

Contact: Development Compliance – Awning Certification
Ph: 9392 5000
Date: Sample Notification Letter

Inner West Council
7-15 Wetherill St
LEICHHARDT NSW 2040

Dear Sir/Madam,

**Re: Structural Certification of Awning / Balcony over Public Land
XYZ Parramatta Road ASHFIELD**
IWCRef: AWN/2200

Council is writing to you in relation to an awning or balcony attached to your building on land at the above mentioned address.

Why is Council writing to me regarding this matter?

As the property owner you are responsible for the structural adequacy of the building and any other structure attached, whether it overhangs the public footway or not.

Over a period of time awnings and balconies may become structurally weakened and in the absence of regular maintenance or repair, may pose a real risk to public safety.

For example, in 2007 a man was killed when the awning at the front of a shop in Balgowlah collapsed during a severe thunderstorm. As a result of the Coroner's Court findings, action was recommended to ensure the safety of awnings in public areas - recommending that safety inspections be conducted every five years.

In response to recommendations of the Coroner's Court, the NSW Department of Planning and Infrastructure released a circular concerning the safety of awnings over public lands.

The purpose of the circular was to raise awareness of safety issues and to seek cooperation to minimise risks of awning collapse.

What do I have to do?

Engage a NER registered structural engineer to inspect the awning or balcony and structures required for its support and provide a written report detailing:

The structural integrity of the awning, balcony and building elements required to support these structures.

1. The adequacy of the awning stormwater drainage system.
2. The date of the inspection.
3. Confirmation that you have considered information contained within *Practise Note No. 18 Inspection and Assessment of Existing Tied Awnings dated July 2008*.
4. Provide certification that the awning, balcony and building elements required to support the structures are structurally sound, fit for purpose and are adequate for the next five (5) year period.
5. If repair works are required a schedule of proposed works is to be provided to Council prior to any works taking place.
6. A copy of the report is to be provided to Council within two (2) months of the date of this letter.

What action will Council take if this request is not actioned?

In the event a response is not provided or information is received that an awning may be structurally unsound Council will have no alternative but to invoke its statutory powers, in the interest of the public, to address the risk. Regulatory action to have this issue addressed may include the issue of orders to carry out works, infringements of \$3,000 for individuals and \$6,000 for companies or court proceedings.

Please be advised that Council is empowered by the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993* and the *Roads Act 1993* to issue Orders to ensure buildings do not pose a potential safety threat to the public.

The attached Practice Note 18 '*Inspection and Assessment of Existing Tied Awnings*', issued in July 2008 by the Association of Consulting Structural Engineers of NSW and NSW Planning and Infrastructure circulars "*Safety of awnings over public Lands*" in 2017 and 2013 may assist you with the processes used to determine awning safety.

Note: Council recommends owners of a structure which overhangs a public footway, road, reserve or space hold appropriate insurance cover to the value of \$20 million and nominate Inner West Council as an interested party on the policy.

For further information, or to provide certification for your structure please contact Council on phone numbers listed above or email council@innerwest.nsw.gov.au. **Please ensure you give a copy of this information to your engineer or building consultant.**

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Maurice Morsanuto
Environmental Health & Building Regulation