



## Dividing Fence Pensioner Rebate Policy ~~and Procedure~~

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### 1. Scope

~~The City of Parramatta Council will provide financial assistance to Eligible Pensioners to repair or replace a dividing fence that abuts a Public Reserve or a Road, excluding front fences.~~

- 1.1 This Policy applies to all residential properties in the City of Parramatta Council (Council) local government area (LGA).

### 2. Purpose

~~Under the provisions of the Dividing Fences Act 1991 (Act), NSW Councils are exempt from contributing towards the cost of dividing fences where they abut a Public Reserve or a Road.~~

~~Despite the exemptions provided under the Act, City of Parramatta Council is committed to assisting Eligible Pensioners to repair or replace a fence where their fence abuts a Public Reserve or a Road.~~

- 2.1 This Policy provides~~establishes~~ a framework ~~of guiding principles and eligibility criteria for~~ for Council to provide financial assistance to Eligible Pensioners seeking a contribution from City of Parramatta Council, to the cost of repairing or replacing a Dividing Fence abutting a Public Reserve or a Road, excluding front fences.

### 3. Policy

- 3.1 Under the provisions Pursuant to section 25 of the Dividing Fences Act 1991 (Act) (NSW), NSW Councils are is exempt from contributing towards the cost of dividing fences where they abut a Public Reserve or a Road.

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3.2 ~~Despite the exemptions provided under the Act~~ Dividing Fences Act 1991 (NSW), City of Parramatta Council is committed to assisting Eligible Pensioners to repair or replace a Dividing Fence where their fence abuts a Public Reserve or a Road.

3.3 Council will reimburse Eligible Pensioners 50% of repair or replacement costs of a Dividing Fence where it abuts a Public Reserve or a Road, up to a maximum amount of \$1,100.00 (including GST).

3.3.1 ~~Council will not provide financial assistance for the repair or replacement of front fences.~~

3.3.2 The Dividing Fence ~~needs to~~must be in a condition where it warrants repair or replacement, at the discretion of Council.

3.3.3 A maximum of one ~~(1)~~ payment/rebate will be granted per property every 15 years.

## Eligibility

3.4 ~~To be eligible for a contribution to the cost of a dividing fence under this Policy to apply for the Dividing Fence Pensioner Rebate,~~ the following criteria must be met:

- (a) The applicant must own the property.;
- (b) The applicant must reside in the property.;
- (c) The applicant must be an Eligible Pensioner, ~~as defined by the Local Government Act,~~
- (d) The property must be situated within the City of Parramatta ~~Council~~ Local Government Area LGA.;
- (e) The property must directly abut a Public Reserve or Road. ~~and~~
- (f) The property must be a residential property, excluding Community Titled residential property, Strata Schemes, or Strata Titled residential properties.;

~~(f)(g)~~ The proposed works must be for a standard timber paling fence to a maximum height of 1.8 metres (180 centimetres).

3.5 ~~An Eligible Pensioner will need to apply for a~~ Applications for the Dividing Fence Pensioner Rebate must be submitted to and approved by Council, prior to undertaking any works on the Dividing Fence.

3.6 Council has no liability for the ongoing repair and maintenance of any fence repaired or replaced ~~fence,~~ to which a Dividing Fence Pensioner Rebate has been issued, under this Policy.

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## 4. Delegation

4.1 There are Administrative and/or Legislative Delegations applicable to this Policy, which are provided for in Council's Delegations Manual.

## 5. Procedure

### When to apply

~~An Eligible Pensioner will need to apply for a rebate prior to undertaking any works on the dividing fence.~~

5.1 Applications may be made to Council using the prescribed Dividing Fence Pensioner Rebate application form on Council's Online Services Portal.

5.1.1 Applicants requiring assistance with completing the application form may contact Council's Property Assets, Security, and Services Unit, including by:

- (a) phoning Council Customer Service at 1300 617 058; or
- (b) attending Council's Customer Service Centre at Phive.

5.1.2 ~~The a~~Applicants must provide Council with:

- a) ~~a~~At least two (2) written quotations for the cost of repair or replacement of the dividing fence, which document that the proposed works meet the specifications set out by this Policy; and;
- b) photographic evidence of the fence requiring repair or replacement.

### How and where to apply

(a) By letter to:

Asset Strategy and Property  
Management Unit PO Box 32  
PARRAMATTA NSW 2124

(b) By email to:

council@cityofparramatta.nsw.gov.au and marked to the attention of:  
Asset Strategy and Property Management Unit.

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~~(e)(a) In person to:  
Ground Floor  
Reception 126  
Church Street  
PARRAMATTA NSW 2150~~

## Information required by Council

~~The applicant must provide Council with:~~

- ~~a) At least two (2) written quotations for the cost of repair or replacement of the dividing fence;~~
  - ~~b) The quotations must be for a standard timber paling fence to a maximum height of 1.8 metres (180 centimetres); and~~
- ~~The applicant must provide photographic evidence of the fence requiring repair or replacement.~~

## Pre-inspection

- 5.2 Council may inspect the ~~dividing~~ fence before ~~processing the~~ determining a Dividing Fence Pensioner Rebate application.

## Approval

- 5.3 Where a Dividing Fence Pensioner Rebate application has been ~~If approved~~ by Council, the applicant ~~should~~ must:
- (a) ~~U~~ ndertake and pay for the repair or replacement;
  - (b) ~~P~~ rovide Council with a copy of the fully paid invoice;
  - (c) ~~P~~ rovide Council with a signoff from the contractor that the works have been undertaken; and
  - (d) ~~P~~ rovide Council with photographic evidence of the repaired or replaced fence.

## Post-inspection

- 5.4 Council may inspect the repaired or replaced fence prior to ~~any~~ issuing the Dividing Fence Pensioner Rebate ~~being issued~~.

## Other information

- 5.5 ~~The Asset Strategy and Property Management Unit of~~ Council will maintain a database of Dividing Fence Pensioner Rebate applications received and rebates ~~granted~~ issued.

~~Funding will be provided by the Asset Strategy & Property Management Unit.~~

~~This Policy will be managed by the Asset Strategy and Property Management Unit of Council.~~

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## 6. Definitions

### **Council:**

City of Parramatta Council.

### **Eligible Pensioners:**

The Local Government Act 1993 defines eligible pensioners as:

- e) ~~Persons who receive a pension, benefit or allowance under Chapter 2 of the Social Security Act 1991 of the Commonwealth, or a service pension under Part III of the Veterans' Entitlements Act 1986 of the Commonwealth, and who are entitled to a pensioner concession card issued by or on behalf of the commonwealth government; or~~
- d) ~~Persons who receive a pension from the Commonwealth Department of Veterans' Affairs and are the holders of a pension concession card issued by Centrelink.~~

### **Public Reserve:**

The Local Government Act 1993 defines public reserve as:

- (a) ~~a public park, or~~
- (b) ~~any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or~~
- (c) ~~any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or~~
- (d) ~~any land dedicated or taken to be dedicated under section 49 or 50, or~~
- (e) ~~any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or~~
- (f) ~~any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or~~
- (g) ~~a Crown reserve that is dedicated or reserved:~~
  - (i) ~~for public recreation or for a public cemetery, or~~
  - (ii) ~~for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Lands Act 1989, being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or~~
- (h) ~~land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986, or~~
- (i) ~~land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993, and includes a public reserve of which a council has the control under section 344 of the Local Government Act 1919 or section 48, but does not include a common.~~

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## Road:

The Local Government Act 1993 defines road as:

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, Road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a Road and any part of any thing referred to in paragraph (a), and
- (c)(a) anything forming part of a road or anything forming part of any thing referred to in paragraph (a).

Dividing Fence	As defined by the <i>Dividing Fences Act 1991</i> (NSW), means a fence separating the land of adjoining owners, whether on the common boundary of adjoining lands or on a line other than the common boundary.
Eligible Pensioner	As defined in the Dictionary to the <i>Local Government Act 1993</i> (NSW) (LG Act) and section 134 of the <i>Local Government General Regulation 2021</i> (NSW), means: <ul style="list-style-type: none"> <li>a) persons who receive a pension, benefit or allowance under Chapter 2 of the <i>Social Security Act 1991</i> of the Commonwealth, or a service pension under Part III of the <i>Veterans' Entitlements Act 1986</i> of the Commonwealth, and who are entitled to a pensioner concession card, issued by or on behalf of the commonwealth government; or</li> <li>b) persons who receive a pension from the Commonwealth Department of Veterans' Affairs and who are entitled to a pensioner concession card, issued by or on behalf of the Commonwealth government, or</li> <li>c) persons who have received a lump sum mentioned in section 234(1)(b) of the <i>Military Rehabilitation and Compensation Act 2004</i> of the Commonwealth or are receiving a weekly amount mentioned in that paragraph, and who are entitled to a pensioner concession card, issued by or on behalf of the Commonwealth government, or</li> <li>d) persons who receive a general rate of pension adjusted for extreme disablement under section 22(4) of the <i>Veterans' Entitlements Act 1986</i> of the Commonwealth, or a special rate of pension</li> </ul>

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	<p><u>under section 24 of that Act, or</u></p> <p>e) <u>persons who receive, or who at some point in their life have been eligible for, a Special Rate Disability Pension under the <i>Military Rehabilitation and Compensation Act 2004</i> of the Commonwealth, and</u></p> <p>f) <u>who occupies the property the subject of the Dividing Fence Pensioner Rebate application, as his or her sole or principal place of living.</u></p>
<p><u>Public Reserve</u></p>	<p>As defined in the Dictionary to the LG Act, means:</p> <p>(a) <u>a public park, or</u></p> <p>(b) <u>any land conveyed or transferred to the council under section 340A of the <i>Local Government Act 1919</i>, or</u></p> <p>(c) <u>any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the <i>Local Government Act 1919</i>, or</u></p> <p>(d) <u>any land dedicated or taken to be dedicated under section 49 or 50, or</u></p> <p>(e) <u>any land vested in the council, and declared to be a public reserve, under section 37AAA of the <i>Crown Lands Consolidation Act 1913</i>, or</u></p> <p>(f) <u>any land vested in the council, and declared to be a public reserve, under section 76 of the <i>Crown Lands Act 1989</i>, or</u></p> <p>(g) <u>Crown managed land that is dedicated or reserved:</u>          (i) <u>for public recreation or for a public cemetery, or</u>          (ii) <u>for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the <i>Crown Land Management Act 2016</i>, being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or</u></p> <p>(h) <u>land declared to be a public reserve and placed under the control of a council under section 52 of the <i>State Roads Act 1986</i>, or</u></p> <p>(i) <u>land dedicated as a public reserve and placed under the control of a council under section 159 of the <i>Roads</i></u></p>

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	<p><u>Act 1993,</u> and includes a public reserve of which a council has the control under section 344 of the <u>Local Government Act 1919</u> or section 48, but does not include a common.</p>
<u>Road</u>	<p>As defined in the Dictionary to the LG Act, means:</p> <p>(a) <u>highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, Road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and</u></p> <p>(b) <u>any part of a Road and any part of any thing referred to in paragraph (a), and</u></p> <p>(c) <u>any thing forming part of a road or anything forming part of any thing referred to in paragraph (a).</u></p>

## **Review**

~~This Policy will be reviewed every two (2) years.~~

<b>REFERENCES</b>	<p><u>Dividing Fences Act 1991 (NSW)</u> <u>Local Government Act 1993 (NSW)</u> <u>Local Government (General) Regulation 2021 (NSW)</u></p>
<b><u>ASSOCIATED</u> POLICIES</b>	<u>Nil</u>
<b>ATTACHMENTS</b>	<u>Nil</u>

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