

Notice and Request for Consent to Encroach or Adversely Affect

Western Australian Building Act 2011, section 76, 77, 85
Building Regulations 2012, regulation 4

OFFICE USE ONLY

Reference number

Information for the owner of affected land

The *Building Act 2011* requires the consent of the adjoining land owner(s) where building or demolition work is likely to encroach or adversely affect that land prior to a building permit being granted and the work commencing.

Please note that if the consent sought by this notice is not given within 28 days, a person responsible for the work may apply under section 86 of the *Building Act 2011* to the Magistrate's Court for a court order.

The completed response notice must be returned to the person responsible for the work, usually the builder. The details are listed below. Please keep a copy for yourself or ask the person responsible for the work to provide you with one.

The person responsible for the work may also request your consent to arrange for access to your property in order to carry out a survey of the affected land. You can indicate your consent in part 7 of this notice.

The brochure 'Work Affecting Other Land' provides further important information and a copy should accompany this form.

1. Name of owner(s) of affected land

Name of owner(s) of affected land

Postal address

Name of owner(s) of affected land					
Unit no	Level	Street no	Lot no	Street name	
Suburb				State	Postcode

2. Land where work is proposed

Property street address

Unit no	Level	Street no	Lot no	Street name	
Suburb				State	Postcode

3. Adjoining land affected by work

Property street address

Unit no	Level	Street no	Lot no	Street name	
Suburb				State	Postcode

4. Notifiable event

A. Encroachment (*Building Act 2011, section 76*)

Encroachment is when part of a building or an associated structure is constructed or placed beyond the boundaries of the land on which work is being carried out.

Details of the part of the building or structure that will encroach on other land, the expected impact and (if applicable) any remedial work following the work being carried out

B. Adversely affecting (*Building Act 2011, section 77*)

Adversely affecting other land includes:

- reducing the stability or load bearing capacity of adjoining land or a building or structure on the land;
- damaging or reducing the structural adequacy of a building or structure on adjoining land; or
- changing the natural site drainage in a way that reduces the effectiveness of drainage or affects buildings or structures on adjoining land.

Details of the part of the building or structure that will adversely affect other land, the expected impact and (if applicable) any remedial work following the work being carried out

*Note: For other types of notifiable events affecting other land use form BA20A.

When is the work likely to occur (if known, please provide date, time and duration)?

Please attach to this notice:

- Plans and specifications for the proposed building or incidental structure showing how the building work/demolition work will encroach or adversely affect the other land.
- Any relevant technical documents in respect of the building work/demolition work.

5. Access for survey

- I do request consent to access the property to carry out a survey of the affected land; or
- I do not request consent to access the property to carry out a survey of the affected land.

Details of proposed
survey

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6. Person responsible for work details

Builder/demolition contractor's name				
Postal address	PO Box or street address	Suburb	State	Postcode
Email address				
Phone/fax	Phone	Fax	Mobile	
Builder/demolition contractor's signature	Name (print)			
	Signature			Date
Registration/licence /approval number	Builder registration number, demolition contractor licence number, or owner-builder approval number (if applicable)			
Signature	Name			
	Signature		Date	

7. Consent (response notice)

In accordance with section 85 of the *Building Act 2011*, I hereby respond to the notice provided to me and:

- I consent to what is proposed in parts 4 and 5 of this notice; or
- I do not consent to what is proposed in parts 4 and 5 of this notice.

Owner's signature

Name	
Signature	Date