

Resolution of Council

21 November 2022

Item 13.4

Party Wall Consent

Moved by Councillor Scott, seconded by Councillor Chan –

It is resolved that:

(A) Council note:

- (i) a party wall is a dividing partition between two adjoining buildings that is shared by the occupants of each residence or business. Each building supported by the party wall is entitled to be supported by the whole wall and the wall is protected by cross easements benefitting both owners. The easements do not give the person who has the benefit of the easement a right to possession of the land (i.e. make them an owner of the land);
- (ii) as such, owner's consent for the lodgement of a development application is only required where the development proposed straddles the property boundary;
- (iii) the court has determined that owner's consent can be obtained at any time prior to the determination of an application and is not a requirement prior to lodgement;
- (iv) where development is proposed that involves works adjacent to a party wall, conditions will typically be imposed on any consent requiring that all works are carried out within the boundary of the site; and
- (v) the City would benefit from a clear and accessible statement, for example on the City's website, clarifying the requirements of carrying out works associated with a party wall and how it relates to the development application process; and

(B) the Chief Executive Officer be requested to:

- (i) create a clear and accessible statement on the City's website clarifying the requirements of carrying out works associated with a party wall and how it relates to the development application process; and
- (ii) provide an update to Councillors on outcomes via the CEO Update.

Carried unanimously.

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