

Title:	Awnings, Balconies and Verandahs on Council Property
Policy No:	037
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1	20\2501	23/02/2010	Adopted
2	21\2543	26/08/2014	Adopted

1 Policy Summary

This Policy documents the requirements and application procedure for construction of Awnings, Balconies and Verandahs over Council owned public space to support pedestrians by providing sufficient shade and weather protection in streets.

2 Policy Objectives

The Key objectives are to guide owners and developers to:

- Enhance pedestrian amenity of footpaths
- Provide shade and weather protection to pedestrians
- Provide better security
- Provide flexibility to business premises
- Provide continuous pedestrian corridor networks

3 Background

For reasons of pedestrian comfort and urban amenity awnings, balconies and verandahs are seen as desirable from a planning perspective. However in many instances these will encroach onto and over Council property, particularly the road reserve. Council considers applications as the owner of property being encroached upon with regard to amenity, loss of value, liability and the like.

4 Policy Statement

- 1) Awnings and verandahs shall be encouraged with new developments and the refurbishment of existing premises primarily in:
 - The Darwin Metropolitan Area, including CBD
 - Urban Activity Centres

- Commercial precincts catering for high pedestrian numbers, and / or shopfronts and showrooms accessed from the footpath within the road reserve.
 - High density residential buildings
 - Other developments where suitable
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 - 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 alfresco and outdoor dining areas.
 - if an awning or verandah is desirable for the visual amenity of the streetscape or to continue pedestrian amenity from adjacent structures.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) An awning, balcony or verandah shall be designed to accommodate existing street trees, and provide for any street tree planting program that may apply.
- 6) An awning, balcony or verandah must comply with the objectives, policies and provisions of the NT planning Scheme.
- 7) 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.
- 8) Commercial use of the space under an awning or verandah, or on a balcony, will be subject to the relevant fees.

- 9) Council retains the right to seek the removal or modification of an awning, balcony or verandah should it no longer meet the requirements of this Policy.
- 10) 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 the structure and all costs associated with the removal of the structure at the end of its life or pursuant to above point 10.

Requirements for Assessment

Prior to any construction of an awning, balcony or verandah, approval must be obtained from the City of Darwin.

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 NT Planning Scheme,
- 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
- design and documentation requirements.

Design Requirements - an awning, balcony or verandah must satisfy the design and construction criteria detailed within Council's Standard Drawings and the following.

- The design and construction of an awning, balcony or verandah shall be carried out in accordance with the Northern Territory Building Act, relevant Australian Standards 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 suitable, energy efficient lighting that caters for pedestrians, but does not disturb surrounding residences.

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.
- 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 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 works permit is needed from Council prior to commencing works in a Council-managed road reserve or on Council-owned land.

5 Legislation, terminology and references

Policy No. 042 – Outdoor Advertising Signs Code

Policy No. 048 – Footpaths

Standard Drawing - Awning, Balconies and Verandahs

Legislation

The NT Planning Scheme state "buildings in Central Darwin are to provide awnings to streets for the full extent of the site frontage".

Terminology

Awning a cantilevered horizontal or predominantly roof-like structure projecting from a building and providing shelter to the footpath.

Balcony a horizontal projecting platform on a building (whether cantilevered or supported on posts) enclosed by a balustrade and accessible from an upper floor.

Verandah an awning supported on posts rather than cantilevered.

Darwin Metropolitan Area is the Darwin region consisting of a densely populated urban core and its less populated surrounding regions sharing industry, infrastructure and housing.

Urban Activity Centres are urban area where there is a concentration of commercial and other land uses.

6 Implementation and delegation

Awning, Balcony or Verandah plan approvals are the responsibility of the City Futures Department. The finalising of terms and conditions, and monetary value between the owner and City of Darwin are the responsibility of City Performance.

7 Evaluation and review

This policy should be reviewed once in the term of each Council or more often as required.