

Guidelines:

NSW Government

December 2020

‘Supporting our neighbours – public land boundary fencing program.’

1.0 Background

A \$209 million stimulus package announced in April 2020 by the Hon. John Barilaro, Deputy Premier, Minister for Regional New South Wales, Industry and Trade, provides significant financial support to rural landholders faced with the task of replacing boundary fences adjacent to public lands.

The unprecedented bushfire events in NSW between August, 2019 and February, 2020 resulted in estimated boundary fencing losses of over 88,000 km in NSW. Almost 50% of this fencing was adjoining public lands.

The NSW Government is committed to assisting rural landholders in replacing fire-damaged boundary fencing. Eligible private land managers in disaster declared local government areas can now receive a one-off government grant of \$5,000 (excl. GST) per kilometre to help towards the purchase of fencing materials.

Landholders who have already repaired or replaced their boundary fencing since August 2019 are also eligible for retrospective funding.

The total value of each grant will be determined by the total length of the boundary fence shared with a public lands manager.

The grant program commences April 1, 2020, applications close 31 March 2021 with final funds to be allocated no later than June 30, 2021. All boundary fencing must be completed no later than December 31, 2021.

2.0 Landholder eligibility

Owners of rural holdings with boundary fencing adjoining public lands are eligible where their fencing was destroyed or significantly damaged during the 2019/20 bushfire season.

Public lands, for this grant program, are defined as:

- National parks and reserves managed by National Parks
- State forests, excluding perpetual Crown Leases, managed by Forestry Corporation
- Travelling Stock Reserves managed by Local Land Services
- Crown Land reserves, tenured roads and leases
- Regulated roads managed by Transport for NSW or Local Government.

It does not include urban lands, including schools, hospitals, religious or commercial facilities.

'Rural Zoning'

State Environmental Planning Policy (Rural Lands) 2008 defines 'rural zone' as either:

- Primary Production (RU1)
- Rural Landscape (RU2)
- Forestry (RU3)
- Rural Small Holdings (RU4)
- Transition (RU6).

All private landholders in these zones are eligible to apply for funding where their land is covered by these zonings.

This includes Local Aboriginal Lands Councils.

3.0 Fencing eligibility

Grant payments are restricted to boundary fences adjoining public lands and must be for the replacement of fences damaged between August 2019 and February 2020.

New fences between private and public lands, where none existed before the 2019/20 bushfire season, are ineligible.

Similarly, internal fences or external boundary fences with other private land neighbours are also ineligible.

Fencing standards

Land managers have a responsibility to ensure their stock do not wander from their property onto other private land or public property.

All fences, with the exception of those fronting public roads, must be stock-proof and built to a standard equal to, or better than, other domestic stock equivalent fences commonly used in the region.

Fences adjacent to public roads must be consistent with standards prescribed by Transport for NSW. These standards can be found at:

<https://www.rms.nsw.gov.au/business-industry/partners-suppliers/document-types/standard-drawings/road/fencing.html>

Where feasible, the land manager is to include at least one gate per kilometre, to facilitate the return of straying stock and/or future firefighting access.

Landholders are strongly encouraged to consider fire-resistant materials, for example, ironback, tallowwood or concrete posts, when replacing fences. Wildlife friendly fences with plain top wire are also strongly encouraged.

If a landholder wishes to install a higher standard of fencing, they must meet the additional costs of that fencing above the grant rate of \$5,000 per kilometre.

Existing wild dog fencing along boundaries with Public Land Managers will be replaced at \$10,000 per km and concurrence will be sought from the Public Land Manager to ensure the fencing meets standard

Fencing location

This grant program has been streamlined for landholder **replacing fencing in the same location** as that damaged or destroyed by recent bushfires.

To expedite grant payments, landholders are strongly encouraged not to vary fence placement.

Should an applicant wish to vary the fence location, or undertake clearing on the public land, a separate approvals process will be required with the adjacent public land manager, resulting in extended timeframes.

Fencing construction

Subject to skills and experience, private land managers may use the grant to purchase materials and erect the fence themselves.

Alternatively, land managers may wish to use the payment to procure both materials and labour from a licensed fencing contractor.

Irrespective of method chosen, the landholder must:

- Be able to certify that any heavy machinery used for the clearing of vegetation < 3 metres tall is fitted with a rollover protection (ROPS).
- Be able to certify that any heavy machinery used for the clearing vegetation that is > 3 metres tall is fitted with a rollover protection (ROPS), falling object protection (FOPS) and operator protection guards (OPG).
- Be able to certify that all machinery operators, including chainsaw operators, are licensed and/or accredited.
- Have appropriate insurances in place for those parties undertaking fencing construction (e.g. public liability and workers compensation insurance).

The New South Wales Government will not be responsible for any material or personal damages resulting from landholder failure to comply with appropriate Work Health and Safety standards.

4.0 Registration of landholder interest

Private land managers must register their initial interest by one of three methods:

1. contacting 1300 778 080 and speaking with a customer service officer
2. completing an online registration form at www.lls.nsw.gov.au/fencing
3. expressing their interest for a call-back service via one of the 11 regional LLS Facebook sites

In expressing their interest, the landholder will be asked for the following information:

1. Contact name
2. Property address
3. Lot & DP or Property Identification Code (if known)
4. Preferred contact number (s)
5. Approximate length of the affected boundary fence
6. Whether their request is for (a) an application for funding for a fence yet to be replaced or (b) compensation for a fence rebuilt since August 2019
7. Name of their Public land neighbour.

COVID-19

Given the need for social distancing restrictions introduced as a result of COVID-19, the eligibility of all grant recipients will be confirmed via telephone and desk-top assessment.

All agreements and processing of grant payments will be made electronically.

Where a landholder does not have internet or mobile phone access, Local Land Services staff will work with them to find a suitable alternative.

Once the NSW Government recommends the resumption of standard business practices, Local Land Services staff may visit grantees to inspect completed fences. This is discussed further in Section 10.

5.0 Grant process

Option A- Fencing replacement from April 2020

After receiving notification of interest from a landholder, Local Land Services staff will contact landholders directly to confirm their eligibility and discuss:

1. Landholder contact details
2. Property location within a mapped bushfire zone
3. The Lot and DP details
4. Preferred fence placement, fence type and length
5. Work, Health and Safety
6. Environmental considerations, including proposed clearing
7. Due diligence, including Aboriginal Heritage Information Management System (AHIMS) checks

This information will be populated into a simple fencing agreement and e-mailed to the landholder.

The landholder can then review and, when satisfied with grant conditions, confirm and sign the fencing agreement and return to Local land Services via e-mail to the Regional Coordinator.

In accepting this grant, landholder acknowledges that they are responsible for:

1. The safe disposal of existing fences damaged by bushfire
2. Procurement of fencing materials and labour to erect the fence as per the signed fencing agreement
3. Obtaining all necessary approvals from adjoining public land managers where clearing or fencing is not wholly maintained on their private property
4. Maintenance of appropriate insurances
5. Completion of funded boundary fences within 12 months or the December 31 2021, whichever is the earliest.
6. Ongoing maintenance of boundary fences
7. Subsequent fencing replacement if damaged by a flood, fire or another natural event.

Option B: Retrospective payment for fences repaired or replaced between August 19- April 20

Rural landholders who have already rebuilt and paid for replacement boundary fencing adjoining public lands since August 2019 are eligible for grant payments \$5,000 per kilometre (pro-rata) for materials subject to having paid for the fencing materials themselves.

To access retrospective funding, a landholder must sign an agreement acknowledging:

1. that their boundary fence was damaged during the 2019/20 fire season
2. that the replacement fence is stock-proof and has been built to a standard equal to others found in the region
3. that the boundary fence was not funded by a third party (insurance claims are exempt)
4. that the private landholder retains responsibility and costs for ongoing fence maintenance and/or future replacement.

This agreement will include provision for the landholder to add:

1. bank account and ABN details
2. a map confirming the fence location
3. one or more photographs of the finished fence
4. In the case of lands adjoining State Forests, evidence of prior approval from Forestry Corporation NSW.

The signed agreement should be returned to Local land Services via e-mail to the Regional Coordinator to enable payment.

In accepting a retrospective grant payment, the landholder acknowledges that they accept:

1. Ongoing maintenance of boundary fences
2. Subsequent fencing replacement if damaged by a flood, fire or another natural event.

6.0 Fencing prioritisation

The New South Wales Government has allocated enough funds to meet **all** affected landholder grant requests.

There are over 12,600 impacted landholders, and it is anticipated that the grant program will be heavily subscribed in the first three months.

Once a landholder has expressed their interest (via the 1300 number, website of Facebook) a Local Land Services staff member will make contact and personally handle your grant request until complete.

Landholders who have already completed fencing will be prioritised in the first instance.

7.0 Cultural & environmental considerations

Under this grant program, all new fences will be considered to comply with legislative considerations where:

- There is a nil impact on known Aboriginal or historical heritage sites
- There is a nil impact on known threatened species
- Vegetation is cleared to the minimum extent necessary
- A buffer is maintained adjacent waterways in accordance with Clause 15 of the *Land Management (Native Vegetation) Code 2018*.

A checklist is included in the landholder agreement to confirm that these considerations have been met.

Further negotiation with public land managers may be required where the fence is located:

- adjacent to waterways, and/or
- The fence location is within an area of known habitat of an endangered species, population or ecological community (identified under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994)and/or
- In an area of known Aboriginal objects or places, or historic heritage sites, and/or
- in a Forest Management Zone (FMZ).

Clearing vegetation for fence construction

Where land is regulated (Category 2) rural zoned land, a landholder can undertake a range of allowable activities that are routine land management activities associated with agriculture. This includes clearing native vegetation for rural infrastructure, such as boundary fences. Clearing for allowable activities does not require approval under the *Local Land Services Act 2013*.

A land manager should only clear for an allowable activity to the minimum extent necessary. Clearing undertaken for allowable activities on a landholding must only be carried out by the land manager or on their behalf, unless specifically stated otherwise.

The maximum distance of clearing for rural infrastructure in each zone and on small landholdings is as follows:

Zone	Clearing Distance
Western zone	40 metres
Central zone	30 metres
Coastal zone	15 metres
Small holdings (in an zone)	12 metres
Vulnerable and sensitive regulated land	6 metres

Further information about clearing allowances can be found at:

https://www.ils.nsw.gov.au/_data/assets/pdf_file/0008/735254/Allowable-activities-relating-to-rural-infrastructure.pdf

Should the land manager wish to undertake clearing on the adjoining public lands property, this must be undertaken only with the prior written approval of the relevant public land manager."

8.0 Financial considerations

Local Land Services will pay \$5,000 per kilometre pro-rata for fencing materials.

All grants will be paid in single up-front payment on signing of a landholder agreement.

To enable payment of the grant, the landholder must confirm their bank account details and whether they are registered for GST.

All payments will be made by electronic funds transfer within 20 working days of receipt of the completed agreement.

Landholders are advised that this grant may be considered taxable income. Participating landholders, including primary producers registered for GST, are encouraged to seek independent financial advice to determine the impact on their personal circumstances.

9.0 Grant acquittal for new fences

Once landholders have finished their fence, they can acquit their grant by returning a signed statutory declaration with photographic evidence to Local Land Services.

Where the landholder does not have access to computer or internet facilities, Local Land Services will facilitate an alternate process.

If fences are not complete by December 31 2021, all unspent funds and unused materials must be returned to Local Land Services.

10. Program evaluation

The NSW Government is committed to delivering measurable outcomes for the citizens of New South Wales.

This includes maximum transparency and accountability for all government grants.

Grant applicants are advised that all projects may be audited at the end of 2021 to assure NSW Treasury that funds have been expended consistently with overall project intent.

11.0 Privacy and data management

Local Land Services will collect the following landholder details specifically for the purpose for grant administration:

- Landholder name and contact details
- Lot and DP
- Fence location and type
- Total grant amount.

Information of a personal nature, including bank details, will not be shared with any third parties.

Detailed fencing locations will be shared with the adjacent public land manager.

Information of a generic nature, for example, the extent of fencing by local government area, may be shared more broadly, subject to removal of any identifying details.