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1. Statement

Council as an owner of freehold land, will comply with their obligations under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

2. Purpose and Principles

The objective of this policy is to provide guidelines for owners of freehold land who seek a contribution from Council towards the cost of construction, replacement or repair of a dividing fence on a shared common boundary.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- Safe, Inclusive and Creative

4. Regulatory Authority

- *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- *Land Act 1994*

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

Council will contribute an amount equivalent to half the cost of constructing, repairing or replacing a “sufficient dividing fence” that shares a common boundary with Council freehold land. This is subject to an assessment pursuant to the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

Council does not contribute towards a dividing fence adjoining land where:

- Council is not considered an owner for land that is used as a public park, refer Section 14(2)(a) of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.
- The property adjoins a road.

- It is outside the scope of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.
- It is reserve land, land designated for park purposes, trust land owned by the State of Queensland where Council is trustee, stock route, agricultural land or a state plantation forest.
- A covenant or agreement exists that excludes Council from contributing.
- Fencing work is carried out prior to property notification being received by Council.
- The existing fence is deemed by Council to be of a sufficient standard and is in a reasonable condition.

If the common boundary is unable to be defined, then a surveyor must be engaged to establish the boundary pursuant to Section 40(6) of the *Neighbourhood Disputes (Dividing Fences and Tress) Act 2011*.

If the applicant wants to construct a fence to a standard greater than the 'Sufficient dividing Fence', the additional costs will be borne by the applicant.

If the boundary is burdened by trees or other natural aspects then it is the applicants' requirement to remove or maintain.

Once Council has granted approval to contribute towards half the costs of the dividing fence, the approval will be granted subject to the following:

1. An inspection will be carried out by Council's City Maintenance Team to verify that the fence has been constructed according to Council requirements; and
2. All building materials relating to the construction of your fence have been removed from Council land.

7. Roles and Responsibilities

The policy applies to all applications received by Council seeking a contribution to construct, repair or replace a dividing fence between Council owned Freehold land and private land.

All applications will be assessed by Council's Property Services Team and inspections will be carried out by Council's City Maintenance Team.

8. Key Stakeholders

City Maintenance Team - Infrastructure and Environment Monitoring and Evaluation

9. Monitoring and Evaluation

Identify specific measures that will determine the success and effectiveness of the policy. This may require data collection during policy implementation to inform the evaluation process.

Example measures include:

- *Broad staff participation in training that builds understanding and adoption of policy*
- *Reduction in complaints about access to council facilities, open space, programs and services*
- *Increased funding for accessible infrastructure and/or inclusion initiatives*

10. Definitions

Term	Definition
Sufficient Dividing Fence	<p>A dividing fence is a 'sufficient dividing fence' if for adjoining land consisting of 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 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>
Fence	<p>Means a structure, ditch or embankment, or a hedge or similar vegetative barrier, enclosing or bounding land, whether or not continuous or extending along the entire boundary separating the land of adjoining owners , and includes:</p> <ul style="list-style-type: none"> a) a gate, cattle grid or apparatus necessary for the operation of the fence; and b) a natural or artificial watercourse separating the land of adjoining owners; and c) a foundation or support built solely for the support and maintenance of the fence. <p>However, a retaining wall or a wall that is part of a house, garage or other building is not considered a dividing fence, even if it is located on the common boundary.</p>
Dividing Fence	<p>Means a fence on the common boundary of adjoining lands. A fence separating the land of adjoining owners constructed on a line other than the common boundary is also a dividing fence if -</p> <ul style="list-style-type: none"> • it is impracticable to construct a fence entirely on the common boundary of the adjoining lands because of natural physical features; or • the adjoining land includes 1 or more parcels of pastoral land separated by a watercourse, lake, or other natural or artificial feature insufficient to stop the passage of stock at all times.
Prescribed Material	<p>For a dividing fence, means any of the following materials unless the material does not comply with a requirement under a relevant local law—</p> <ul style="list-style-type: none"> (a) wood, including timber palings and lattice panels; (b) chain wire; (c) metal panels or rods; (d) bricks; (e) rendered cement; (f) concrete blocks; (g) hedge or other vegetative barrier; (h) other material of which a dividing fence is ordinarily constructed.
Adjoining Land	<p>Means the land where owners share a common boundary (land that is bordering or touching).</p>

Adjoining Owners	Means the owners of the land sharing a common boundary.
Fencing Work	<p>For a dividing fence means</p> <ul style="list-style-type: none"> a) the design, construction, modification, replacement, removal, repair or maintenance of the whole or part of the dividing fence; and b) the surveying or preparation of land, including the trimming, lopping or removal of vegetation, along or on either side of the common boundary of adjoining lands for a purpose mentioned in paragraph (a); and includes— c) the planting, replanting and maintenance of a hedge or similar vegetative barrier as the dividing fence; and d) the cleaning, deepening, enlargement or alteration of a ditch, embankment or watercourse that serves as the dividing fence; and e) obtaining an approval required for fencing work.

11. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Property Services Manager is responsible for authoring and reviewing this policy.