

# Notice and request for consent – protection structures, party walls, removal of fences, access to land

*Building Act 2011, section 78, 79, 80, 81 84, 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, without the notification and consent of the adjoining land owner(s):

- place a protection structure beyond the boundaries of the land on which work is being carried out; or
- carry out certain works that would affect a party wall; or
- remove fences or gates (note that consent is not required in some circumstances - refer section 80(d)) of that Act); or
- access adjoining land to do the work or conduct a survey (consent is not required if the adjoining land is vacant, however this does not affect the exercise and enforcement of any right that a person has to stop, restrict or prevent a person going on to the other land).

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 can 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](http://www.commerce.wa.gov.au/publications/work-affecting-other-land) or call 1300 489 099 or email [bcinfo@dmirs.wa.gov.au](mailto: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**

- Requirement for protection structures** (section 78 of the *Building Act 2011*)

Provide details of each protection structure that would be required to be placed into or onto the affected land including the reason for, and nature, location and duration of, the protection structure and the estimated time for doing the protection work

- Party wall, substantial dividing fence, boundary retaining wall** (section 79 of the *Building Act 2011*)

Provide details of how the structural, waterproofing or noise insulation capacity of a party wall, substantial dividing fence or boundary retaining wall that protects the adjoining land would be affected

**Removal of fences** (section 80 of the *Building Act 2011*)

Specify the fence, gate or other barrier shared by, or located on, the affected land that would be removed; the reasons for its removal and details of any temporary barrier that is proposed to be erected

**Access to land** (section 81 of the *Building Act 2011*)

Provide reasons for the requirement to access adjoining land

**\*Note:** For encroachment or adversely affecting adjoining land, use Form BA20.

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 adversely affect the other land.
- Any relevant reports 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

**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
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Registration details  
(if applicable)

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