

Dividing Fences

This factsheet provides information about dividing fences, constructed on the common boundary of properties.

What is a dividing fence?

A dividing fence is constructed on the common boundary line of adjoining land. Sometimes a dividing fence can be built off the common boundary line when it is impractical due to the physical features of the land.

A fence is a structure, ditch or embankment, or a hedge or similar vegetation barrier, enclosing any land, whether or not it extends along the whole boundary of the land separating the neighbours. A retaining wall is NOT a fence but may assist in the support for a fence.

Who owns a dividing fence?

A dividing fence is owned equally by the adjoining landholders if it is built on the common boundary line. However, a fence or part of a fence built on one (1) landholder's land is owned by that landholder, even if the other landholder contributed to the construction of the fence.

Who should pay for a dividing fence?

Adjoining landholders should contribute equally to building and maintaining a dividing fence. Many landholders enter into informal agreements regarding contributions. If you wish to make your agreement more formal, you can complete and give your adjoining landholder [a Notice to contribute](#) which can be found on the Queensland Government website to request their contribution to repairing or constructing a dividing fence.

The form contains specific information and must include *at least* one (1) written quote.

Landholders should not attach things to a dividing fence that may damage or alter it, unless agreed to (e.g., clothesline, shade sail, carports).

What if my property adjoins Council owned land?

Local, State and Commonwealth governments are exempt from the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* which means you will not be able to claim half of the cost of this section of the dividing fence if your land adjoins government owned land. An exception may apply if Crown land is leased to other parties.

The construction of fencing bordering Council owned will require consultation with Council.

Do I need a building approval for construction of a dividing fence?

A permit for building works is required for dividing fences where:

- the fence is over two (2) metres in height;
- where the fence is attached to or located adjacent to a retaining wall requiring approval;
- if a fence is proposed to be built on top of a retaining wall and the overall structure is over two (2) metres.

Depending on the proposed development, a fence and/or retaining wall can be sited:

- on the common boundary
- within your property boundary
- in accordance with a planning approval or
- in accordance with a siting discretion approval when the height of the structure/s exceeds 2 metres in height.

A site survey of the property by a professional land surveyor may be required for erecting fences on the boundary if no current survey pegs are evident.

Do retaining walls need a building approval?

A permit for building works is required for retaining walls where:

- the wall is one (1) metre in height and greater above or below natural ground;
- the wall is located within 1.5 metres of a building or structure and the wall supports the structure (including another retaining wall);
- there is a load imposed above the retaining wall (i.e., driveway, structure, or the like).

Please note that other approvals may be required to comply with Council's planning scheme. If a retaining wall is proposed to be built over or near Council's infrastructure you should consult with Council's Water & Wastewater Branch.

What if my property is on a corner allotment?

For all corner allotments bounded by two (2) roadside boundaries except those in commercial zones, visibility is required across the street corner. In this "visibility triangle," fences, screens, ornamental structures and similar, cannot, without approval of the Council, be higher than one (1) metre above the natural ground level within the six (6) metre by six (6) metre three equal chord truncation, in accordance with the provisions of the Queensland Development Code ('QDC').

More information can be found at the [Business Queensland](#) website.

What style of fencing is permitted?

Council does not regulate the style of fencing on residential properties. However, in the interests of the community, fencing styles should be designed and constructed to be sympathetic with the character of the area in which they are located. Where possible they should blend with the overall appearance of the streetscape.

My neighbour is constructing/demolishing a fence without my permission. What can I do?

Try talking to your neighbour – you may be able to resolve the issue. If you cannot reach an agreement, you can apply to [Queensland Civil and Administrative Tribunal \(qcat.qld.gov.au\)](#) ('QCAT') for an order preventing the construction or deconstruction of the fence.

After you have applied to QCAT you will need to give a copy of your QCAT application stamped with the QCAT seal to your neighbour as soon as possible and at least three (3) days before QCAT hears the application. QCAT will also send you and your neighbour a notice with details of the hearing.

What can I expect when I lodge a dividing fence dispute application QCAT?

If you cannot reach an agreement with your neighbour regarding your dividing fence through a Notice to contribute, you may apply to QCAT. After your application is processed, including advice to your neighbour about the application, a mediation session will be scheduled to help both parties come to an agreement.

For more information see the QCAT fact sheet [Mediation of minor civil disputes - fencing matters \(PDF, 347.9 KB\)](#).

Further Information?

Submit a customer enquiry or request a meeting with a Council officer from Council's Building Section by contacting Council via one (1) of the following methods:

- ✉ South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
- ☎ (07) 4189 9100
- @ info@sbrc.qld.gov.au
- 👤 Visiting a Customer Service Centre