

AWNINGS POLICY

Reference number:	POL 050
Approval date:	17 October 2022
Policy owner:	Manager Development Assessment & Building Certification
Next review:	September 2025

The Wagga Wagga City Council area has many shops and commercial buildings that have awnings which project over public footways.

It is not compulsory for shops and commercial buildings to have awnings. However, they provide many benefits to the public, including protection from heat and rain, shading the premises and providing opportunities for advertising.

Some awnings are supported by steel tension rods connected to the building's fascia. These rods can fail over time for various reasons including corrosion, adverse wind and weather conditions, poor maintenance, illegal use and loading, build-up of debris inside the structure, failure at the façade or awning connection, impact by a motor vehicle, demolition of an adjoining building or awning and other reasons. The failure of a tension rod can result in an awnings collapse which can cause property damage, personal injury or death.

Many modern awnings are constructed with cantilevered beams which are integral to the structure of the building. Cantilevered awnings are much less likely to suffer catastrophic collapse. However, the legal obligations of the owner are identical to those of awnings with tension rods.

Purpose

The objectives of this policy are to:

- raise awareness of the need for owners to regularly monitor the safety of their awnings;
- implement an awnings awareness program framework for owners of awnings within the City of Wagga Wagga area;
- promote an increased level of protection of public health and safety by reducing the risk of harm, injury or death which may result from the failure of an awning overhanging the Council's footways.

Scope

The policy applies to all land within the City of Wagga Wagga area.

Policy Provisions

Approvals required for an awning may include a:

- consent for the purposes of complying with s 138 of the Roads Act, 1993
- development consent under the EPA Act for the erection or future continued use of an awning where required by the applicable planning controls, and
- building certificate under the EPA Act for existing awnings for which there is no record of a development consent for the erection of the awning.
- An application for a new awning is to comply with:
 - Australian Standard 1170.0 – Structural Design Actions – General Principles
 - Australian Standard 1170.1 – Structural Design Actions – permanent, Imposed and other Actions
 - Australian Standard 1170.2 – Structural Design Actions – Wind Actions

An application is also to comply with this Policy.

Policy Content

General

The owner of an awning is encouraged to obtain and provide to Council a structural engineering report from a suitable engineering expert demonstrating that the awning is structurally sound and safe:

- Upon adoption of this policy;
- on a recurrent five (5) year basis; and
- for all awnings more than 10 years old.

Council may require an owner to obtain structural certification from a suitably qualified engineering expert following a severe storm event, flood, fire or accident which damages the awning and in the opinion of the Council is likely to be unsafe.

Awnings owners are encouraged to comply with Practice Note 18 'Inspection and Assessment of Existing Tied Awnings', issued in July 2008 by the Association of Consulting Structural Engineers of NSW.

The owner of an awning is to bear the cost of any inspection of the awning for the purposes of this policy.

Council will make a notation on Section 10.7 Certificates for those properties that contain an awning, noting that:

- Awnings owners are encouraged to comply with Practice Note 18 'Inspection and Assessment of Existing Tied Awnings', issued in July 2008 by the Association of Consulting Structural Engineers of NSW; and
- all owners must comply with the provisions of this policy.

Implementation

The Council:

- intends to establish a 'base-date' record of all awnings over public roads;
- will identify the location and ownership of all existing awnings by searching the available records and undertaking street and other inspections where necessary or desirable; and
- will send a letter to all awning owners on an annual basis advising owners of their responsibility to maintain their awnings and have inspected those awnings for structural suitability on a regular basis.

Specific Provisions

Public liability insurance

The owner of an awning which overhangs a public footway/road reserve or space is required to ensure that they hold appropriate insurance to the value of \$20 million in respect of an awning noting the Council's interest as party on the certificate of currency.

Access to premises

The Council may enter premises supporting an awning in order to inspect and make an assessment of the structural adequacy and safety of the awning.

The Council has the power to enter premises for this purpose under ss 191 and 192 of the Local Government Act, 1993.

The Council may authorise persons other than Council officers for this purpose.

Legislative Context

Awnings are regulated under the following:

- Roads Act 1993 (Roads Act)
- Environmental Planning and Assessment Act 1979 (EPA Act)
- Local Government Act 1993 (LGA Act)

Revision History

Revision number	Council resolution	Council meeting date
1	Res No: 11/308	12 December 2011
2	Res No: 12/079	26 March 2012
3	Res No: 14/034	24 February 2014
4	Revision approval under General Manager delegated authority	24 February 2016

Revision number	Council resolution	Council meeting date
5	Res No: 17/279	28 August 2017
6	Res No: 22/354	17 October 2022