

DIVIDING FENCE CONTRIBUTION ADJOINING COUNCIL OWNED/CONTROLLED LAND POLICY

(COMMUNITY POLICY)

1. Scope

The Dividing Fence Contribution Adjoining Council Owned/Controlled Land Policy (this 'Policy') applies to dividing fences adjoining Council owned or controlled land.

2. Purpose

The purpose of this Policy is to define when Council contributes towards a dividing fence, to meet the requirements of legislation and to ensure appropriate authorisation of expenditure towards dividing fence contributions.

3. References (legislation/related documents)

Neighbourhood Disputes (Dividing Fences and Trees) Act 2011

4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Sufficient dividing fence	<p>A dividing fence is a 'sufficient dividing fence' if for adjoining land consisting of two (2) parcels of residential land, the dividing fence is between a minimum of 0.5m and a maximum of 1.8m in height and consists substantially of prescribed materials.</p> <p>For adjoining land consisting of two (2) parcels of pastoral land, the dividing fence is sufficient to restrain livestock of the type grazing on each of the parcels of land.</p>

5. Policy Statement

Pursuant to the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*:

Council does not contribute any money towards a dividing fence adjoining land:

- That is outside the scope of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*; for example, reserve land.
- Where Council is not considered an owner for that land; that is land used as a public park, (s14(2)(a) *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*).
- Where a covenant or agreement exists that excludes Council from contributing.

5.1 Council Contribution

Council contributes half of the cost towards a dividing fence adjoining Council owned freehold land based on the standard rate per metre for a sufficient dividing fence (refer Appendix 1) and subject to an assessment pursuant to the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. The price per metre will be reviewed annually and will be adjusted to reflect market costs.

Council will not contribute if fencing work is carried out prior to notification being received by Council, or if Council deems the existing fence to be a sufficient dividing fence (as defined in this Policy) and in reasonable condition.

If an applicant prefers to construct a fence to a standard greater than the sufficient dividing fence, the additional costs will be borne by the applicant.

When determining whether a dividing fence constitutes a sufficient dividing fence or when evaluating a request for a contribution to fencing work, Council will consider several factors. These will include the visual amenity of the materials selected for the fencing work, the applicable planning scheme and zoning of the area where the proposed fencing work is to be undertaken.

6. Changes to this Policy

The standard rate referenced in Appendix 1 will be reviewed annually. Council has delegated authority to the Chief Executive Officer to approve any necessary adjustments to this rate.

7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Dividing Fence Contributions Adjoining Council Owned/Controlled Land Policy (v1.1)'.

Version	Date	Action
1	13/09/2016	Adopted
1.1	27/08/2018	Administrative Amendments – reflect organisational restructure
2.0	17/12/2024	Amended Policy Adopted – full review undertaken

TERRY DODDS PSM
CHIEF EXECUTIVE OFFICER

APPENDIX 1

STANDARD RATE

The standard rate per metre for dividing fence contribution is noted as the following:

Year	Rate including GST
2024-2025	\$99 per metre

Note: Where applicable, Council contributes **half** of the standard rate.