7.10 Street Awnings and Balconies

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provision of this section.

Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.

Development (type/s) to which this section applies

This section applies to all development consisting of awnings or balconies over the road reserve.

Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

- Nil

Associated technical manual/s

- Nil

Additional information

- Nil

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary of this plan.

Aims of this section

1. To establish criteria for the assessment of development applications relating to street awnings and balconies.

2. To ensure street awnings and balconies meet appropriate design standards.

3. To encourage the provision of street awnings and balconies in appropriate locations.

7.10.01 Street awnings over public roads

Objectives

1. Enhance the pedestrian amenity of streets in commercial areas.

2. Achieve shade and weather protection over public footpaths in commercial centres or other pedestrian-oriented locations.

3. Ensure street awning designs are of a high architectural merit, are consistent with surrounding streetscape elements, reduce visual clutter and provide visual continuity to the streetscape.

4. Encourage the conservation, restoration, reconstruction or reinstatement of street awnings that are of heritage significance.

5. Ensure street awning designs provide reasonable levels of natural and/or artificial lighting to footpaths and to ground floor spaces within buildings.

6. Ensure that street awnings do not present any unacceptable risks to public safety.

7. Ensure that the placement and design of street awnings does not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation.

Controls

1. Street frontage developments in commercial centres or other pedestrian-oriented locations to provide street awnings, subject to the following considerations:

   (a) compatibility with streetscape, architectural and heritage considerations

   (b) the volume of pedestrian traffic passing the site

(c) the level of amenity that provision of street awnings would provide

(d) existing street awnings in the vicinity

(e) compatibility with existing or potential future street trees

(f) compatibility with the scale and architecture of the building.

2. The form and design of street awnings:

(a) unifies the streetscape rather than being a response to the individual host building

(b) do not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation

(c) extends across the entire building frontage

(d) are compatible with the host building and surrounding streetscape, having regard to architectural style, form, finish, heritage significance and provision of continuous weather protection

(e) employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter

(f) may include design articulation to modulate long awnings, identify entrances and provide architectural expression

(g) are of a suspended design, but a post-supported design may be used where necessary to achieve compatibility with existing post-supported street awnings in the immediate vicinity, or to conserve, restore, reconstruct or reinstate an existing or former awning having heritage significance (heritage report required)

(h) are generally of a traditional suspended design (with fascia) in existing commercial areas, although a contemporary suspended design (typically without fascias and with exposed structural elements) may be used where the building form is contemporary

(i) ensure the outer edge of the fascia is continuous with adjacent street awnings, is parallel to the kerb and incorporates cutout segments to accommodate trees, where appropriate

(j) advertisements, if required, are also to be integrated into the design.

7.10.02 Street balconies over public streets

Objectives

1. Ensure street balconies only occur where compatible with the existing streetscape and architecture and heritage and public interest considerations are accommodated.

2. Allow balconies on new buildings only where there is a clear justification based on site development constraints or urban design criteria.

3. Ensure Council, as the land owner of the public road, receives revenue, as appropriate, from the use of public land.

4. Encourage the conservation, restoration, reconstruction or reinstatement of street balconies that are of heritage significance.

5. Ensure that street balconies do not present any unacceptable risks to public safety.

6. Ensure that the placement and design of street balconies does not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation.

Controls

1. Street balconies will generally be permitted where they:

   (a) are compatible with streetscape, architectural and heritage considerations

   (b) do not compromise public interest considerations relating to the private occupation of public space.

2. The street balcony is to:

   (a) conserve, restore, reconstruct or reinstate an existing or former street balcony that has heritage significance (a heritage report is required including relevant documentary evidence), or

   (b) be compatible with an existing streetscape in which street balconies are an established feature, or

   (c) in the case of restaurants or similar, create a semi-public space that provides enhanced views over foreshore, scenic or pedestrian-focused locations without detracting from the architectural, heritage or streetscape qualities of the building or locality.

3. Form and design of a street balcony:

   (a) The form and design of a street balcony should:

      (i) respond to streetscape conditions

      (ii) complement the architectural style and heritage significance of the host and nearby buildings

      (iii) not interfere with street trees, utility services, traffic signs, traffic signals, or vehicle or pedestrian circulation.

   (b) Proposals will generally only be approved where:

      (i) the design is compatible with the host building and surrounding streetscape, having regard to architectural style, form, finish, heritage significance and provision of weather protection

      (ii) the street balcony is at the first floor level, although proposals to conserve, restore, reconstruct or reinstate an existing or former street balcony that has heritage significance may be at the first floor or second floor level

(iii) the street balcony above the first floor level is endorsed by Council's Urban Design Consultative Group as part of the development application assessment process (encroachments are generally limited to a width of 1m)

(iv) a street balcony above the first floor is provided only where an awning exists or is proposed as part of the development

(v) the design employs uncomplicated, regular forms with simple detailing and concealed conduits to reduce visual clutter

(vi) the street balcony is of a suspended design, although a post-supported design may be used where necessary to achieve compatibility with existing post-supported street balconies in the immediate vicinity, or to conserve, restore, reconstruct or reinstate an existing or former balcony having heritage significance (heritage report required)

(vii) there is no enclosure by solid walling, glazing or louvres, other than verandah ends that demarcate adjoining street balconies

(viii) there is no enclosure by roofs or canopies, except where necessary to achieve compatibility with existing nearby balconies, or to conserve, restore, reconstruct or reinstate an existing or former balcony having heritage significance (heritage report required)

(ix) balustrades are of an open design that does not obscure the architectural character of the building or increase its apparent bulk.

7.10.03 Design requirements for awnings and balconies

A. Dimensions

Objectives

1. Ensure awnings and balconies are functional and compatible with the streetscape.

Control

1. Depth of street awnings from the facade of buildings are at least 2,000mm or shall extend to within 600mm of the kerb in the case of footway formations less than 1,400mm.

2. The fascia is set back at least 600mm from the kerb.

3. Posts (where permitted) are set back at least 750mm from the kerb.

4. Additional kerb clearances are provided where necessary to accommodate traffic signs, signals, trees or traffic conditions.

5. Posts are located so that they meet the requirements of relevant public utility agencies.

6. The soffiet is at least 3,000mm above the footpath.

7. The lowest part of the fascia is at least 2,700mm above the footpath.

8. The underside and fascia is continuous with adjoining street awnings and/or balconies.

9. On sloping sites, street awnings step down in horizontal steps to follow the slope of the street. Steps for design articulation are a maximum of 700mm.

10. Roof and ceiling pitch for awnings is generally horizontal, up to 6 degrees maximum.

11. Additional kerb clearances for awnings or balconies located on road corners provided as required where taller vehicles (such as heavy vehicles) may bank when turning, particularly where there is a significant cross fall on the road.

B. Structural design and public safety

Objectives

1. Ensure the structural design is adequate for public safety.

Control

1. Structural design is sufficient to avoid unacceptable risks to public safety, including risks arising from obstruction to pedestrians, structural failure, collision by vehicles, fire, storms or earthquake.

2. Street awnings and balconies are structurally capable of withstanding all likely loads, including self loads, live loads, impact loads, lateral wind loads and loads experienced during storms and seismic events.

3. Post-supported street awnings and balconies are capable of retaining structural integrity in the event of removal of any one post or, in the case of locations with high traffic hazard (such as corner lots), in the event of simultaneous removal of all posts.

4. Structural design is certified by a qualified practising structural engineer as being compliant with the *Building Code of Australia*.

5. Construction materials satisfy the fire resistance requirements of Specification C1.1, cl 2.4 of the *Building Code of Australia* (Vol. 1).

6. Posts are constructed from non-combustible materials or hardwood satisfying Class 1 or Class 2 durability as specified in 'AS 1684 Timber Framing Code', with a minimum cross-sectional dimension of 150mm x 150mm.

7. Street awnings and balconies built over an exit doorway from a fire-isolated stairway are constructed of non-combustible materials.

8. Footings and plinths for post-supported awnings and balconies are concealed beneath the footway, or be integrated into the design of the post so as to avoid hazards to pedestrians.

C. Glazing

Objectives

1. Ensure the glazing is appropriate for safety, amenity and character.

Controls

1. Where installed on awnings, glazing is designed to:

   (a) create adequate natural lighting beneath street awnings and within the ground floor of the building

   (b) avoid excessive glare and heat gain beneath awnings

   (c) provide adequate durability

   (d) avoid unsightliness created by dust and windblown material.

2. Glazing consists of glass skylights within a predominantly opaque roof - fully glazed awnings are generally not acceptable due to glare and the need for regular cleaning.

3. Glazing complies with 'AS1288 Glass in Buildings - Selection and Installation'.

Note: acrylic, polycarbonate and other plastics are not sufficiently durable.

4. Glass used is clear or very lightly tinted, and shall be patterned in a fritted, seraphic or other durable glass finish that will mask dust.

5. Glazed portions do not exceed one third of the total awning depth, except at significant locations such as entrances.

6. The position of glazed portions responds to the architectural design of the ground floor, such as by alignment with windows or columns.

D. Lighting

Objectives

1. Ensure that appropriate lighting is provided for public safety.

Controls

1. Lighting is provided below street awnings and balconies to supplement existing street lighting and 'spill' lighting from shopfronts.

2. Lighting complies with requirements for pedestrian areas in *AS/NZS 1158 Lighting*.

3. Lighting is recessed into the awning undersurface, and all associated wiring and conduits are concealed.

4. Light fittings are readily accessible to facilitate regular maintenance.

E. Drainage

Objectives

1. Ensure appropriate drainage is provided for street awnings.

Controls

1. Provision is made for the drainage of street awnings in a manner that does not interfere with pedestrian or vehicle traffic, nor create unsightliness.

2. The awning roof drains towards the building so as to avoid gutters and downpipes at the kerb line.

3. Gutters are constructed so as to be concealed from the footpath or as an integral component of the awning structure.

4. Downpipes are recessed into the ground floor frontage below a height of 2.7m from footpath level in new buildings.

F. Maintenance

Objectives

1. Ensure structures are easily maintained.

Controls

1. Provision is made for regular maintenance to ensure the continuing structural integrity and attractive appearance of the awning or balcony.

2. A maintenance plan is to be developed and include:

   (a) annual inspection of structural components

   (b) repainting every five years

   (c) regular maintenance to guttering and downpipes

   (d) regular cleaning and replacement of defective lighting, advertising or other deteriorated components of the awning

   (e) regular cleaning of awning glazing, where installed.

7.10.04 Use of public land

1. Private use or encroachment onto the public road or other public land for the provision of a balcony (or private occupation space) as part of the development shall incur a one-off user charge as a condition pursuant to Division 3 of Part 9 of the *Roads Act 1993.*

2. Council has the discretion to waive the fee where the development relates to a heritage item or is within a heritage conservation area and the proposed balcony is consistent with the heritage conservation principles.

3. The charge rate or fee shall be determined as the land area (m^2) times the land value ($/$m^2$), where the land area is the total area of encroachment over each level/floor and the land value is the value of the land as determined by the Valuer General for Council rating purposes.

   Note: The application of this formula shall be as per the following example:

   Area: $10m^2$

   Valuation: $500/$m^2$

   Charge rate or fee: 10 x 500 = $5,000

4. Council will consider applications to allow encroachments other than awnings and balconies on their individual merits. Any proposal would need to be justified in terms of urban design and public benefit and the development guidelines outlined in this document would apply as appropriate.

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