

## 2.48 Awnings, Verandahs & Balconies over Footways

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POLICY TITLE: AWNINGS, VERANDAHS & BALCONIES OVER FOOTWAYS

FILE REF: SC67

EXPIRY DATE: JUNE 2026

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### INTRODUCTION

This policy details the construction, management and maintenance requirements and responsibilities in relation to awnings, verandahs and balconies constructed over Council public roads, including footways.

### OBJECTIVES

- To ensure heritage value and the character of the streetscape is preserved.
- To ensure that such structures are safe with regard to pedestrian and vehicle movements (refer to standards and codes).
- That such structures constructed within Council's road reserve are done so with the approval of Council under Section 138 of the Roads Act 1993.
- To confirm the responsibility of property owners to maintain the safety, ongoing structural integrity and insurance of privately constructed awnings, verandahs and balconies over Council land.
- To encourage the erection of awnings, verandahs and balconies, to the extent that they are appropriate in the circumstances of each case.
- Raise awareness of the need for owners to regularly monitor the safety of their awnings.
- 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

This policy is to be applied to all awnings, verandahs and balconies constructed over public road and footways for which Council is the roads authority.

### REQUIREMENTS

Construction

#### Obligations to Applicable Road Authority

Control of public roads (including footways) is divided between Council and Roads and Maritime Services.

Prior to lodging any Development Application or Construction Certificate that includes a projection over Council public road or footway, the applicant needs to obtain advice regarding obligations to the applicable roads authority. In this respect the prospective applicant should contact Council's Engineering division.

#### Legislation

Construction of awnings, verandahs and balconies in association with commercial buildings; buildings that are listed or proposed heritage items; or buildings located in heritage conservation areas require approval under the following legislation:

- Approval under Section 138 of the [Roads Act 1993](#) (Roads Act);
- Development consent under the [Environmental Planning & Assessment Act 1979](#) (EPA Act);
- [Local Government Act 1993](#) (LG Act); and
- NSW Planning Circular BS 13-001 entitled "[Safety of Awnings Over Public Lands](#)", dated 8 March 2013 and Practice Note 18 Inspection and Assessment of Existing Tied Awnings, July 2008.

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### Approval Requirements

Approvals required for an awning may include a:

- Consent for the purposes of complying with s138 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
- Building Code of Australia.

An application is also to comply with this Policy.

### Management

### Legislation

Section 142 of the Roads Act 1993 specifies that any person who has a right to the control, use or benefit of an awning, balcony or verandah over Council public roads, including footways, has an obligation to maintain the structure in a satisfactory state of repair.

### Requirements

Council confirms the following:

1. The property owner is responsible to ensure the maintenance, safety and ongoing structural integrity and insurance of awnings, verandahs and balconies constructed over footways.
2. In the interests of public safety, it is recommended that the property owner arrange that an inspection be undertaken by a suitably qualified structural engineer to certify that the structure is structurally adequate and in good repair. It is recommended that this be undertaken at least once every 5 years.  
  
If any resulting replacement/alterations or maintenance works are required, Council approval may be necessary prior to commencement of any works (refer below).
3. Property owners are required to hold Public Liability Insurance (minimum \$20 million) over the awning, verandah or balcony and note Council's interests on the policy.
4. Council may request the property owner to provide proof of Public Liability Insurance and/or structural certification at any time and random checks will be undertaken as resources permit.
5. Council will maintain an awning register.
6. Council will remind property owners of their responsibilities via written notification on a five (5) year basis.

### Replacement/Alteration

Depending on the scope of works, replacements, alterations or additions to existing structures will require a development application to be submitted to Council.

### Maintenance

With regard to maintenance of the structure, the property owner is required to comply with the following:

1. Within 21 days of identifying any required maintenance, the property owner must seek approval from Council's Engineering department prior to commencement of any works.
2. Depending on the scope of works and impact on pedestrian safety and movement, Council's Engineering department may require the property owner to lodge an application to undertake the works under s138 of the Roads Act 1993.

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3. If, at any time, the structure is deemed unsafe, the property owner must contact Council's Engineering department within 24 hours of identification to obtain approval to barricade the structure and footway to ensure public safety. Application under s138 of the Roads Act 1993 will be required where deemed necessary by Council.
4. All maintenance and/or rectification works must be undertaken within a timeframe that is specified by Council.
5. All costs associated with rectification works, including any adjustments or rectification works resulting in damage to Council land or assets, or any other public utilities, will be borne by the property owner.
6. Where the maintenance/rectification works are not undertaken in a manner and within a timeframe acceptable to Council or if Council becomes aware of a defective awning, verandah or balcony, Council will take appropriate action to have the structure rectified under relevant sections of the Local Government Act 1993.

### POLICY ADMINISTRATION

The administration of this policy is the responsibility of Council's Engineering department.

*Adopted by Council – 19 June 2023  
Refer minute No. 104/23*

*Adopted by Council – 15 May 2017  
Refer minute No. 100/17*