

## **AWNINGS, VERANDAHS AND BALCONIES ENCROACHING PUBLIC LAND**

### *Objective*

To protect the general public from incidents involving collapsing awnings, verandahs and balconies.

### *Scope*

All existing verandahs, awnings and balconies constructed over Council land and public footpaths.

### *Policy*

All verandahs, awnings and balconies are part of the building to which they are attached and are the responsibility of the owner of the building, even when located over a public footpath.

Council will keep a register of verandahs, awnings and balconies in Gilgandra Shire. The register will be updated every two years and include:

- the address of the building
- Lot/DP
- the owners name
- current contact details for the owner
- a photograph of the building and the structure over public land

After each review of the register, owners will be notified in writing of their responsibility to ensure their verandah, awning and/or balcony remains in good order in all conditions, including weather events such as high wind and storms.

Council will advise building owners:

- to seek legal advice about liability for failure or collapse of any part of their building,
- that verandahs, awnings and balconies more than 10 years old are more susceptible to failure and it is recommend that they be inspected by a professional engineer for structural adequacy

Building owners will also be encouraged to supply Council with any details of inspections or works in relation to their verandah, awning and/or balcony.

The notice and order provision under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993 will be utilised for buildings which show visible signs of deterioration or have been impacted by other spontaneous events (weather, traffic, etc).

Relevant Legislation

Environmental Planning and Assessment Act 1979  
 Local Government Act 1993  
 Roads Act 1993 s.142(1)

Associated Documents

NSW Department of Planning & Infrastructure: Planning Circular Circular BS 13-001  
 Issued 8 March 2013

<b>Responsible Officer:</b>	Director Growth and Liveability		
<b>Date Adopted:</b>	17/11/11, 20/3/18 19/3/19, 21/02/23, 18/02/25	<b>Resolution No:</b>	432/11, 48/18 38/19, 11/23 13/25
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