NOTICE FORM **BA20**

When completed, this form is classified OFFICIAL Sensitive

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

Important information for owners of affected land

Under the *Building Act 2011 (*the Act*)*, a person responsible for building or demolition work must not, without notification and consent of each affected owner, encroach or adversely affect land beyond the boundaries of the works land unless each owner of affected land has consented to the work.

The person responsible for the work (who could be the builder, demolition contractor or the owner of the land on which the work is done) is required to provide you with details of how your land will be affected.

After you receive this form you have 28 days in which to consider what is being proposed. If you are not entirely clear about what is being proposed, you should liaise with the person responsible for the work and request further information. Under section 86 (2A) of the Act the person responsible for work who gives notice or seeks consent may apply to the Magistrate's Court for a court order, if:

- consent is refused - any time after the refusal is given; or
- the consent sought is neither refused nor given and you do not make a request for further information within the 28-day period after this form was given - after that 28-day period has expired; or
- the person responsible for the work provides further information in response to your request - 14 days after further information is given.

Alternatively, the person responsible for the work has the option of changing the design such that it does not affect your land. In such cases there would be no requirement to notify you or get your consent for the purposes of the Act. You may indicate your response on this form at part 7 and return it to the person responsible for the work. The work affecting your land must not commence without your consent or a court order. **It is suggested that you keep a copy of the signed form indicating your consent or refusal for your records.**

For more information please refer to the Department of Local Government, Industry Regulation and Safety web site at www.lgirs.wa.gov.au/building-and-energy or call 1300 489 099 or email be.info@lgirs.wa.gov.au.

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

Name of owner(s) of affected land

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 the land or a building or structure on the land;
- damaging, or reducing the structural adequacy of, a building or structure on the land; or
- the changing of the natural site drainage in a way that reduces the effectiveness of the drainage of the land or existing or future buildings or structures on the 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.

Specify the proposed timeframe within which the notifiable event may occur (if known)	

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 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	

6. Person responsible for work details

Builder / demolition contractor / owner's name				
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				
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

Note: The *Building Act 2011* does not affect rights or obligations you may have under other laws.

The Shire of Gingin collects your personal information to process this application or request and perform its functions under relevant legislation. Information may be disclosed where authorised or required by law. If required information is not provided, we may be unable to process your application. See the Shire's Privacy Policy for more information.

Privacy collection notice

All personal information collected in this form will be used for the purposes of the assessment and determination under the *Building Act 2011* (Act); communicating with you; and any other related reporting requirements or compliance functions of a permit authority under the Act; or in connection with another written law. To understand more about how your personal information will be used and managed by the local government permit authority, please refer to the privacy notice on their website or contact them directly.