal or modification of an awning, balcony or verandah should it become detrimental to the public good in any way.
- 12) All cleaning, maintenance and repair costs associated with the structure shall be borne by the property owner. This includes any additional cleaning of the footpath required as a result of structure and all costs associated with the removal of the structure at the end of its life or pursuant to above point 11.

#### PROCEDURE

**Assessment** - in assessing a proposal for the construction of an awning, balcony or verandah, the Council will consider the following criteria:

- all the preceding objectives and policies,
- compliance with the Darwin Town Plan,
- relevant strategies and recommendations from precinct studies or development guidelines, land use objectives and any other relevant precinct initiatives,
- the provision of full and unimpeded public right of way beneath the structure,
- the provision for ongoing maintenance and repair of the structure,

- ***and the following specific design and documentation requirements.***
- 1) **Design Requirements** - an awning, balcony or verandah must satisfy the following design and construction criteria:-
    - The design and construction of an awning, balcony or verandah shall be carried out in accordance with the Northern Territory Building Act and in compliance with all statutory authority requirements.
    - The design shall have architectural merit, contribute aesthetically to the streetscape and be complimentary to the adjacent built form.
    - The awning, balcony or verandah shall have a minimum height clearance of at least 3000mm above the footpath and shall be set back at least 450mm from the face of kerb. Lower clearances down to 2700mm may be considered for limited sections, for example at the outer edge of an awning.
    - Council generally prefers an awning, balcony or verandah to be self supporting. However, for larger span structures, columns may be approved if Council believes that they conform with the general appearance of the precinct.
    - Columns (if approved) shall only provide structural support to the awning, balcony or verandah, and not offer any support to the host building. The columns shall be at least 600mm from face of kerb and, notwithstanding this requirement, be generally aligned with any adjacent existing columns.
    - For all structures an unimpeded covered pedestrian corridor of at least 2000mm wide shall be provided. Wider corridors may be required in locations of high pedestrian movement.
    - Council prefers awnings and verandahs to be rigidly clad, however high quality flexible materials may be used if council considers that they will enhance the appearance of the precinct and provide an appropriate level of service.
    - All materials shall have a minimum service life of 20 years except for special materials such as fabric which will require a service life of 10 years.
    - Habitable balconies shall be designed and constructed to ensure that no loose material or fluids can fall onto pedestrians passing below.
  - 2) **Documentation requirements** - the following documentation must be prepared and submitted at the applicant's expense and to the satisfaction of Council:
    - the applicant shall submit a clear and dimensioned site plan and architectural elevations of the proposal for Council's approval of the concept.
    - on Council approval, the applicant shall comply with all planning, building and service authority requirements and submit 3 copies of the certified building plans to Council for endorsement.
    - in the case of an awning and verandah, the property owner shall enter into a standard 'agreement to occupy' with Council in respect of all or any part

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of an approved structure on Council owned or managed road reserve or public place.

- in the case of a balcony, the property owner shall enter into a standard 'airspace lease agreement' with Council in respect of all or any part of an approved balcony over a Council-owned public place; and the applicant shall provide a volumetric or 3D survey plan compliant with the Surveyor General's requirements for attachment to the lease agreement.
- the applicant shall indemnify Council against any claims that might arise from the construction, presence or use of the proposed structure.
- a road opening permit is needed from Council prior to commencing works in a Council-managed road reserve or on Council-owned land.