

# Private property owners

## Information sheet

### Replacement and Installation of a Boundary Fence

The South Australian Housing Trust (the Trust) is committed to ensuring that its property boundaries are maintained to a high standard and in compliance with relevant legislation. Over time, due to normal wear and tear, fences deteriorate and need to be replaced. As part of our commitment to keeping our properties up to standard, we are proposing to install a new boundary fence between our property and yours.

This information sheet outlines the process and requirements involved to install a new fence, and your rights as a private property owner.

#### Scope of Works and Process

If an agreement is reached for the Trust to engage a contractor to carry out the work, we will keep you informed throughout the process to ensure a smooth and transparent experience.

The key steps are as follows:

#### 1. Assessment and Quotation

- The Trust will engage one of its reputable fencing contractors to assess the existing boundary fence and provide a quotation for the removal of the old fence and the installation of a new one. If a retaining wall is necessary, this will also be included in the assessment.

#### 2. Formal Notice

- The Trust will complete and issue you with a **Form 2 – Notice of intention to perform replacement, repair or maintenance work**, which will outline the proposed works, responsibilities, and costs involved. A sample copy of this Form 2 is attached for your reference.
- You will also be provided with a **Form 3 – Cross Notice** should you wish to propose an alternative option. A sample copy of this Form 3 is attached for your reference.

#### 3. Clearing of Fence Line

- On receiving a completed Form 2 notice, any vegetation or obstructions along the fence line must be cleared within **10 days** to allow for a smooth installation process.
- If assistance is required, the Trust can arrange vegetation clearing at an additional cost.

#### 4. Rubbish Removal

- All rubbish along the fence line must also be removed within **10 days** of being issued a Form 2 notice.
- The Trust can assist with rubbish removal for an additional fee if required.



## 5. Installation by a Reputable Contractor

- All fencing work must be undertaken by a reputable contractor to ensure compliance with South Australian legislation (*South Australian Fencing Act 1975*) and building codes and your local council requirements and encumbrances. For more information about the SA Fencing Act visit [www.housing.sa.gov.au/SAFencesAct](http://www.housing.sa.gov.au/SAFencesAct)

## 6. Payment Process and Assistance

- If the Trust is managing the installation, an invoice will be issued to you for your share of the cost.
- Payments can be made using methods displayed on the invoice. If you need to negotiate a payment plan, please contact us as soon as possible if this is an option you wish to investigate. Details on how to make payments will be provided with the invoice.
- If you choose to engage your own contractor, the Trust will reimburse its share of the cost as soon as compliance has been confirmed by one of our maintenance contractors and upon receipt of a valid tax invoice and proof of full payment. Please refer to 'Your Rights and Options' below for undertaking the work yourselves.

## 7. Ongoing Communication

- We aim to make this process as smooth as possible.
- To ensure efficient communication, we request your **email address** for progress updates and a **phone number** for urgent matters.
- We will only contact you when necessary to minimise disruptions.

## Your Rights and Options

As a private property owner, you have the right to engage your own reputable fencing contractor instead of using the Trust's approved contractors. This will include the following steps:

1. You will need to Issue the Trust with a Form 3 advising your recommendation
2. The Trust will respond to your Form 3 and clarify details if required
3. You will then issue the Trust with a Form 2 - Notice of intention to perform replacement, including photographs of both sides of the fence to be replaced, and provide a copy of the reputable fencing contractors quotation.

On receipt of the above the Trust will send you an Acceptance letter and a Reimbursement form, before work can commence. If required, you can discuss and negotiate cost-sharing arrangements, and request payment assistance through a structured payment plan.

## Next Steps

Please review this information carefully and confirm whether you would like the Trust to replace the fence or you wish to engage your own reputable contractor. If you wish to engage your own contractor, kindly inform us as soon as possible after receipt of this information pack so that we can coordinate accordingly.

For any queries or assistance, please contact us on the details below. We appreciate your cooperation in ensuring that this project is completed smoothly and in compliance with all legislative and your local council requirements.

SA Housing Trust  
Maintenance Contact Centre

 131 288

 HousingHCF@sa.gov.au



# The Fences Act 1975: What You Need to Know

## Purpose

*The Fences Act 1975* sets rules for building, repairing, maintaining, or replacing fences that separate neighbouring properties. It also explains how to handle disputes and share costs fairly between neighbours. For a full version of *The Fences Act 1975* please use an internet search engine and search for *The South Australian Fences Act 1975*.

## Key Points

### What is a Dividing Fence?

A dividing fence is anything that separates two properties, like a wooden fence, a hedge, or even a ditch.

### What Counts as Fencing Work?

This includes building, fixing, replacing, or maintaining a fence. It also covers clearing plants or rubbish near the fence (within 600mm of the boundary).

### How Does the Process Work?

#### 1. Notice of Intention

- Before starting work, you must tell your neighbour by sending a "Notice of Intention" (Form 2).
- This notice should include:
  - Details of the work (e.g., the type of fence, length / height, cost, colour and contractor information). Copy of quotation
  - How much money you're asking your neighbour to contribute including GST.

#### 2. Responding to a Notice

- Your neighbour has 30 days to reply from date of receiving the Form 2 or respond with a "Cross-Notice" (Form 3) if they object.
- They can suggest different plans, costs, or designs. Any of these designs/plans which may incur additional costs will be the responsibility of the landowner making such requests.
- If they don't respond within 30-days, it will be deemed they agree with your proposal and work can commence.

#### 3. Agreement or Dispute

- If there's no objection within the 30-day time period, work can begin.
- If there's a disagreement, you can further negotiate or opt to go to court for a decision.

### Who Pays for the Fence?

**Usually, neighbours share the costs equally.**

**If one neighbour wants a more expensive fence, they pay the extra cost.**

**If retaining walls are required, the % of shared cost will be advised, noting that in some instances the cost may lie solely with one landowner.**

### Commencement of Works!

Minimum of 48 hours' notice of commencement of works and required entry of property is to be given to Private Owner and Tenant/s.

### Urgent Repairs

If a fence is damaged or destroyed, you can fix it right away without giving notice. You can still ask your neighbour to help cover the costs by issuing a Form 2 unless the damage was your fault.



## Special Rules for Tenants and Landlords

If you're renting, who pays for the fence depends on the lease:

- Leases under 3 years: Tenants don't pay.
- Leases over 12 years: Tenants might have to pay the full cost.

## Other Important Details

**Absent Neighbours:** You can contact the local council for owners' details. Private Owner details can be sourced through the local council, or face to face with property occupant

**Land Exemptions:** Crown land (like government property) and land over 1 hectare have different rules.

## Handling Disputes

If neighbours can't agree, the Magistrates Court can be engaged to assist (Form 3):

- Decide what type of fence is needed.
- Determine how costs are shared.

This is a general guide to help you understand your rights and responsibilities. If you're unsure, it's a good idea to get legal advice.