

Boundary fences and allowable activities under the Local Land Services 2013

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Policy Statement

The aim of this policy is to clarify the maximum distances and clearing allowed along boundary fences that are shared between two landholdings.

Context

The LLS Act enables clearing for rural infrastructure, including boundary fences, but limits the distance of clearing to:

- 40 metres in the Western Zone,
- 30 metres in the Central Zone,
- 15 metres in the Coastal Zone, and
- 12 metres on a small holding or for temporary fences (in any Zone) (Schedule 5A, Part 1, CI31).

These maximum distances apply ‘...even if part of the clearing within that maximum distance is carried out on an adjoining landholding’ (Schedule 5A, Part 1, CI9). Consequently, in an instance where two landholders share a boundary fence in theory one landholder could clear to the maximum extent allowed and in doing so expend all of the authorised distance on their side of the boundary fence. Clear guidance is required to clarify what options are available so that no landholder is unduly disadvantaged.

Scope

This policy applies to areas of the State to which the *LLS Act* is in effect.

Policy Position

In instances where one landholder has cleared more than half of the authorised distance (ie. 7.5 metres in the Coastal Zone) LLS should consider whether another allowable activity may be used in this instance. For example, LLS should consider whether clearing could be permitted for a road or track adjacent to the fence¹. Additionally, LLS can issue a certificate ‘that increases a maximum distance’ so that a landholder is not disadvantaged (Schedule 5A, Part 1, CI10).

Legislation

Local Land Services Act 2013

¹ Note: Under the *LLS Act* stacking is occurs when, ‘...the maximum distance for an item of infrastructure overlaps with the maximum distance for another item of infrastructure on the land concerned, those distances are not to be combined to form a composite distance or area’. The distances stipulated in this policy position does not not create a composite distance or area along boundary fences.

Revision history

Version	Date issued	Notes	By
1	20/10/2017	N/A	Group Director

Review date

This policy will be reviewed in 6 months.

Contact

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