



Obtaining consent from neighbours before accessing their land

This advice is intended to remind owners, owner builders, builders and subcontractors or other persons undertaking building work or conducting a survey **near or along a property boundary, whether subject to a building permit or not, about the requirement to notify and obtain consent from affected owners if access onto the adjoining land is required.**

The *Building Act 2011* requires any person intending to access adjoining land to communicate, through formal notification and/or consent, prior to accessing that land. This requirement does not apply where the adjoining land, or any building on that land, is vacant.

Fines for non-compliance can be significant.

What is the process for gaining neighbours' approval?

The person responsible for the works (builder, owner or other worker) must first give the affected owner on an adjoining property a Building Commission form BA20A (available on our website). The adjoining owner has a 28 day period in which to give written consent. A BA20A form is to be used where consent is required after the building permit is granted for instances such as:

- removal of fences;
- protection structures being placed beyond the boundary;
- access to adjoining land; and
- work that affects party walls.

In other instances where work would permanently encroach or adversely affect adjoining land, a BA20 form is submitted to the permit authority, as part of a building permit application, **before a building permit is granted**. This form can also be used in these instances after a permit is granted where construction works may require a person to either adversely affect or encroach onto adjoining land

What if consent is not given?

If consent is not given, then you may not proceed without first obtaining a court order from the Magistrates Court of Western Australia.

Further information

Forms BA20 and BA20A are available on the Building Commission website under Building Approvals.

The 'Work affecting other land' fact sheet is available from the Building Commission website under Forms & Publications.

If you have further questions, contact the Building Commission on 1300 489 099.

Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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