

Contribution to Boundary Fences

Statutory context Dividing Fences Act 1961 – 5 (1)

Corporate context Fencing Local Law 2016

History Reviewed 20 April 2016
Review Period Every 3 years

1. POLICY

Council will share the cost of fencing boundaries between private and Council owned land in accordance with the Dividing Fences Act 1961. This act exempts Council from contributing where Council owns land for public purposes, such as a street, right-of-way or reserve.

Situations where Council is not exempt and is required to share in the cost of a boundary fence include, for example, land being used for commercial purposes.

The contribution will be 50% of the cost of materials plus 50% of the cost or value of the labour component of a “standard” fence.

The contribution will only be payable where Council’s written agreement is obtained before construction or repair works begin.

The following conditions form part of this Policy:

(a) Applications:

Applications for a Council contribution must be made in writing and detail fully the type of fence proposed and be accompanied by quotations for the materials and labour costs involved. Where a landowner proposes to supply and claim the value of labour, the estimated value of this labour must be included.

(b) “Standard” Fence:

A “standard” fence will be determined on a case-by-case basis, taking into consideration:

- The use of the land eg residential, commercial, industrial, livestock, cropping
- Consistency with other fences in the immediate area or of properties of a like nature
- Consultation with appropriate tradesmen/contractors if there are limited comparable properties

Where a landowner proposes a fence which, in Council’s opinion, exceeds a “standard” fence, the contribution payable will be limited to no more than would have been payable by Council for a “standard” fence.

A contribution will not be payable in respect of retaining walls or any structure intended by a landowner to extend the usefulness or enjoyment of private land.

(c) Project Responsibility:

Council reserves the right to assume responsibility for the erection of any fence which is the subject of an application for a contribution under this Policy. Where it does so, written agreement from the adjoining landowner will be required before construction can

commence.

Where it is agreed an adjoining landowner will assume responsibility for erection of a fence, Council's contribution will be payable on completion of construction of the fence to the satisfaction of Council's CEO or his delegate