Buildings and Fencing on the Boundary
Council encourages that any works on the boundary be discussed with your neighbour as early as possible. For instance, you may be able to agree to build a common retaining wall or split the cost of fencing. Please note that any retaining wall exceeding one (1) metre in height (including a combination of tiered walls) will require development approval.
When removing and/or constructing fences, buildings or retaining walls on the common boundary with your neighbour, you must give your neighbour 28 days’ notice in writing (Fences Act 1975). Existing fence lines may not be the true legal boundary. Where the exact boundary cannot be clearly identified, it is advisable to engage a Surveyor to properly determine this. For all rights and obligations relating to works on the boundary, refer to the Fences and the Law booklet available online from the Legal Services Commission.
You should gain the neighbour’s written approval to enter their land to carry out any works. Where you intend to construct retaining walls or external walls on the boundary, any capping tiles, other fixtures or retaining walls must be located wholly within the subject land and not encroach upon the adjoining land.

Driveway Crossovers
If your development proposes a new driveway crossover shown on the plans then it may be approved as part of the development approval. If this is the case, there will be a condition relating to the construction of the crossover on your approval. If not, then a separate permit to construct a driveway crossover must be obtained. Application forms for a permit are available on Council’s website.
If a footpath exists in the road reserve area, the integrity of the footpath and its surface finish must be maintained.

Easements
Easements are usually an area of land marked on the Certificate of Title indicating that there is infrastructure on the property. It is the responsibility of the owner to ensure that the easement on the land is accessible to Council if and when required.
Generally no excavation works should occur within the easement, however some fill may be permissible if all the service inspection points are raised to the new surface level. The permitted amount of fill is subject to a number of factors and must be approved by Council’s City Development Engineers. For further information, refer to the Easement Fact Sheet on Council’s website or contact Council’s City Development Engineers.

Infrastructure and Assets
Any person undertaking building work within the Mount Barker District Council must take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure, for example, pipes, footpath, verge, and street trees must be reinstated to a standard acceptable to Council at the applicants’ expense.
Useful tips and reminders

Trees
The removal of street trees for the benefit of developing a property (building a house or driveway etc.) is usually only considered where all other options have been exhausted. If this is required, the Council will determine the appropriate course of action in line with its policies which may include relocating the tree or removing and replacing the tree with up to six new trees. Any costs associated with Council undertaking these works will be borne by the owner/developer.

Where the branch or root of a neighbour’s tree comes onto your land, a nuisance situation may exist. We recommend you consider the Trees and the Law booklet available online from the Legal Services Commission. Development approval may be required for any Tree Damaging Activity in relation to a Regulated or Significant Tree (as defined by the Development Act 1993 and Development Regulations 2008). For further information, please contact Council’s City Development Duty Planner.

Verge Landscaping
Council does not maintain the Council-owned area (the verge) in front of properties. To enhance their property and streetscape, some property owners have chosen to landscape and maintain the verge in front of their property. Any verge landscaping requires Council approval. Guidelines for landscaping on Council verges and an application form are both available on Council’s website. For more information, please contact Council’s Open Space and Environment Unit.

Wastewater
Most properties within a township will either be connected to Council’s Community Wastewater Management System (CWMS) with their own septic tank or be connected directly to the Council, SA Water or Alano Water Sewer network. Any development that includes plumbing work must have an On-site Wastewater Works Application approved by Council prior to the commencement of building work. Application forms are available on Council’s website. Further information can be obtained by contacting Council’s Environmental Health Officers.

Contacts & Links
LEGAL SERVICES COMMISSION
1300 366 424 or www.lsc.sa.gov.au
COUNCIL
If you require further information on any of these matters, please contact us by phone on 8391 7200 or email council@mountbarker.sa.gov.au

Further documents available on Council’s website
www.mountbarker.sa.gov.au
Additional information can be accessed through Council/Documents and Forms/Forms and Brochures:
• Driveway Crossover Application Form
• Easement Fact Sheet
• On-site Wastewater Works Application
• Road Verge Landscaping Guidelines and Application Form