

Council Contribution to Fencing Costs Policy

Date adopted	27 May 2024
Adopted by	Council
Review due	March 2028
Responsible officer	Manager Operations
Records reference	10242409

1. Purpose

The Fences Act 1968, which includes the Fences Amendment Act 2014, prescribes and regulates the obligations, liabilities and procedural requirements for the construction and cost of property boundary fences in Victoria.

The legislation provides a general exemption for municipal councils and other Crown bodies from the requirement to contribute to the cost of boundary fences covered by the Act.

In the interests of good governance Melton City Council ('Council') has determined that despite the exemption afforded by the legislation it will contribute to the cost of fences in circumstances prescribed by this policy.

This Policy sets out the conditions in which Council will contribute to fencing costs.

2. Application And Scope

This Policy applies to all fencing adjacent to Council owned or managed land and where landowners are seeking Council contribution towards the cost of replacing an existing fence.

It does not apply to repair or maintenance of an existing fence.

The Policy does not apply to a new fence at the time the land was subdivided, nor does it apply to commercial or industrial allotments.

3. General Provisions

Council's contribution towards fencing costs is based on the Fences Act 1968 and the Fences Amendment Act 2014 to determine eligibility and is subject to the following conditions.

Where a suitable request meets the eligibility criteria, Council will contribute up to half the cost for the replacement of an existing fence, including costs associated with demolition and removal, with the construction standard specified in Section 3.3 of this Policy. Council will determine at its discretion if the fence requires replacement.

3.1. Fencing Contribution Request

Requests for contribution to fencing costs must be made in writing to Council and include contact details of the applicant and details of the location of the fence, which must be limited to one property parcel.

Council may not contribute to fencing contribution requests where these conditions are not met.

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.

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. Council reserves the right to make further inquiries into the scope and compliance of any quotations supplied.

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 within 3 months of completion of the works. Council officers will conduct a further inspection of completed works and payment will be made within 30 days of receipt of a Tax Invoice.

3.1.1. 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.

3.2. Eligibility

Upon request, Council will contribute towards fencing costs for fences on the boundary of Council owned land, excluding:

- Road Reserves,
- Road Corridors,
- Tree Reserves that provide a pedestrian and/or bicycle link between two roads,
- Tree Reserves directly adjacent to a road reserve or road corridor,
- Drainage Reserves
- Property frontages,
- Fences built by a person who is not a fencing contractor of a registered fencing business,
- Industrial allotments.

3.3. Construction Standard

For rural areas, the construction standard is limited to a Standard Farm Fence, excluding gates or other embellishments.

For urban areas, the construction standard is limited to a Standard Timber Fence, excluding gates or other embellishments to the fence.

3.3.1. Construction Standard – Covenants

Where there is a covenant attached to the property title in relation to the type and style of fencing, Council will contribute up to half the cost to the particular type and style of fencing mentioned within the covenant, subject to the eligibility criteria being met.

A copy of the covenant must be submitted to Council.

3.4. Gates and other Embellishment of a fence

Where a gate or embellishment of a fence is requested by the landowner abutting a park, open space reserve, tree reserve or other reserve, they must first seek and obtain the permission of Council's Operations Services team before it is installed, noting the cost of gates and other embellishments of a fence will be wholly borne by the landowner.

3.5. Limit of Contribution

Council will contribute to fencing costs up to a maximum limit of \$6,000 (excluding GST) per request.

3.6. Additional Provisions

Council has no responsibility for contribution to the cost of any landscaping treatments to change or modify ground or pavement levels deemed necessary by the adjoining landowner as a consequence of fencing works.

Before agreeing to share in the cost of fencing, Council reserves the right to verify ownership of land attributed to the Council.

Council will not contribute to any additional costs associated with bringing a fence into compliance with Pool Safety Barrier legislation or with any other personal needs or requirements of the adjoining property owner or occupier.

Any design work or costs associated with obtaining required Building Permits and the carrying out of any building work associated with bringing a fence into compliance with Pool Safety Barrier legislation is the sole responsibility of the owner of the Swimming Pool or Spa.

If, in the opinion of the Council, 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 a sufficient dividing fence rather than a standard 1950mm high fence. In such instances property owners will only be required to pay half cost for a standard timber fence, with Council to cover any additional costs.

3.7. Hardship

In cases where the adjoining property owner is subject to financial hardship and is unable to contribute to their portion of the cost of fencing, it is recommended that referral be made to Council's Financial Hardship Policy.

4. Definitions

Term	Definition
Council	Melton City Council
Industrial allotment	Property used for commercial establishments, manufacturing plants, distribution of goods and services and other business activities.
Open Space Reserve	An open space reserve is an area of protected or conserved land for recreational, ecological, and environmental benefits.
Property frontage	The property frontage is any part of the property boundary that borders a road reserve or road corridor. Properties may have frontage to a road reserve or road corridor on more than one side of the property.
Road corridor	Road corridor means the road reserve plus land purposed for duplication of a road, that is, a second carriageway, along with associated infrastructure.
Road reserve	Land titled for the purpose of a road, footpaths and associated infrastructure used for public travel.
Rural area	Rural areas are areas other than urban areas, which includes but is not limited to farming land and low-density residential areas.
Standard farm fence	A post and wire farm fence in accordance with Department of Transport (VicRoads) Standard Drawing 3112 Fence Type B Sheep Fence Post and Wire. See Appendix A.
Standard timber fence	A wooden fence that is up to 1.95m in height with wooden posts spaced no greater than 2.7m apart and wooden palings, rails and plinths typically made of treated pine. See Appendix A.
Tree Reserve	Land set aside for the purpose of trees and planting of trees.

Term	Definition
Drainage Reserve	Land that has been set aside for the conveyance of stormwater over land.
Urban area	A built-up area designated for standard, medium or high density residential, industrial, and commercial uses under the planning scheme.

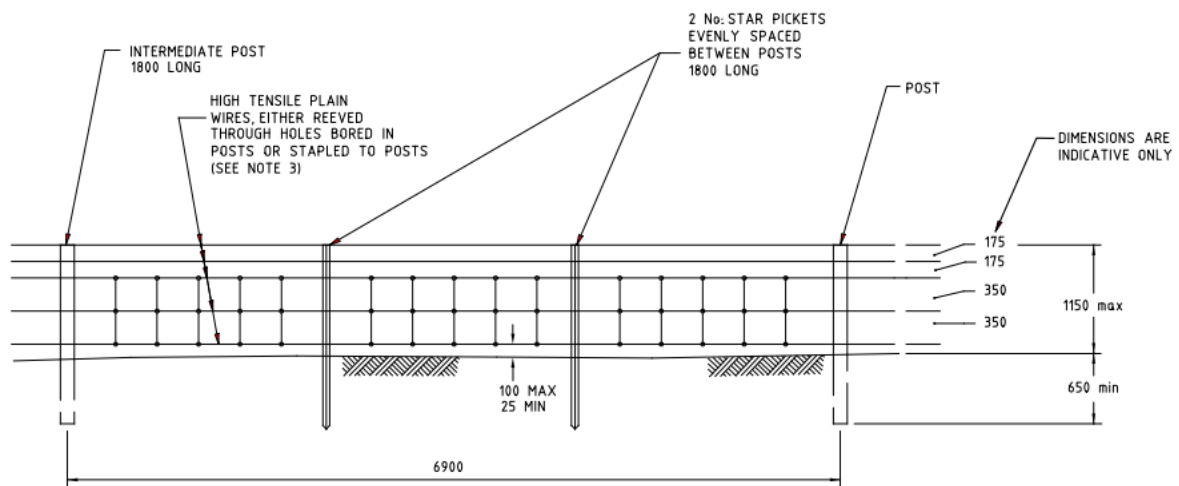
5. Related Documents

Name	Location
Local Government Act 2020	https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020
<i>Fences Act 1968</i>	http://www.austlii.edu.au/au/legis/vic/consol_act/fa196867/
<i>Fences Amendment Act 2014</i>	http://www.austlii.edu.au/au/legis/vic/num_act/faa201430o2014193/
<i>Road Management Act 2004</i>	http://classic.austlii.edu.au/au/legis/vic/consol_act/rma2004138/
Financial Assistance (Rates and Charges) Policy	Melton City Council website and intranet.

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APPENDIX A

Standard Farm Fence



Standard Timber Fence

