



FENCES ON RURAL ROAD RESERVES

POLICY

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Owner: Department of Transport

Manager: Transport Infrastructure Planning Division

Background

The Crown is not bound by the [Fences Act](#) and therefore not legally liable for the cost of erection or maintenance of fences with adjoining landowners.

Objective

It is the Government's primary aim to ensure that wandering stock does not jeopardize the safety of the traveling public.

Guidelines

Road Realignments

Where existing fences adjacent to national highways and rural arterial roads are superseded by realignments, road reserve fencing shall be undertaken as part of the road reconstruction project.

Existing Multi User Roads

The primary consideration when considering funding approval is the road safety aspect.

Where a fencing proposal is initiated by the lessee / owner of a property and is deemed to have sufficient priority from a road safety perspective, the cost of fencing existing road reserves shall be shared by the lessee / owner and the Government. Funding provisions shall be subject to normal Government budgetary processes. Requests for funding must be submitted prior to the commencement of the work. The Government will not accept claims for retrospective contributions for the installation of any fence. Current cost sharing practice is for the Department of Transport to supply materials and the owner / lessee to arrange for the fabrication and erection of the fence.

Materials and fabrication costs shall be limited to the cost of erection of fences detailed in the standards unless alternative arrangements are approved.

Where fencing is proposed by the Government, generally as a result of a road safety concern, the owner / lessee shall be approached and joint funding arrangements requested. If agreement regarding funding cannot be reached, then, taking into account the road safety risk, consideration may be given to a higher level of government funding.

Single User Roads

The cost of erecting fences on single user roads shall be borne by the lessee / owner.

Maintenance of Fences

The maintenance of all fences along road reserves shall be the total responsibility of the lessee / owner whose land adjoins the road reserve. Maintenance includes replacement of any part of the fence whatever the cause of the damage. It also includes all labor and material costs.

On occasion the Department, through its maintenance practices, may contribute to the degradation of the fences (e.g. grading too close to fence posts may have weakened them against the force of floodwaters). Where it can be demonstrated that this has happened, shared remuneration on a case by case basis may be considered.

Where an owner / lessee fails to adequately maintain the fencing and there is no likelihood of them doing so, the Department should effect essential, minimum repairs if the condition of the fence poses a sufficiently significant road safety issue.

Standards

All fences erected must comply with appropriate departmental standards. Currently for stock fences drawing number [CS-1306.5](#) refers. Notwithstanding, alternative fencing arrangements may be proposed for approval.

Severance Issues

Water and access severance issues shall be accommodated within specific fencing proposals and be developed in conjunction with the lessee / owner.