

Wagga Wagga City Council

AWNINGS POLICY

POLICY NUMBER	POL 050		
ORIGINAL APPROVAL DATE	12 December 2011		
RESPONSIBLE MANAGER	Manager City Development		
RESPONSIBLE SECTOR	Commercial Development		
<p>This document is to be reviewed: every four years or in the first twelve months of the new term of Council, whichever is the earliest Next review date: September 2020</p>			
Revision number	Issue Date	Council Resolution	Council Meeting Date
	November 2011	Res No: 11/308	12 December 2011
1	2 April 2012	Res No: 12/079	26 March 2012
2	November 2013	Res No: 14/034	24 February 2014
3	November 2015	E Team	24 February 2016
4	August 2017	Res No: 17/279	28 August 2017

PART 1: INTRODUCTION

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.

1.1 Policy Objectives

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 Wagga Wagga City Council 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.

1.2 Scope of Policy

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

1.3 Legal 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)
- NSW Planning Circular entitled “Safety of Awnings Over Public Lands”, dated 8 March 2013

1.4 Approval Requirements

Approvals required for an awning may include a:

- consent for the purposes of complying with s 138 of the Roads Act,
- 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.

PART 2: POLICY CONTENT

2.1 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 149(5) planning 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.

2.1.1 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.

2.2 Specific Provisions

2.2.1 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.

2.2.2 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.

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

Appendix 1 – Annual Awnings Awareness Letter

Contact: Insert Contact Officer

Ref: Annual Awnings Awareness Reminder

Date

Address Line 1

Address Line 2

Address Line 3

Dear Sir/Madam

Re: Safety of Awnings over Public Land

I am writing to you to bring your attention the potential safety issues related to awnings over public lands. This advice follows a recent circular to councils from the Department of Planning expressing concern over the safety of these structures.

Awnings are owned by the building owner to which the awning is connected. They remain the responsibility of the building owner despite overhanging a public footway.

Wagga Wagga City Council seeks to ensure that sufficient measures are in place and necessary steps taken to ensure that users of the footways within Wagga Wagga are protected from injury that may result from the structural failure of awnings. Awning failures generally occur as a result of there being no regular inspection and maintenance regime.

It is the owner's responsibility to ensure that appropriate action is taken to avoid the risk associated with potential collapse or failure of awnings. Accordingly, all building owners with awnings attached to their building, or overhanging a public place are encouraged to take appropriate action. This may include seeking legal advice on the potential liability for any failure or collapse of their awning.

To assist with reducing the risk and incidence of awning collapse, Council recommends that the gutters of awnings be cleaned of all leaf debris on a regular basis. The most appropriate time for removal of such debris is between May to August each year. During May to August of each year, awning owners will not be required to obtain a hoarding permit for the explicit activity of cleaning the gutters of awnings. Awning owners should reference the Safe Work Australia publication entitled "Managing the Risk of Falls at Workplaces" prior to undertaking any work at height in association with the cleaning of awnings. Please see the following link for further information –

http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/632/Managing_the_Risk_of_Falls_at_Workplaces.pdf

Awning owners can obtain further safety advice by contacting WorkCover direct, on 13 10 50.

Council would also strongly encourage owners of awnings, particularly those more than 10 years old, to have those awnings inspected by a professional engineer for structural adequacy. I would also request, that the results of any such inspection and any action taken as a result of such an inspection be communicated to Council.

If you have any further inquires in relation to this matter please contact (insert name) on 6926 9542, during normal business hours.

Yours sincerely
Manager Development Services