



Ku-ring-gai Council

Draft Policy

Dividing Fences adjoining Council Land Policy

Version Number 2

Adopted: 22/10/2019

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	Dividing Fences Act 1991 Local Government Act 1993 Roads Act 1993 Crown Lands Act 2016	Section 25 (1) Section 49 and 50 Section 159 Division 4.2
Related Policies (Council & Internal)	Nil	
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	Procedure – Dividing Fences adjoining Council Land	Internal document - 2019/240731

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	8/4/2014	4/8/2017	Ian Taylor	First Version
2	3/10/2019	23/10/2023	Mark Shaw	Policy reviewed and updated.

Policy

Purpose

The purpose of this document is to provide a Council policy on the application of the *Dividing Fences Act 1991* with regard to Council's obligations, liabilities and procedures.

Objectives

The objectives of the policy are:

- To ensure compliance with the requirements of the *Dividing Fences Act 1991*;
- To disclose how the *Dividing Fences Act 1991* operates with regard to Council's liabilities for dividing fences adjoining Council land;
- To limit Council's liability against potential claims; and
- To develop procedures transparent for applicants requesting contributions and advice to residents.

Scope

The policy applies to all council officials, unless these guidelines are varied in writing or this policy is amended.

Responsibilities

This policy is the responsibility of the Manager Technical Services – Operations.

Implementation of the policy is the responsibility of the General Manager and all Directors, Managers and Supervisors.

Policy Statement

Section 25 (1) of the *Dividing Fences Act 1991* exempts Council from liability in respect to dividing fences on land vested in Council for the purposes of a public road, public park or public reserve.

Council therefore, does not contribute towards the cost of fencing on the boundaries of:

- public roads (inclusive of lanes or pathways),
- public reserves including most drainage reserves by reason of Section 49 and Section 50 of the *Local Government Act 1993* and
- most public garden and recreation spaces, unless there are special circumstances.

Special circumstances are limited to cases of demonstrated hardship and where it is deemed in Council's own interest to have a boundary fence.

Council generally will contribute up to 50% of the cost of a standard fence, on the common boundary of Council's other properties, such as:

- Car parks unless the land on which the car park is located is a public reserve as defined in the *Local Government Act*, or.
- Libraries, community centres and baby health centres unless built within a public reserve as defined in the *Local Government Act*.

The standard for a sufficient dividing fence for the purposes of this Policy is considered a timber paling fence with a maximum height of 1.8 metres.

Applicants may construct other more expensive fences. However, Council's contribution will be limited to 50% of the standard fence. Applicants will be required to pay any additional costs.