



P60/1

## POLICY REGISTER

**Subject: FENCING – Contributions to Boundary Fencing**

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
<i>Minute No:</i>	12	1062	187	438
<i>Meeting Date:</i>	13/02/2006	11/9/2000	14/4/1997	14/8/1889
<i>Review Date:</i>				

### INTRODUCTION:

**Land Classification:** Council (Public) land is classified as either community or operational land. Community land includes public reserves, open spaces etc. Operational land is land that can be bought and sold or otherwise disposed of by Council.

**Legal Requirements:** Fences adjacent to operational land are covered by the provisions of the Divided Fences Act 1991.

In relation to community land, section 25 of the Act does not impose any liability on a Council to contribute to fencing work. However, subsection 2 allows Council to contribute to fencing work in respect of dividing fences, if it so desires.

### DEFINITIONS:

**Access way** means a laneway or path for pedestrian access to join 2 or more Council roads (*Council Definition*). (See example Appendix D)

**Adjoining owners** means the owners of land on either side of a common boundary, and as defined in the *Dividing Fences Act 1991*.

**Approved Type of Fence** means the proposed fence complies with the setbacks, structural design and materials stated in development control plan 12 (*exempt and complying development*) or has previous development consent.

**Community land** means land that is classified as community land under Division 1, Part 2, Chapter 6. (*LGA 1993 Definition*)

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**Dividing fence** means a fence separating the land of adjoining owners, whether on the common boundary of adjoining lands or on a line other than the common boundary. (*Dividing Fences Act 1991*)

**Fencing work** means the design, construction, replacement, repair or maintenance of the whole or part of a dividing fence.

**Operational land** means land that is classified as operational land under Division 1 of Part 2 of Chapter 6. (*LGA 1993 Definition*)

**Park**, in relation to land, (*LGA Definition*) means an area of open space used for recreation, not being bush land.

**Public land** (*LGA Definition*) means any land (including a public reserve) vested in or under the control of the council, (*refer to LGA 1993 Definition.*)

**Public reserve** includes a public park, (*refer to LGA 1993 Definition.*)

**POLICY STATEMENT:**

1. That in respect to dividing fences adjacent to community land (including parks and reserves) and access ways, Council will make a contribution towards an approved type of fence. The amount of contribution is set out in the annual Fees and Charges Policy.
2. An approved type of fence will be determined by the Manager of Environmental Services. Contributions will only be paid following an inspection of the fencing work and certification by council staff that the fencing work has been erected in a satisfactory manner.
3. Council will not make retrospective claims that are more than three months from the date of completion of fencing work.
4. That a procedure statement be prepared to give effect to this policy.

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## PROCEDURE FOR PROCESSING CLAIMS FOR CONTRIBUTIONS FOR FENCING WORK

### **A. Payments in accordance with policy**

1. Adjoining owners making enquiries regarding payment of a contribution should be requested to make an application in writing prior to fencing work being undertaken.
2. Confirm ownership details, status of Council Land and plan of property.
3. Applications should be referred to the Environmental Services Department for approval of fencing work.
4. Adjoining land owner to be advised of Councils policy. (*Refer sample letter in **Appendix A***)
5. On receipt of advice from adjoining land owner that the fencing work has been completed request Environmental Services Department to measure and inspect the fencing work.
6. Advise adjoining land owner that the fencing work has been inspected, and if satisfactory, payment will be forwarded. (*Refer sample letter in **Appendix C***)
7. Forward information to creditors and request that a cheque be drawn according to the details in the letter.

### **B. Payments in accordance with the Dividing Fences Act 1991**

1. Adjoining owners are required to submit a written request to Council prior to the commencement of fencing work.
2. At least 2 quotes should be given to Council.
3. Request Environmental Services Department to inspect the current fence to determine whether fencing work is required.
4. Advise adjoining owners that quote is accepted and Council will pay 50% of costs. When fencing work is complete adjoining owners are required to advise Council. (*Refer sample letter in **Appendix B***)
5. Advise adjoining land owner that the fencing work has been inspected, and if satisfactory, payment will be forwarded. (*Refer sample letter in **Appendix C***)
6. An order requisition is then made requesting a payment is made to the adjoining owner(s).

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**Appendix A – Payments in accordance with policy**

Bill Spicer

6549 3703

258.000

(Date)

(Adjoining owner(s))  
(Address)

Dear (adjoining owner(s))

**RE: Boundary Fence**

I refer to recent correspondence with (adjoining owner(s)) regarding fencing work at the rear/side of your property situated at (address).

Councils Environmental Services Department has advised that the plan submitted is an approved type of fence. Therefore, fencing work can be commenced.

Under the provisions of the Dividing Fences Act, Council is not obliged to contribute towards the cost of boundary fencing with a public reserve or public road. However, as a matter of policy, Council will make a contribution towards fencing work at the amount of (amount) per metre for an approved type of fence.

Please let me know when the fencing work has been completed and I will arrange for an inspection to be undertaken. Subject to a satisfactory inspection, payment of a contribution towards the cost will be made.

For further information please contact me on 65493703.

Yours faithfully

Bill Spicer  
**EXECUTIVE OFFICER**

**Muswellbrook Shire Council**

**Appendix B- Payments in accordance with the Dividing Fences Act 1991**

Bill Spicer

6549 3703

258.000

(Date)

(Adjoining owner(s))  
(Address)

Dear (adjoining owner(s))

**RE: Boundary Fence**

I refer to recent correspondence with (adjoining owner(s)) regarding fencing work at the rear/side of your property situated at (address).

Councils Environmental Services Department has advised that the plan submitted is an approved type of fence. Therefore, fencing work can be commenced.

Under the provisions of the Dividing Fences Act, Council is obliged to contribute towards the cost of fencing work. Council agrees with the quote provided by (fencing contractor) and will contribute an amount of (\$).

Please let me know when the fence has been completed and I will arrange for an inspection to be undertaken. Subject to a satisfactory inspection, payment of a contribution will be made.

For further information please contact me on 65493703.

Yours faithfully

Bill Spicer  
**EXECUTIVE OFFICER**

**Muswellbrook Shire Council**

**Appendix C - Payments in accordance with the Dividing Fences act 1991**

Bill Spicer  
6549 3703  
258.000

(Date)

(Adjoining owner(s))  
(Address)

Dear (adjoining owner(s))

**RE: Boundary fence**

I refer to previous correspondence on this matter.

The fencing work at the rear/side of your property has been inspected and the installation is satisfactory. Therefore a contribution of (amount) has been approved.

A cheque will be forwarded under separate cover.

For further information please contact me on 65493703.

Yours faithfully

Bill Spicer  
**EXECUTIVE OFFICER**

**Muswellbrook Shire Council**

## Appendix D – Example of Access way

