

**Council liability for the fencing of land owned/leased and managed by the Council**

OBJECTIVE

To establish a policy relating to the Council's liability for the fencing of adjoining lands.

MINUTE NO(S)

324/2000 – 7.8.2000

APPROVED

“That the Council's current policy (Minute 143/93 – 31.05.93) relating to the fencing of land owned/leased and managed by the Council be reaffirmed.”

BACKGROUND

Archived Minute No(s):. Motion reaffirmed 813/94 – 19.12.1994 and 324/2000 – 7.8.2000

Minute Extract: *Original Motion from 143/1993 – 31.5.1993*

“...That the Council not contribute to the fencing of roads (including car-parks) and public reserves, unless:

- 1 the car-park is situated within the boundaries of the central business districts of Ulverstone and Penguin and the shopping centre at West Ulverstone as defined by a planning scheme; and
- 2 the reserves and car-parks [other than a car-park referred to in point (1)] are land which is not open to the public generally;

and in respect of (1) and (2) above and all other lands the Council contribute one-half of the cost of fencing;

providing always and in every case that the Council is satisfied that such works are necessary.”

*The Boundary Fences Act 1908 – Section 7.* applies:

‘No local body having the administration, management, or control of any road shall be liable to make any contribution towards the erection or repair of any dividing fence between any road and the land of any occupier of land adjoining such road.’

REVIEW DATE

01 July 2020