

Policy Name	Fencing Cost Reimbursements
Policy Number	CS02
Responsible Section	Design, Construction & Transport
Responsible Department	City Assets
Date Last Adopted	1 June 2019
Date of Next Review	1 June 2023
Applicable Legislation	<ul style="list-style-type: none"> • Fences Act 1975 • Development Act 1993 • Work Health and Safety Act 2012 • Encroachment Act 1944 • Survey Act 1992 • Local Government Act 1999 • Development Regulations 1944
Related Governance Documents	<ul style="list-style-type: none"> • Fencing Cost Reimbursements Standard Operating Procedures
City Plan Theme	Leadership - A City confident in its leaders

Purpose/Objective

To ensure that applications for a financial contribution toward fencing works between Council property and private residential properties are dealt with promptly and fairly in the best interests of Council and residents by the Administration without the necessity for referral to Council.

Scope

Notwithstanding the exemptions contained within the *Fences Act 1975*, Council will in strict accordance with the provisions of this Policy, contribute up to 50% of the cost of fencing work where this work is situated between Council reserve/property and rateable private residential properties in the City of Port Adelaide Enfield only.

As per *Fences Act 1975*, financial contribution does not apply to fences adjoining Council properties of more than one hectare (10,000m²) in area.

This Policy is not to be applied to fences on the boundary of a road, public road or road reserve (or similar), except when laid out as a non-trafficable pedestrian laneway.

A basic flowchart of the process is available on the Council's [Fences](#) web page.

The Policy is not intended to reduce or limit Council's liability to contribute toward fencing work costs in accordance with the provisions of the *Fences Act 1975*.

Principles

1. To ensure fencing standards achieve uniformity when viewed from a recreation reserve or pedestrian walkway.
2. To ensure a good quality of materials and workmanship are utilised.
3. To ensure Council's compliance with the provisions of the *Fences Act 1975*.

Policy

Applications for approval of fencing work and/or reimbursement of fencing work costs are to comply with the guidelines as set out below:

1. Requests for reimbursement should be accompanied by:
 - Council Form No. 1, 2, or 3 (available from Council on request)
 - Two written quotations for the proposed fencing works.
2. Council's maximum financial contribution to fencing works will be 50% of the equivalent cost of a 2.1 metre high two sided colorbond fence with steel posts and rails including labour and removal/disposal of the old fence.
3. No financial contribution will be granted by Council for costs associated with:
 - retaining walls, concrete plinths or any other building works.
 - the installation, repair or replacement of a brush fence.
 - works where necessary development approvals (planning and/or building) have not been granted.
 - the repair of damage resulting from the adjoining owner or occupiers own wrongful act or default.
 - fencing works commenced without Council's prior written approval, with the exception of urgent repairs associated with the damage/destruction of an existing fence.
4. Fencing works must be undertaken primarily from the adjoining property (with the exception of incidental and necessary access on foot only) and must not prevent or restrict continuous public access and use of the adjoining Council property.
5. Machinery, vehicles or equipment (with the exception of hand held tools) must not be brought or used upon the Council property without Council's prior written approval.
6. Council's financial contribution toward fencing works will only be paid following inspection of the completed works to the authorised delegated officer's satisfaction, including compliance with the following:
 - posts and rails are not to be on the Council side of the fence.
 - fencing must be located upon the property boundary.
 - retaining walls and any other works (including any subsurface footings or aboveground structures) must be located completely within the adjoining private property (i.e. not be an encroachment on Council property).

- fencing works must use good quality of material and workmanship.
 - the provisions of this Policy and any conditions imposed by the authorised delegated officer.
 - any other matters identified during inspection.
7. The authorised delegated officer may impose any conditions specific to the circumstances of an application.
 8. The applicant is responsible to ensure that all necessary approvals are obtained and that all works undertaken on the boundary with Council property are compliant with all imposed requirements/conditions.
 9. Any approval under this Policy or the provisions of the *Fences Act 1975* is granted by Council in its capacity as an adjoining landowner only, and does not constitute approval under the *Development Act 1993* or any other legislation.
 10. Where the Council contribution to the cost of fencing works under this Policy is anticipated to exceed \$5,000 the application is to be referred to the Elected Council for consideration.
 11. The authorised delegated officer is authorised to act in variance with this Policy to the extent necessary to ensure Council's compliance with the *Fences Act 1975*.
 12. Council reserves its right under the *Fences Act 1975* to serve a cross-notice where an existing fence is considered to be in good condition or unnecessary to repair.
 13. Council's maximum financial contribution will be calculated according to the quotations received prior to the commencement of fencing works. It will not extend to cost overruns incurred during the undertaking of fencing works.
 14. Where appropriate, Council may decline a reimbursement where the proposed fencing contractor is not:
 - adequately insured to undertake fencing works
 - listed as an entity on the Commonwealth Government's [ABN Lookup website](#)
 - listed as a licensed builder on the South Australian Government's [Licensing Public Register website](#)
 - licensed to remove asbestos under the *Work Health and Safety Act 2012*.
 15. Residents assume all responsibility for overseeing fencing works. Council's role is limited to paying a reimbursement for completed works that are deemed satisfactory
 16. Where delays are experienced in the processing of fencing requests, residents may be required to obtain an up-to-date quotation for reconsideration.

Definitions

brush fence means the definition of brush fence as contained in Section 76C of the *Development Regulations 2008*.

cost means the definition of cost as contained in the *Fences Act 1975*.

council property means any land which is owned by the City of Port Adelaide Enfield.

encroachment means the definition of encroachment as contained in the *Encroachments Act 1944*.

fencing works means the definition of fencing works as contained in the *Fences Act 1975*.

pedestrian laneway means land owned by the Council (including a road or public road) which:

- has been improved with a (sealed or unsealed) pedestrian footpath; and,
- separates privately owned property,
- has a total width (at the location of the fencing works) measuring less than 12 metres; and
- has a (physical and/or legal) restriction on the use of motor vehicles.

property boundary means the current legal boundary of an allotment as may be determined by a surveyor in accordance with the *Survey Act 1992*.

public road means the definition of public road as contained in the *Local Government Act 1999*.

reserve means any land with a reserve (or similar) designation on the Deposited Plan and Certificate of Title relating to the land.

road means the definition of road as contained in the *Local Government Act 1999*.

road reserve means any land (that is not a road or public road) that is owned or held by the Council for the purpose of providing a reserve/landscape/plantation/buffer strip, or to prevent legal access between a road/public road and adjacent properties.