



CUMBERLAND
CITY COUNCIL

Dividing Fences Hardship Policy

AUTHORISATION & VERSION CONTROL

Policy Number	POL-023
Policy Owner	Director Governance & Risk
Date Adopted	31 July 2019
Version No	2
Document ID	4583711
Review Date	July 2021

BACKGROUND / INTRODUCTION

Under the *Dividing Fences Act 1991*, Council is not obliged to contribute to the cost of boundary fencing for Council owned or managed land that is a public reserve within the meaning of the *Local Government Act 1993*, a drainage reserve, a public park or a public road.

On occasions, Council receives requests for financial assistance from residents that are experiencing financial hardship concerning the erection of a new or replacement fence that shares a boundary with Council owned or managed land. In these instances, where certain criteria is met as outlined in this Policy, Council deems it fair to contribute to the cost of the fence work to ensure the security of Council assets and to support the community.

PURPOSE

The purpose of this Policy is to provide a consistent and equitable approach to requests for financial contributions from Council with respect to the erection or new/replacement dividing fences that adjoin Council land where Council is not obliged to provide a financial contribution.

SCOPE

This Policy applies to all boundary fences that share a boundary with Council owned or managed land that is a public reserve within the meaning of the *Local Government Act 1993*, a drainage reserve, a public park or a public road. This Policy does not address disputes between neighbours over dividing fences that do not adjoin Council owned or managed land.

PRINCIPLES

Consistency: the Policy clearly outlines all the requirements for a financial hardship application, and the level of support that can be applied for.

Transparency: the Policy clearly outlines how such requests will be approached and assessed by Council officers.

Equity: the Policy applies to all applicants within the local government area that are experiencing financial hardship when erecting new or replacement dividing fences that adjoin Council owned or managed land for a public reserve within the meaning of the *Local Government Act 1993*, a drainage reserve, a public park or a public road.

POLICY STATEMENT

Section 25 (1) of the *Dividing Fences Act 1991* exempts Council from liability in respect to dividing fences on land owned or managed by Council for the purposes of a public reserve within the meaning of the *Local Government Act 1993*, a drainage reserve, a public park or a public road. Council therefore, does not contribute towards the cost of fencing on the boundaries of such land unless special circumstances apply.

Special circumstances are limited to cases of an adjoining owner's demonstrated financial hardship and where it is deemed in Council's own interests to have a boundary fence erected or maintained.

Where there is substantiated financial hardship for the owner, Council will consider contributing to fencing costs in line with this Policy.

REQUIREMENTS

All financial hardship requests are to be substantiated and submitted on the required application form, and are assessed and approved by Council's Property Leasing and Transactions section. Council will only consider such applications where the existing fence is in a state of disrepair or poor condition. In such circumstances, an applicant can apply for the following:

- **Under 50 lineal metres of new or replacement fencing:** A contribution from Council to the lesser value of \$1,000 or half the installed cost of an ordinary 1.5m timber paling or corrugated steel/colorbond fence..
- **Over 50 lineal metres of new or replacement fencing:** A contribution from Council to the lesser value of 25% of the total fence cost, or 25% of the installed cost of an ordinary 1.5m timber paling or corrugated steel/colorbond fence.

The following requirements apply to all applications:

- All fencing work is to comply with Council's relevant Development Control Plan or exempt development criteria.
- Council will enter into an agreement for defining fence work with the property owner contributing towards the cost of a fence, as outlined above.
- Three quotations are required in support of all applications. Council's contribution is based on the most cost effective quote.
- Final receipts/proof of payment must be submitted to Council with a covering letter.
- Council staff will inspect the fence before and after works and may take images to place on record to ensure project completion.
- Council will fund the contribution on satisfactory completion of the fence and agreed terms.
- Where an applicant provides a fence quotation that exceeds the standard specification of a 1.5 metre timber/colorbond fence, Council reserves the right to provide its own estimate on the standard fence cost and calculate the financial hardship contribution based on this estimated amount.

All applications for hardship assistance must be supported by documentation, including but

not limited to the following:

- Reasons for the application;
- Financial records (e.g. recent bank statements);
- Details of all sources of income and living expenses; and
- A letter from a recognised welfare agency or financial counsellor confirming financial hardship.

RELATED LEGISLATION

- *Local Government Act 1993*
- *Dividing Fences Act 1991*

RELATED DOCUMENTS AND COUNCIL POLICY

- *Cumberland Development Control Plan 2021*