



Fencing Policy

1	Document Control	1
2	Purpose.....	2
3	Scope.....	2
4	Policy Details.....	2
	4.1 Standard Fence.....	2
	4.2 Half Cost Share.....	2
	4.3 Exclusions.....	3
5	Delegation Authority and Decision Guidelines	3
	5.1 Delegations/Authorisations	3
	5.2 Exemptions	3
	5.3 Human Rights Charter	3
6	Related Documents and Resources	3
7	Definitions	3

1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager City Assets and Environment
POLICY OWNER	Manager Property & Arts
APPROVED/ADOPTED BY	Council on 10 December 2018
EFFECTIVE DATE (If different from approval date)	
REVIEW DATE	30/06/2022
CM REF AND VERSION	18/90243
VERSION HISTORY	Version 1 Version 2

2 Purpose

The purpose of this policy is to set out clear responsibilities for the construction, maintenance or replacement of boundary fencing abutting Council owned land, which includes compliance with the *Fencing Act 1968*.

3 Scope

This policy applies to land owners where their property abuts Council owned or managed property who seek a Council contribution to the cost of construction, maintenance or repair of a boundary fence.

4 Policy Details

The *Fencing Act 1968* does not require Council to make contributions towards the construction and/or maintenance of a common boundary fence with an adjoining owner in respect of land owned by, vested in or under the care, control or management of the Council for the purpose of a public park.

Council is willing to contribute 50% of the cost for a standard fence in cases where the owner adjoins a Council owned public park.

4.1 Standard Fence

The standard fence for properties adjoining Council owned land will be a timber paling fence of no more than 1.9 metres in finished height (palings, posts and plinth). Construction standard and materials will be in accordance with the accepted industry standard.

The standard fence does not include enhancements such as trellis, fence toppings, gates or decorative timbers, this is at full cost to the adjoining owner.

4.2 Half Cost Share

If a fence adjoining a Council owned property requires replacement, Council will contribute 50% of the cost of replacement of a standard fence. Council will determine at its discretion if the fence requires replacement.

Council does not carry out any repairs or maintenance to adjoining boundary fences.

Construction of a new fence on a previously undefined boundary will require the adjoining owner to engage a qualified surveyor to prepare a boundary establishment plan at the owner's cost. Council will then contribute 50% of the cost of a standard fence.

Should there be any discrepancies with existing fence lines in regards to the correct title boundary; the owner will be requested to carry out a title re-establishment survey at their cost to define and set the boundary / fence line.

Pool fences / gates that lead onto council land are required to comply with the Australian Standards AS1926.1

4.3 Exclusions

Council does not accept responsibility for half cost fencing for the following:

- Land not in direct Council ownership or maintained under Council management.
- Crown Land and foreshore reservations.
- Road reservations.
- Right of ways, laneways, discontinued roads, walkways and other unoccupied spaces except where a walkway or road forms part of a recreation reserve.
- Buffer to a road, for example, plantation and tree reserves or other land except where the land is used as a public open space, provides connection to adjoining recreation reserve or walkway / shared path network.
- Drainage reservations.
- Bicycle path.
- Non Council owned open space.
- Gates, trellis, enhancement, painting, decorative and other features.
- Pedestrian gates.
- Pool compliance fencing.

5 Delegation Authority and Decision Guidelines

5.1 Delegations/Authorisations

Financial delegation applies to authorise reimbursement of the fencing costs.

5.2 Exemptions

The policy does not apply to emergency works where public safety is of concern.

5.3 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006. Property rights are a human right under the charter which states that a person must not be deprived of his or her property other than in accordance with law.

6 Related Documents and Resources

Legislation

- *Fencing Act 1968*
- *Australian Standard AS1926.1*

7 Definitions

Fence "fence" means a structure, ditch or embankment, or hedge or similar vegetative barrier, that encloses or bounds land.