

Notice and request for consent to encroach or adversely affect

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

PERMIT AUTHORITY
 USE ONLY

Reference number

BUILDER / DEMOLITION
 CONTRACTOR USE

Reference number

Information for the owner of affected land

Under the *Building Act 2011*, a person responsible for building or demolition work must not encroach or adversely affect adjoining land (refer definitions in section 3 of that Act), **unless** they have the required consent of the affected adjoining owner(s) prior to a building or demolition permit being granted or the work commencing.

You (as the owner of affected land) have a period of 28 days in which to consider what is being proposed. You can indicate your response, either consent or refusal, on this notice and return it to the person responsible for the work (see part 6 below for details). This notice forms an agreement between you and the person responsible for the work (usually the builder/demolition contractor). Please keep a copy of the signed notice for your records.

If you do not respond within the 28 day period the 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 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 may indicate your consent at part 7 below.

For further information please refer to the guide on '**Work affecting other land**' at www.commerce.wa.gov.au/publications/work-affecting-other-land or call 1300 489 099 or email bcinfo@dmirs.wa.gov.au.

1. Name and postal address of owner(s) of affected land

Name of owner(s)
 of affected land

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|--|
| |
|--|

Street address
 (provide lot number
 where street number
 is not known)

| | | | |
|-------------|-----------|-------------|----------------------------|
| Unit no | Street no | Level | Lot no |
| Street name | | Street type | Street suffix |
| Suburb | State | Postcode | Country (if not Australia) |

OR

PO Box address

| | | | |
|-----------|-------|----------|----------------------------|
| PO Box no | | | |
| Suburb | State | Postcode | Country (if not Australia) |

2. Land where work is proposed

Property street
 address (provide lot
 number where street
 number is not
 known)

| | | | |
|-------------|-----------|-------------|---------------|
| Unit no | Street no | Level | Lot no |
| Street name | | Street type | Street suffix |
| Suburb | State | Postcode | |

3. Adjoining land affected by work

Property street address (provide lot number where street number is not known)

| | | | |
|-------------|-----------|-------------|---------------|
| Unit no | Street no | Level | Lot no |
| Street name | | Street type | Street suffix |
| Suburb | | State | Postcode |

4. Notifiable event

A. Encroachment (section 76 of the *Building Act 2011*)

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; or
- encroaches for the purposes of section 58(1)(e)

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

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 / owner's name

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| |
|--|

Street address
(provide lot number where street number is not known)

| | | | |
|-------------|-----------|-------------|----------------------------|
| Unit no | Street no | Level | Lot no |
| Street name | | Street type | Street suffix |
| Suburb | State | Postcode | Country (if not Australia) |

OR

PO Box address

| | | | |
|-----------|-------|----------|----------------------------|
| PO Box no | | | |
| Suburb | State | Postcode | Country (if not Australia) |

Email address

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Phone/fax

| | |
|----------|-----|
| Phone no | Fax |
|----------|-----|

Registration details
(if applicable)

| |
|--|
| Registration number / licence number / owner-builder approval number |
|--|

Builder / demolition contractor / owner's signature

| | |
|--------------|------|
| Name (print) | |
| 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 in respect to the land detailed in part 3 of this form 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 (print) | |
| Signature | Date |