

Guidance Note

BA20 requirements and form completion

BA20 Notice and request for consent to encroach or adversely affect other land: *Building Act 2011 (WA), sections 76 and 77*

Purpose: This guidance note explains how to complete Form BA20 when building or demolition work may go over a boundary or may affect neighbouring land. The form helps make sure each affected registered owner understands the proposed building and/or demolition works how it may affect their land, and what they are being asked to agree to before the work proceeds.

What is a BA20?

A BA20 is a notice and consent form used when proposed building or demolition work may affect a neighbouring property. It is mainly used where the work may go over or into another property, or where the work may affect the stability, structure or drainage of neighbouring land.

The form helps make sure the affected neighbour understands what work is proposed, how their property may be affected, and what they are being asked to agree to before the work starts.

What does “adversely affect” mean?

Work may “adversely affect” other land if it could have a negative impact on a neighbouring property, building or structure. This may include work that could reduce the bearing capacity of land, damage or weaken a building or structure, or change drainage so that water does not flow or drain as it should.

The *Building Act 2011* defines the term “adversely affect land” as follows:

Adversely affect land includes —

- (a) reduce the stability or bearing capacity of the land or a building or structure on the land; or
- (b) damage, or reduce the structural adequacy of, a building or structure on the land; or
- (c) 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.

Do I need Form BA20 or Form BA20A?

Form BA20 is only used for a notice and request for consent where building or demolition work may encroach on other land or adversely affect other land. It is not used for matters such as fence removal or replacement, access to adjoining land, or the placement of protection structures. For those matters, Form BA20A should be used.

Form BA20A generally relates to notice and consent arrangements between the person carrying out the work and the affected adjoining owner or occupier. It does not replace Form BA20 where the proposed work may encroach on other land or adversely affect other land.

The City generally does not require a completed Form BA20A to be submitted before a building permit is issued, unless it is needed to clarify how the proposed work will be carried out or how adjoining land will be protected.

How to complete the BA20 form

BA20 section	What to check
Parts 1–3 Owners and properties	List every registered owner of each neighbouring property that may be affected. The names should match the current certificate of title. Include enough property details to clearly identify both the work site and the affected neighbouring property, such as unit number, street number, lot number and street name.
Part 4 Notifiable event	Tick the correct type of notice: A — Encroachment if the work may go over or into another property, or B — Adversely affecting other land if the work may affect a neighbouring property. Describe the work clearly, including where it will happen, how much land or what part of the property may be affected, the likely impact, when the work is expected to happen, how long it may take, and any protection or repair work proposed.
Supporting plans and evidence to accompany the BA20 form submission	Attach the relevant plans and engineering drawings to the BA20. These documents should clearly show the area that may encroach onto, or affect, the neighbouring property. They should show relevant details such as boundaries, nearby structures, excavation, retaining walls, footings, drainage, protection works or other important information. The attached drawings should be the same version as the drawings submitted with the permit application. All of the affected registered owners should sign or initial the attached plans and drawings to confirm the documents they reviewed.
Parts 5–7 Survey, responsible person and consent	Access to survey, records whether the affected owner agrees to allow access to their land for any survey needed in connection with the proposed work. One of the available options should be ticked so it is clear whether access is agreed or not agreed. The builder, demolition contractor or other person responsible for the work must complete their details and sign the BA20 where required. Each affected registered owner must tick either “I consent” or “I do not consent”, then sign and date the form. If the affected property has more than one registered owner, each owner must provide a response and signature.

Common Issues and Tips

- Ensure that you are using the correct form. Please note that Form BA20A is not used for the same consent purposes as Form BA20.
- Use clear descriptions. Avoid general wording such as “works near boundary”. Explain exactly what work may cross the boundary or affect neighbouring land.
- Check that the BA20, plans, engineering drawings and permit application all describe the same work and use the same drawing versions.
- Where engineering information is needed, include drawings or details that explain how neighbouring land, buildings or structures will be protected.
- If the affected land has multiple registered owners, obtain a completed response from each owner.
- Before submitting, check that each affected owner has ticked the access to survey and consent options, signed and dated the BA20, and signed or initialled the attached plans and engineering drawings

Important Reminders and Record Keeping

- Ensure you provide the completed Form BA20 notice, signed supporting plans and engineering drawings to every affected registered owner. The BA20 should make it clear what the affected owner is being asked to consent to. Each affected registered owner has 28 days to consider the proposal and may ask for further information before deciding whether to consent.
- The person responsible for the works should ensure evidence of delivery of the Form BA20 or Form BA20A notice to each adjoining owner is obtained and retained with the builder's records to support tracking the 28-day timeframe.
- Keep a complete copy of the signed form and all attachments for the project record.
- **To avoid delays**, make sure the BA20 is completed in full and all required supporting documents are provided. The City may be unable to accept incomplete forms or documents. If the required information is not provided, the application may be delayed, refused or treated as not meeting the relevant requirements of the Building Act 2011 (WA).
- Ensure you collate the completed and signed BA20 and the signed or initialled supporting plans as one complete document for each affected property.
- **Consequences of incomplete BA20 documentation:** Incomplete or unclear BA20 documents may delay assessment, make it difficult for the City to confirm that valid consent has been provided, or result in the application being refused. To avoid this, make sure the BA20 is signed and dated by the person responsible for the work and by all affected registered owners, with signed or initialled plans and engineering drawings attached that clearly show the proposed encroachment or adverse effect.
- **LGIRS contact:** For more information, contact Building and Energy at www.lgirs.wa.gov.au/building-and-energy, phone 1300 489 099, or email be.info@lgirs.wa.gov.au.

This guidance is general information only. It does not replace the Building Act 2011 (WA), the Building Regulations 2012, the approved BA20 form, or project-specific legal, building or engineering advice.

BA20 Completion Checklist

✓	Checklist item
☐	Current approved BA20 form has been used.
☐	All relevant sections of the BA20 form have been completed.
☐	Correct notifiable event is selected: A - Encroachment, or B - Adversely affecting other land.
☐	Work site details are complete and consistent with the permit application.
☐	All affected adjoining properties have been identified.
☐	All affected registered owners have been listed.
☐	Registered owner names have been checked against current title or ownership information.
☐	Proposed work is clearly described, including the location, extent and likely impact.
☐	Extent of encroachment or adverse effect is clearly stated.
☐	Relevant plans and engineering drawings are attached and confirm that: • the drawings are attached to the BA20; • the drawings match the permit application and certification documents; • the proposed encroachment or adverse effect is clearly shown; • boundaries, affected areas and relevant structural or drainage details are shown where applicable; • all affected registered owner(s) have signed or initialled the plans and drawings.
☐	Builder or person responsible for the work has completed their details.
☐	Builder or person responsible for the work has signed and dated the BA20.
☐	Access to survey: one of the available boxes has been ticked.
☐	Each affected registered owner has ticked "I consent" or "I do not consent".
☐	Each affected registered owner has signed and dated the BA20.
☐	Where there are multiple registered owners, each owner has provided a response and signature.
☐	A complete copy of the signed BA20 and all attachments has been kept for the project record.
☐	Any incomplete, unclear or inconsistent information has been corrected before submission.