

## POLICY NO LG48 CONTRIBUTION TO BOUNDARY FENCES

<b>DEPARTMENT:</b>	Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services
<b>LINK TO STRATEGIC PLAN:</b>	Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs
<b>STATUTORY AUTHORITY:</b>	Boundary Fences Act 1908
<b>OBJECTIVE:</b>	To ensure that all applications for Council assistance with the erection, repair or replacement of boundary fencing between Council properties and private land are dealt with in a fair and consistent manner and at a known cost to Council.
<b>POLICY INFORMATION:</b>	Adopted 16 February 2015 – Minute No 02/15.11.8.43 Amended 19 February 2018 – Minute No 02/18.12.9.34 Amended 21 March 2022 – Minute No 03/22.13.6.48

### POLICY

#### 1. POLICY

Council will share the cost of fencing boundaries between private and Council owned land in accordance with the Boundary Fences Act 1908. This act exempts Council from making a contribution where Council owned land is a roadway which includes a public highway, street, right-of-way, reserve or public place, whether it be an access, horse-way or foot-way.

Situations where Council is not exempt and is required to share in the cost of a boundary fence include:

- Where a property adjoins a Council owned house or building.
- Council instigated higher impact or intensified development close to an adjoining landowner without a sufficient buffer.
- Commercial or security area e.g. Council depot or commercial car park.

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 labour, the estimated value of this labour must be included.

**(b) “Standard” Fence:**

Where a Council property adjoins residential property, a “standard” fence will be of solid face construction, consistent with other fences in the immediate area, utilise sturdy durable materials and be erected in a tradesman-like manner.

Where a Council property adjoins commercial or industrial property, a “standard” fence will be of wire mesh, chain link or solid face construction, utilise sturdy durable materials and be erected in a tradesman-like manner.

Where a Council property adjoins rural or undeveloped land, a “standard” fence will be of five-wire and timber post construction, utilise sturdy durable materials and be erected in a tradesman-like manner.

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 General Manager or his delegate

**(d) Postponement to Subsequent Financial Year’s Budget**

Where an individual application’s contribution will exceed \$2,000 or the total amount of contributions under this Policy in any financial year will exceed \$5,000, Council may postpone the payment of the contribution to the following financial year’s budget.

**2. MONITORING AND REVIEW**

This Policy will be reviewed every three (3) years in line with the Council’s Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.