

GOLD COAST CITY COUNCIL



LOCAL LAW NO 24

(ENCROACHMENTS, PROJECTIONS AND AWNINGS)

REPEALED (GAZETTE 19/12/08)

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Citation

1. This local law may be cited as Gold Coast City Council Local Law No. 24 (Encroachments, Projections and Awnings).

Objects

2. The objects of this local law are to:-
 - (a) regulate encroachments on roads; and
 - (b) to protect the public health and safety of other road users.

Definitions

3. “Authorised Person” means a person authorised by the Council to exercise the powers of an authorised person under this local law

Permit

4. Except as expressly provided hereinafter in this local law, a person shall not, without a permit from the Council, erect or cause or permit to be erected any structure, stair, steps, awning sunblind or projection so as to encroach upon a road.

Pavement lights

5. A person shall not construct a pavement light or recess for the purpose of light or ventilation or for the provision of space beyond the road alignment.

Permitted projections

6. Subject to the provisions of this local law, it shall be lawful for an Authorised Person to approve the construction of any coping, cornice, string course, fascia, balustrade or architectural projection or decoration which projects beyond the alignment of a road.

Architectural projection

7. For the purpose of this local law and subject to the provisions of Section 17 of this local law a projection from a building shall only be considered an architectural projection if it complies with the following rules:-
 - (1) The projection shall be for decorative purposes only;

- (2) The projection shall not have any structural value in relation to the building as a whole because it could be removed without having any effect whatever on the structure of the building;
- (3) The projection shall not provide any useable floor area directly or indirectly;
- (4) The projection shall not, in the opinion of an Authorised Person, affect or be likely to affect the amenities of adjoining premises;
- (5) Where the projection is in the form of an extended front face -
 - (a) The projection shall only be permitted to buildings existing at the time of the gazettal of this local law and to types of projection set out in paragraphs (b) and (c) of this subparagraph;
 - (b) Planted directly on to a wall as a flat finish it shall not project more than five (5) centimetres beyond the road alignment, nor be less than three (3) metres above the level of the footpath, nor cover more than one-fourth of the total wall area of the elevation in question.
 - (c) In the form of a grill or other similar type of construction it shall not be erected closer than one point two five (1.25) metres to an adjoining building or land in other occupation and shall not cover more than seventy-five per centum (75%) of the wall area. Any vertical construction members shall be of open construction to the satisfaction of an Authorised Person and the dimensions of any members measured parallel to the road shall not be more than fifteen (15) centimetres.
- (6) The projection shall be constructed of brick, tile, stone, slate, cement, or other incombustible material approved for the purpose by an Authorised Person.

Height above footpath

8. A projection shall not extend beyond the road alignment at any height less than three (3) metres from the level of the public footway.

Extent of projection

9. Except as provided in Section 17 of this local law, no part of any projection shall extend beyond the road alignment more than sixty (60) centimetres in a road exceeding fifteen (15) metres in width or thirty (30) centimetres in a road fifteen (15) metres or less in width. A projection shall not be permitted in a road or right-of-way less than six (6) metres in width.

Flagpoles

10. A person shall not cause any horizontal or inclined flagpoles to project beyond the road alignment so as to be less than sixty (60) centimetres from the kerb line or more than three (3) metres beyond the road alignment, whichever is the smaller projection and any such flagpole shall be metal or metal encased and erected so that neither the pole nor any flag suspended therefrom can cause interference with any public utility service and so that the lowest portion of such flagpole shall be less than six (6) metres from a footpath or three (3) metres above an awning permitted by this local law whichever is the higher.

Clocks

11. Subject to compliance with all relevant local laws the Council may approve of clocks being attached to a building and projecting a greater distance than provided in Section 9 of this local law.

Cat-heads

12. Except during the execution of approved building work, a cat-head, hoist or crane shall not project or be capable of projecting over a road or public place.

Obstructions

13. The owner or occupier of a building shall not place or cause to be placed or permit or suffer to be placed or to remain any foot-scraper, door-steps, shutters or other obstruction whatever on a public footway beyond the plan of the front wall of such building, nor shall an owner or occupier place or affix or cause or permit or suffer to be placed or permit or suffer to remain in place or affixed any door, gate, chute, flap, or runway leading from premises to that such door, gate, chute, flap, or runway, when opened, projects or could project over or upon a public footway.

Service pipes

14. Service pipes shall not project unless at least three (3) metres above a public footway and then not more than twenty (20) centimetres beyond the road alignment; and rainwater heads shall not project more than thirty (30) centimetres beyond that road alignment.

Sunblinds

15. (1) Except in pursuance of a permit by the Council, a person shall not put up, hang, fix or erect, or cause or suffer to be or remain put up, hung, fixed, or erected, a sunblind which projects or hangs over or upon a road or footway.
- (2) A permit shall be subject to the right of Council to revoke or rescind or otherwise deal with for good cause shown.
- (3) Application for a permit under the provisions of the preceding paragraph shall be made in writing to the Council and shall be accompanied by a plan and specification of the proposed or existing sunblind showing the dimensions and material of the same, the manner in which it is to be or is hung, fixed, or fastened, the proposed or existing position of the same in relation to the road or footway and the buildings nearby and the particulars of any advertisement, sign, figure or letter (if any) proposed to be or already affixed, printed, or painted thereon;
- (4) Each sunblind shall be -
- (a) Of the same form, dimensions and materials as shown in the said plan and specification and shall be erected in accordance with such instructions as may from time to time be given by an Authorised Person;
 - (b) Not less than two point two (2.2) metres above the pavement at its lowest part, except that a flap of canvas or similar material may be permitted to extend a further fifteen (15) centimetres toward the footway giving a minimum height above pavement to the underside of the flap of two (2) metres;
 - (c) Twenty five (25) centimetres from the vertical projection of the kerb or outer edge of the footway measured towards the road alignment unless otherwise approved by the Council;
 - (d) Securely constructed, fastened and fixed to the satisfaction of an Authorised Person, and in such manner as will, in his opinion, prevent the same from flapping or swaying with the wind and from causing danger, obstructions or inconvenience in a road;

- (e) Removed by the order of an Authorised Person at the cost of the owner or user thereof, without notice if not constructed, fastened, fixed, erected or maintained in accordance with the provisions of this local law;
 - (f) Maintained by the owner thereof in good condition and repair to the satisfaction of an Authorised Person;
 - (g) Wholly and securely rolled or folded up or removed from the hangings or fastenings thereof by the occupier of the premises to which the sunshade is attached and any brackets or other devices for supporting the sunshade shall also be removed or folded back by the said occupier when such sunshade is not preventing the impingement of the sun upon the building whereto or whereon or in front of which it is erected, fixed or fastened.
- (5) A sunblind shall not have marked upon or fixed thereto an advertisement, sign, letter, or figure save the name of the proprietor, or matter relating to the business carried on in the premises to which the sunblind is attached.

Awnings

16. (1) Each new building erected which or any part of which abuts on or is within two point seven (2.7) metres of a road, shall have attached thereto as part of the building an awning over the adjacent footway.
- (2) A person shall not commence or cause or permit to be commenced the erection of an awning until a plan and specification of the same showing the dimensions, materials and proposed position relative to the footway and the buildings has been submitted to and approved by the Council.
- (3) Each awning shall be erected in such position relative to the footway and the building and shall be of such form, dimensions and elevations as are shown upon the plan approved by the Council.
- (4) Each awning shall be erected along the full width of the building and from the wall of the building to which such awning is attached to sixty (60) centimetres from the vertical projection of the line of the edge of the kerb or the line of the future kerb measured in the direction of the road alignment.
- (5) Each awning over the footway of a road shall be erected only on the cantilever or suspended principle of construction, and shall not be used or designed or constructed to be used as a balcony or floor.
- (6) The fascias of all awnings shall be carried along the several frontages in horizontal lines, the lower edge being at a height of not less than three (3) metres and not more than four (4) metres above the kerb level. An allowance of ten (10) centimetres more than four (4) metres or less than three (3) metres is allowed when a height of four (4) metres has been attained, the horizontal line previously maintained shall be discontinued and shall commence at or above the minimum height of three (3) metres.
- (7) The plate and fascia of each awning shall together be not more than sixty (60) centimetres deep and shall be of sufficient strength and thickness, and the rafters shall be not lower than the bottom edge of the fascia.
- (8) The roof covering of each awning shall be of sound galvanised iron or other approved material and unless otherwise approved by an Authorised Person, such roof shall fall towards the building to a box gutter.
- (9) The ceiling to an awning shall be covered with approved fire resisting material.
- (10) An Authorised Person at his discretion may require the alteration or amendment of the design of a proposed awning so as to ensure a harmonious appearance in the awnings of a road, reasonable continuity between adjoining awnings, and adequate protection of the footway from the weather at the sides of adjoining awnings.

- (11) All roof waters from the awning shall be properly drained by downpipes and drains to discharge into a water channel clear of the public footway.
- (12) A drain across a public footway shall be of iron piping or other approved material and of such size and thickness as an Authorised Person may approve.
- (13) An awning required to be attached to a building under this local law shall not be taken down or removed without the consent of the Council.
- (14) An Authorised Person may dispense with the requirements of paragraph (i) of this local law upon such terms and conditions, if any, as he considers proper in any case where an Authorised Person is of the opinion -
 - (a) That the new building is of such a design that the provision of an awning would not conform with that design;
 - (b) That having regard to development of a like nature in the locality, the provision of an awning would not be reasonable.
- (15) The Council may from time to time by resolution published in the Gazette, determine a time within which all or any post awnings over footways or roads in the City or in any part of the City defined in such resolution shall be removed and/or a time within which all or any post awnings over footways of roads in the City or in any part of the City defined in such resolution shall be removed and replaced by a cantilever or suspended type of awning. The owners of those buildings which are affected by such resolution shall comply with the requirements of such resolution within the time stated therein. A copy of such resolution shall be served by Council on each person appearing in the Council's rate book as the owner of the land on which a building affected by such resolution is erected.

Weather control

17. Projections may be approved where they are for the purpose of weather control only, but such projections shall not exceed sixty (60) centimetres in roads over fifteen (15) metres in width and thirty (30) centimetres in roads fifteen (15) metres or less in width. Further, such projections shall not be constructed unless there is an awning constructed to the building in accordance with this local law. Where the projections are parallel to the face of the building, they shall not cover more than one-fourth of the wall area. In any case projections under this local law shall not be nearer than one point two (1.2) metres to the adjoining building or land in other occupation.

Show cases

18. A person shall not erect or maintain a show case on the face of a building in such a way that any part of the show case projects beyond the road alignment.

Penalty

19. A person who commits a breach of any of the provisions of this local law shall be guilty of an offence.

Maximum Penalty Units: 50 Penalty Units

Fees

20. The Council may, from time to time, by resolution fix fees with respect to the submission of applications for approval to erect an awning, sunblind or projection so as to encroach upon a road.