

Parks and Gardens Fencing Guidelines

Between private property and Council parks or reserves

1. Introduction

These Guidelines have been prepared to help with the administration of Council's Fencing Policy. If you want to build or repair a fence between your property and one of the Council's Parks or Recreation Reserves, Council will contribute towards the cost based on a standard type of fence as described below.

A part of these Guidelines is taken from the Fencing Act 1978. This Act sets out the rights and obligations of people who own properties next to each other and wish to build a fence between the properties. The Council has to obey this law as does everyone else.

The other part of the Guidelines is designed to ensure that fences are suitable, do not cost the rate payers too much and can be easily maintained.

Council believes that it is important that parks and reserves should be open and accessible to all. However if fences are to be built between reserves and private properties, Council prefers that they be made of similar material so they present a consistent appearance viewed from the reserve. Open panel fences are generally less prone to graffiti than paling fences. Council approved standard fences are described in Section 5.

Council will not usually contribute to the cost of replacing an existing fence that is adequate¹ as defined by the Fencing Act 1978.

2. Giving Notice

If you want Council to contribute to the cost of a fence between you and a Council park or reserve, you need to fill in the Form of Notice at the back of these Guidelines and return it to the Parks and Gardens Manager. If Council disagrees with your suggestion we have to reply within 21 days of getting your notice. If you do not receive a reply from Council, you have the right to go ahead with the work and we will pay half the cost of the fence.

If you serve the first Notice, you will have to do the work or arrange for it to be done. Regardless of who is responsible for doing the work, if the job has not commenced within 28 and 90 days from the start date given in the notice, the other party can do the work. If the job is not completed within 90 days of the date given in your notice for starting work, the entire arrangement will lapse.

Council deals with the adjoining property owners and not their agents or representatives.

Council will not contribute to the cost of any fence built before notice has been given or which has been started inside 21 days from the notice being lodged, unless the Council has given its approval within that period.

¹ "Adequate fence" means a fence that, as to its nature, condition, and state of repair, is reasonably satisfactory for the purpose that it serves or is intended to serve: Section 2, Fencing Act 1978.

3. Access to Council Reserve

If you need access over the reserve to build the fence, you must first get permission from the Parks and Gardens Manager. A monetary bond will be required to cover repair of any damage to the park that may result. The amount of the bond will be set by Council staff.

4. Financial Contribution

The fences described in Section 5 are examples of standard fence types. The financial contribution by Council will be limited to 50% of the cost of a standard 1.8 m high, 3 rail, solid timber Standard Paling Fence or 50% of the actual cost of an agreed alternative, whichever is less. This amount will be payable on completion of the fence. The market value of this standard fence will be reassessed yearly in January. The Council believes one or the other of these fences or walls will serve most needs, but may approve other types as long as they fit in with the sort of park you live by. ***The Council will never pay more than half the cost of the standard fence type***, except where it is in the public interest. Due to the high cost of maintaining a hedge, Council will not approve hedges or any other form of living fence.

5. Approved Types of Fences: Up to 2.0m only — any fence above 2.0m requires PRIOR building consent (application to be made to the Building Unit of Council)

5.1 Open panel type fence

Panels shall be robust enough to cope with siting on the boundary of a public park or reserve. Steel panels & posts shall be hot-dip galvanised and may be powder coated black or green. However, HCC will not be responsible for damage caused to the powder coat finish by park users or age, all posts must be capped to exclude water and be securely concreted in position. All fastenings shall be galvanised.

5.2 Standard Paling Fence

A paling fence at least 1.0 metre high, posts 100 x 75mm and placed not more than 2.75 metres apart. There should be two rails (three if the fence is higher than 1 metre), with sawn timber palings placed upright and well nailed to both rails. Palings may be close butted or with a gap of no more than 40mm between palings. All rails and palings should be tanalised and the posts ground treated.

5.3 Seven Wire Fence

A seven-wire fence, properly strained, the wire to be 12.5 H.T. galvanised or similar. The posts are to be concrete or treated timber placed no more than 4m apart, and the battens or droppers should be of treated timber, metal or plastic, evenly spaced, and at least 3 between posts. The top wire is to be at least 1000 mm from ground level, and no barbed wire is to be used.

5.4 Mesh Fence

As for the seven wire fence, but without battens and all wires except the top, middle and bottom ones replaced by galvanised chain link mesh fixed to the wires at every second mesh row.

6. Gate

The Council is happy for people to have one gate onto a park or reserve, but if you plan to build one you should get approval through the notice you give to the Parks and Gardens Manager (see form at the back). The gate is to be for foot traffic only, no more than 1 metre wide, and opening away from the reserve.

NOTE: Council does not contribute to the cost of construction and installation of the gate, which remains at the pleasure of Council and can be removed at anytime without prior notice.

7. Mowing Strip

Council does not object to a mowing strip but will not contribute to the cost of its construction.

8. Painting of Fences

Generally Council does not require that the side of the fence facing onto the park be painted. However, should you wish to paint this side of the fence, then you must get written agreement from the Parks and Gardens Manager for the colour scheme.

Council will not be liable to contribute to any initial painting or repainting that may be required in the future.

9. Boundaries

If you do not want to fence the whole boundary you will have to describe what you want in your notice to the Parks and Gardens Manager. However unless there are very good reasons we are unlikely to pay any part of the cost of a fence which does not extend the full length of the boundary. Council will not pay for a fence which is not exactly on the boundary. If you are not sure where the boundary is, we will be happy to help you with locating it. However if there are problems fixing the location of the boundary and a surveyor has to be engaged, we will regard that as a part of the cost of the fence and you will have to meet an equal share of the fee. We would of course discuss the matter with you before engaging a surveyor.

10. Changes to Ground Levels and Ground Shape

Sometimes earthmoving work may go right up to a boundary and may result in a bank at the common boundary.

The Council will not meet any of the costs of earthmoving, bank retention, or drains, and such work can only go ahead after written approval from the Parks and Gardens Manager.

11. Maintenance and Removal

We will not pay a share of the maintenance or removal costs of a boundary fence or hedge, unless you give due notice of the intended work prior to submitting this form. If you remove a boundary fence without permission we will require that you replace it at your expense.

12. Payment

Council's contribution will be made upon the following conditions:

- That a confirmed cost of the work is included in the Notice of Intention to Fence.
- Estimates will not be accepted.

- That the fence is erected in accordance with the Fencing Application and to the satisfaction of the Parks and Gardens Manager.
- That copies of **original** receipts are forwarded, for materials where you have erected the fence yourself, or for materials and/or services where a contractor has been engaged to do the work.

If registered for GST please supply an original Tax Invoice for the agreed amount of reimbursement, so Council can claim the GST back.

PAYMENT:

Please attach your bank deposit slip with your application form so Council can direct credit your account after inspection of the completed fence.