

Fencing Act Requirements

The Fencing Act 1978 sets out the obligations and rights of land owners in relation to the fencing of their property, for example, minimum quality of fencing, cost sharing, and dispute process. The courts administer this act, not Council.

Most of the law that relates to fences is contained in the Fencing Act 1978.

Unless you and your neighbour agree otherwise:

- All fences must be on the boundary line.
- The cost of erecting or repair of a fence to an adequate standard is shared equally between the adjoining owners. However, if one owner has damaged the fence then the cost of repairs will fall on that owner. (Please note this provision does not apply to fences on road boundaries.)
- A compulsory contribution to the cost of a fence cannot be obtained unless a fencing notice under the Fencing Act has been served on the adjoining owner and other procedures followed.

The Court can deal with all disputes concerning a fence, such as its type and cost, however it is much better if you can reach an agreement with your neighbour. Your lawyer or a Community Law Centre will be able to advise you on your rights and obligations relating to the Fencing Act.

Building Act Requirements

The following fences require a building consent before you commence any work:

- Any fence, hoarding or wall (other than a retaining wall or swimming pool fence) over 2 metres in height above supporting ground.
- Any retaining wall that supports a depth of ground of more than 1.5 metres deep or that supports any additional load such as buildings of the weight of vehicles.

Fencing Road Reserve

Road boundary fences should be constructed on the legal boundary. Where it is impractical to erect a fence on the legal boundary then Council will consider allowing a fence to be constructed on road reserve. To erect a fence on road reserve you need to apply to Council, please contact the customer services team on 0800 72 7059. If a fence is erected on road reserve Council reserves the right to ask the landowner to remove all or part of the fence at any time. Please note all road boundary fences must be adequate for the purpose for which they are being used.

Locating Property Boundaries

An existing fence can give an indication of where the property boundary is it is not always the actual boundary.

To confirm the location of your boundary refer to the Certificate of Title and the Deposited Plan as they contain information about the location and dimensions of the boundary. These documents are available from Land Information New Zealand.

If you are unable to locate the boundary pegs or think they have been moved you may require the services of a surveyor. Council does not have a surveyor on staff.

Need to Know More?

For further information in relation to

- The Fencing Act please contact your lawyer or community law centre.
- the Building Act please contact the customer services team on 0800 72 7059.

This pamphlet is intended as a guide only, the information contained in this pamphlet does not constitute legal advice and the Kaipara District Council accepts no liability for any losses incurred by any person relying upon the completeness or accuracy of its contents.