

Party Wall Consent

Document Number: 18/185591 / TRIM F18/596

About this Form:

- Where you seek to rely on a Party Wall for your development, the consent of all owners of the wall is required.
- Use this form to provide Party Wall Consent in association with a Development Application (DA).

What is a Party Wall & why do I need consent from my next door neighbour?

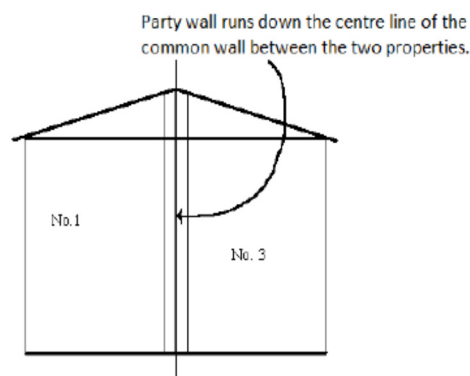
A Party Wall is a wall that runs down the centre line of the common wall between two properties (as shown).

Bayside Council has a great many buildings which share a party wall on one or more boundaries.

Any application which proposes works on a party wall or works which rely on a party wall for lateral or vertical support, must be accompanied by the written consent of all owners of all party walls involved. This includes for:

- demolition;
- rebuilding;
- extension of an existing building; or
- erection of a new building,

It is a requirement of the *Environmental Planning & Assessment Act 1979* that all development applications are made by the owner or a person with the owner's consent.



Why can't Council just condition this?

This is not a question of how a building can be built, but a legal requirement that all owners have agreed to the lodgement of the application.

A development application cannot be determined until it has the written consent of all owners of all property's that work will take place on.

What will Council do with applications submitted where party walls are involved?

When an application is lodged, and it appears to Council that works involve a party wall, Council officers will look for adjoining owners consent. If there is no consent, then Council officers examine the plans to see if the works are to be supported independently of the party wall.

Where the application does not have party wall consent but includes a design which shows that the works are to be supported independently of the party wall these plans must be accompanied by a certificate from a qualified structural engineer.

The structural engineer's certificate is to state that the design is independently supported and does not rely on the party wall for lateral or vertical support. It is not sufficient for a structural engineer to state that the works will impose no additional load on the party wall.

The development application will not be accepted by Council until this matter has been satisfied.

Extra information for your neighbour

A neighbour who gives a party wall consent retains the right to make a separate submission to Council, whether in support or objection, on any aspect of the proposed development other than the use of the party wall.

Party wall consent does not prevent you and your neighbour entering into any private agreement. For example, to make good any damage from the works. This is a civil matter between neighbours.

Privacy Statement:

The personal information provided on this form (including your name and other details) will be handled in accordance with the *Privacy and Personal Information Protection Act 1998* and may be available to the public under various legislation. Refer also to the Privacy Statement on Council's website.

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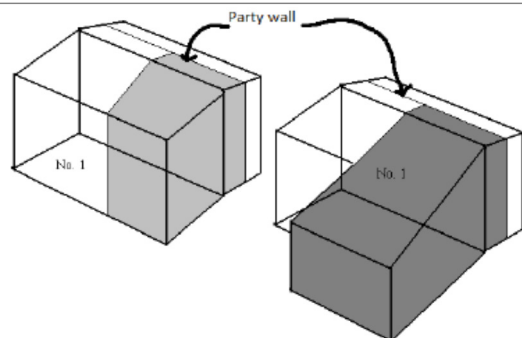
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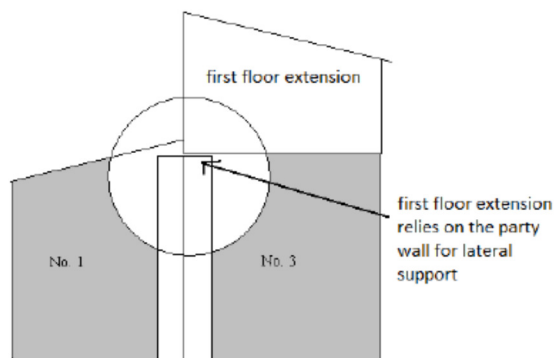
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Examples of work on Party Walls

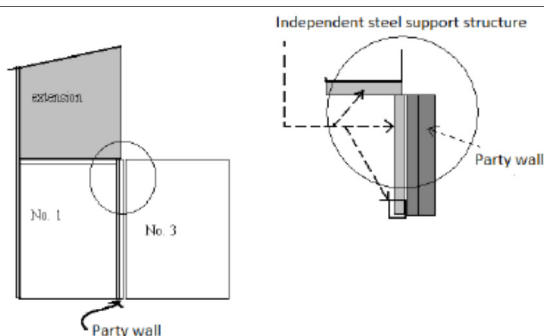


In this example, the owner of No. 1 demolishes the light grey shaded area and rebuilds as shaded dark grey. No. 1 is relying for vertical support on the party wall with its neighbour and therefore needs the written consent of the adjoining landowner.

No. 1 will also need the neighbours consent even if demolition is not proposed as the works rely on the party wall for support.



In this example, the owner of No. 3 constructs an extension that relies on the party wall for support, therefore No. 3 needs the written consent of No. 1 in order to lodge the application.



In this example, the owner of No. 1 is unable to obtain the written consent of No. 3 for works involving the party wall. No. 1 therefore must provide details from a structural engineer which identifies how the new work will be independently supported without any reliance on the party wall.

The structural engineer certifies that the new works will not rely on the party wall for vertical or lateral support. Architectural plans must be amended accordingly.

Further Information

Contact Council's Development Advisory Services on 1300 581 299 for further information / clarification on this matter. Development Advisory Services officers are available between the hours of 8.30am and 4.30pm Monday to Friday.

Owners Consent for works involving a Party Wall

I / we, being joint owners of the Party Wall the subject of this development application, have no objections to use of the party wall for either vertical or lateral support.

Full Name:		Full Name:	
Street:		Street:	
Suburb:		Suburb:	
Phone No.:		Phone No.:	
Signature:		Signature:	
Date:	___ / ___ / ____	Date:	___ / ___ / ____

Applicants signature

Applicant's Signature		Date	___ / ___ / ____
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