Policy number	Policy 224
Policy title	Fences between property owned by the Town and adjoining property.
Strategic outcomes supported	EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed. EN6 – Appropriate, inviting and sustainable green spaces for everyone that are well maintained and managed.

POLICY OBJECTIVE:

To provide for the processes in dealing with fencing between property owned by the Town and adjoining properties.

POLICY SCOPE:

This policy applies to fencing between property owned by the Town and adjoining property.

DEFINITIONS:

Nil.

POLICY STATEMENT:

1. The Town may contribute to the cost of a dividing fence between property owned in fee simple by the Town and adjoining property. The Town will not contribute to the cost of a dividing fence between Crown land managed by the Town and adjoining property.

2. For the purpose of this policy land owned by the Town includes parks, reserves and drainage sumps that the Town owns freehold.

3. The Town contribution will be limited to 50% of the cost of erecting an original fence, or replacing a deteriorated existing fence with a sufficient fence under the Fencing Local Law 2020.

4. A request from an owner for the Town to share in the cost of erecting an original dividing fence or replacing a deteriorated existing dividing fence must be made in writing by the owner setting out:

   a. The reason for the request;
   b. The total length of proposed new fence that adjoins Town property;
   c. The material(s) to be used in the making of the fence together with - if other than a standard material dividing fence - brochures or a sketch detailing the height, design, materials proposed and a quotation (or estimated cost) of the portion adjoining Town property.

   (Note: Dividing fences or walls acting as dividing fences made from materials other than standard fence materials such as 'HardiFence'®, 'Colorbond'®, timber picket may require development approval or approval under the Fencing Local Law 2020).

5. Where the Town and the owner are agreed on the terms of the agreement, it shall be documented and signed by both parties. The agreement is to include the type of fence, the cost sharing arrangements and which party will arrange the erection.

6. Where it has been agreed that the Town will arrange the fence erection, the Town will follow the Policy 301 Purchasing. The adjoining owner's contribution will be required to be paid to the Town prior to accepting the most suitable quotation, the Town not being obligated to accept the lowest quotation.

7. Where it has been agreed that the owner will arrange the fence erection, the Town's contribution is subject to the Town having agreed to a quotation obtained by the owner - or the owner's selection if more than one quotation - and the fence having been constructed to a standard acceptable to the Town and in compliance with the most recently promulgated version of the Town's Fencing Local Law.

8. In cases of financial hardship or where the adjoining owner is the holder of an Aged Pensioner card or a Disability Pensioner card, the Town may agree to erect or replace a fence and have the owner's share of the costs paid by instalments.

9. The Town will not contribute to the cost of a dividing fence between property owned in fee simple by the Town and adjoining property if a new or existing development proposes a change in fencing material and the fence was in an acceptable and functional condition prior to any works on the site.

RELATED DOCUMENTS:

Fencing Local Law 2020

Dividing Fences Act 1954

Policy manager	Manager – Infrastructure Operations
Responsible officers	-
Approval authority	Council
Next Evaluation Date	

REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	01/07/1994	Council	-	-
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1