

Fencing of properties

Information sheet

Under the Fencing Act 1978, which was ratified again as of 1 March 2017, a property owner is entitled to build a permanent fence on their property boundary. Where such a fence is constructed between two privately owned properties (i.e. straddles the boundary line), consultation with the neighbour is required. Subject to the provisions of the Act, and to any order of the court made under the Act, the occupiers of adjoining lands not divided by an adequate fence are liable to contribute in equal proportions to work on a fence.

Note that any dispute in this regard is a civil matter and not a Council matter

If a property owner elects to construct and pay for a fence *entirely* on their side of the boundary line, then the adjoining neighbours approval is not required.

The form and construction of a fence is at the discretion of the property owner(s), however, there is an expectation that the fence shall be adequate for the purpose (e.g. a solid fence should be sufficiently robust to resist the wind forces expected in that zone).

The operative Tararua District Council District Plan allows a fence to be constructed to a height of 2 metres above original ground level as a permitted activity. A fence of this height (or less) does not require a consent.

Note that it is important that the actual boundary should be established accurately. If the legal survey pegs cannot be found, then a surveyor should be engaged for this purpose. If a land use or building consent is required, Council officers will need to sight the boundary pegs.

Where a fence is greater than 2 metres in height

Planning

If the fence is greater than 2 metres in height on the boundary of two adjoining privately owned lots, this may be deemed as a permitted boundary activity provided that a written, signed approval is received from the affected neighbour on the Council prescribed form. An application to Council is also required on the Council prescribed form. These forms are available from any Tararua District Council service centre. There is a fee of \$350 for this to cover processing. Attached to the application should be a site plan and details of the construction of the fence.

If the fence is greater than 2 metres in height on a boundary between a privately owned lot and any publicly owned parcel of land, a land-use resource consent is required. An application to Council is required on the Council prescribed form, which is available from any Tararua District Council service centre. There is a fee of \$550 for this to cover processing. Attached to the application should be a site plan and details of the construction of the fence.

Building

If the fence is greater than 2.5 metres in height, an application for building consent is required *in addition* to the planning requirements outlined above. An application to Council is required on the Council prescribed form, which is available from any Tararua District Council service centre. There is a fee of \$405 for this to cover processing. Attached to the building consent application should be a site plan and details of the construction of the fence.