



Council Land Fence Policy

Category: Council Policy
Adoption: Council Date: 25 February 2020
Review Period: 3 Years
Responsible Manager: General Manager Corporate Performance
Signed by CEO:
Date: 26.2.2020

1. Purpose

The purpose of this policy is to set out clear responsibilities and requirements relating to the contribution of costs for the replacement, repair and/ or maintenance of private boundary fences that adjoin Council owned land.

This policy ensures that the process is administered in a fair and consistent manner for all property owners within Central Goldfields Shire Council, in accordance with the *Fencing Act 1968* and the *Fences Amendment Act 2014*.

2. Scope

This policy applies to private property owners that are seeking Council contribution for the cost of construction or maintenance of a boundary fence, where their property boundary adjoins Council owned land.

This policy does not apply to boundary fences that abut private property, a road, laneway, right-of-way, drainage reserves, car parks, public parks and reserves, or Crown Land managed by Council, as in accordance with the *Fencing Act 1968* the costs of replacing boundary fences which abut this type of land are the full responsibility of the property owner.



3. Policy

3.1 Contribution for fencing

If a fence adjoining a Council owned property requires replacement, Council will contribute 50% of the cost of replacement of a standard fence. Council will determine at its discretion if the fence requires replacement.

Council does not carry out any maintenance to adjoining boundary fences however may assist in the cost of repairs, subject to application.

Construction of a new fence on a previously undefined boundary will require the adjoining owner to engage a qualified surveyor to prepare a boundary establishment plan at the owner's cost. Council will then contribute 50% of the cost of a standard fence.

Should there be any discrepancies with existing fence lines in regards to the correct title boundary; the owner will be requested to carry out a title re-establishment survey at their cost to define and set the boundary / fence line.

The *Fencing Act 1968* does not require Council to make contributions towards the construction and/or maintenance of a boundary fence with an adjoining owner in respect of land owned by, vested in or under the care, control or management of the Council for the purpose of a public park or public reserve. Where Council is the registered owner of the land, Council will consider applications for contribution of costs on a case by case basis, at its sole discretion.

3.2 Application and Approval process

If a private property directly adjoins the boundary of Council owned land and the owner seeks Council's contribution for the fence replacement or repair, the following must be submitted;

- A completed application form; and
- Two (2) written quotes, obtained by the owner from suitably qualified fencing contractors.

Upon receipt of the application and two (2) quotes, Council officers will carry out an inspection prior to any works. Council will write to the property owner within 14 days advising if the application is approved and the approved fencing contractor to undertake the works.

Once the property owner receives Council's approval, they will need to contact the approved fencing contractor to arrange for the works to be carried out at their convenience.

When the fencing works have been completed, the fencing contractor will forward an invoice to Council for payment of our contribution. Council officers will conduct a further inspection of completed works and payment will be made within 30 days of receipt of a Tax Invoice.

Owner builder to construct

If an owner chooses to undertake the construction, repair or replacement of their own fence that adjoins Council owned land, Council will contribute to half the cost of the materials only. The owner must submit the following;

- A completed application form; and
- A copy of the Tax invoice and receipt for the 'standard fence' materials.



Once the property owner receives Council's approval, they may arrange for the works to be carried out at their convenience. When the fencing works have been completed, Council officers will conduct an inspection of completed works and reimbursement of the materials costs will be provided within 14 days.

3.3 Fencing standards

Where Council is responsible to contribute to replacement of a fence, the fence will be to the following standards;

- The standard fence for residential and commercial land is posts at 3 metre spacing, hardwood/metal rails, clad with timber palings or corrugated iron, 1.8 metres in height.
- The standard fence for industrial land is 50mm galvanised tube posts at 3 metre spacing, with galvanised chain wire 1.8 metres in height and three horizontal support cables.
- The standard fence for farm land is posts at 7 metre spacing with two droppers per panel and seven plain wires or seven line ring lock.

The standard fence does not include enhancements such as trellis, fence toppings, gates or decorative timbers and Council will not pay for any additional costs for colorbond fencing or higher fences.

If a private owner wants a fence different from the standard fence and Council is agreeable with the type of fence, the quote must include the price of a standard fence as well as a quote for the fence required by the private owner. Council will pay only the 50% standard fence amount.

Council will also contribute half the cost of the demolition and removal of the existing fence.

If Council form the opinion that the use of the land, park or reserve warrants an alternative style, design or construction of dividing fence, Council reserves the right to decide to construct an alternative dividing fence rather than a standard fence. This will be done in consultation with the adjoining private owners and where necessary Council may request 50% contribution of a standard fence only.

3.4 Fencing Contractor

Any person who is engaged to construct, repair or replace a fence adjoining Council owned land must provide;

- A copy of their Public Liability Insurance of not less than \$20 million before commencing any work; and
- Demonstrate that their equipment and work practices will comply with Victorian Occupational Health and Safety legislation before commencing any work.

3.5 Additional information

For further information regarding fencing requirements, obligations or dispute resolution, please refer to the following websites;

<https://www.justice.vic.gov.au/justice-system/laws-and-regulation/civil-law/fencing-law-in-victoria>

<https://www.disputes.vic.gov.au/information-and-advice/fencing>



4. Definitions

Term	Meaning
Council	Central Goldfields Shire Council
Council owned land	Where Council is the registered proprietor on title for the Land.
Crown Land	Meaning Land owned by the Department of Environment, Land Water and Planning or its successor.
Fence	For the purposes of this policy the terms fence and fencing will mean 'boundary fence'.
Half Cost fencing	Whereby Council shares the cost of repairing or replacing dividing fences between Council owned and private land in accordance with the provisions of the Fences Act 1968.
Owner	The registered proprietor of private land within Central Goldfields Shire Council

5. Roles and Responsibilities

Person/s responsible	Accountability
General Manager Corporate Performance	Ensure all applications comply with this policy and give reason to those that are non-compliant and refused.
Property and Risk Officer	Ensure that the process is administered and recorded in accordance with this Policy.

6. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

7. Related Policies and Procedures

- Council Plan 2017- 2021

8. Relevant Legislation and Guidelines

- Fencing Act 1968
- Fences Amendment Act 2014
- Fences Regulations 2014
- Local Government Act 1989