

# HALF COST FENCING POLICY

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<b>Policy Reference No.</b>	POL/173
<b>File No.</b>	HCC11/294
<b>Strategic Objective</b>	4.1 - Facilitate appropriate urban development while protecting and enhancing the City's environment, natural heritage and rural places.
<b>Adopted by Council</b>	November 2011
<b>Re-Adopted</b>	23 August 2021
<b>Date for Review</b>	August 2026
<b>Responsible Officer</b>	Manager Planning and Development
<b>Department</b>	Planning and Development

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## 1 POLICY STATEMENT

- 1.1 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.
- 1.2 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.
- 1.3 In the interests of good governance Hume City 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.

## 2 PURPOSE

- 2.1 The aims of the policy are to identify:
  - 2.1.1 situations in which Council will or will not contribute to repair or replacement of fencing between Council owned land and adjoining land;
  - 2.1.2 situations in which Council will or will not contribute to repair or replacement of fencing between Crown land for which Council is the Committee of Management and adjoining land;
  - 2.1.3 responsibilities of persons engaged to construct, repair or replace a fence bounding Council land;
  - 2.1.4 conditions in which a vehicle or pedestrian access gate may be permitted to be incorporated in a fence bounding Council land that is to be repaired or replaced.

## 3 SCOPE

- 3.1 Council will contribute:
  - 3.1.1 to half the cost of a fence in accordance with the conditions provided for in this policy;
  - 3.1.2 to half the cost of the construction or repair of a standard 1800mm high timber paling fence or a sufficient dividing fence whichever is the lesser;
  - 3.1.3 not more than half the cost of a fence in accordance with the current schedule of rates in Council's tendered contracts for the Provision of Fencing Services which are reviewed and tendered from time to time;
  - 3.1.4 to the cost of the construction, repair or replacement of a dividing fence between Council owned land and adjoining land, including laneways and walkways that principally provide access to Council owned land, reserves and parks, if notice is served upon the Council (as if it were an owner) by an adjoining land owner in accordance with the provisions of the Fences Act 1968;

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- 3.1.5 to the cost of the construction, repair or replacement of a dividing fence between Crown land for which Council is the Committee of Management (COM) and adjoining land, including laneways and walkways that principally provide access to the land for which Council is the COM, if notice is served upon the Council (as if it were an owner) by an adjoining land owner in accordance with the provisions of the Fences Act 1968;
- 3.1.6 Reasonable costs associated with the demolition and disposal of an existing fence that is being replaced under the provisions of this policy and in accordance with the current schedule of rates in Council's tendered contracts for the Provision of Fencing Services which are reviewed and tendered from time to time.
- 3.2 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 1800mm high paling fence.
- 3.3 Council may contribute to the cost of an alternative fence if there are planning or other controls or covenants in place that prescribe fencing requirements other than a standard 1800mm high timber paling fence if in the opinion of Council the prescribed fencing requirements are applicable to the Council owned or managed land.
- 3.4 The cost of the construction, repair or replacement of a fence not satisfying the conditions of this policy if it can be demonstrated that such fence construction, replacement or repair would be in the best interests of public safety or the amenity of the community of Hume City.
- 3.5 Council will generally not contribute to the cost of:
- 3.5.1 Construction, repair or replacement of a fence that is not a property boundary fence in respect of Council owned or managed land;
- 3.5.2 Construction, repair or replacement of a fence adjacent to a *road* as defined in the Local Government Act 1989;
- 3.5.3 Replacement of a dividing fence if in the opinion of Council it is more cost effective and environmentally responsible to repair the fence;
- 3.5.4 Construction, repair or replacement of a dividing fence if the work is carried out prior to Council having opportunity to assess and determine the condition of the fence;
- 3.5.5 Construction, repair or replacement of a dividing fence if the work is carried out prior to notice being served upon Council (as if it were an owner) in accordance with the provisions of the Fences Act 1968;
- 3.5.6 Any additional costs associated with accoutrements over and above a standard 1800 mm high timber paling fence;
- 3.5.7 Any pedestrian or vehicle entry gates forming part of a fence;

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- 3.5.8 Fencing of land that is Crown land and for which Council is not the COM;
- 3.5.9 Construction, repair or replacement of dividing fences if the conditions of this policy are not satisfied or the circumstances are not clearly within the requirements and conditions of this policy.
- 3.6 Council may permit the inclusion of an access gate in a fence adjoining Council owned or managed land the following circumstances:
  - 3.6.1 A pedestrian access gate in fences adjoining Council owned or managed land if in the opinion of Council there is no risk to the safety or health of the public or detriment to the interests of Council and its services;
  - 3.6.2 Any pedestrian access gate is not more than one metre wide when measured between the gate posts;
  - 3.6.3 A Vehicle access gate in fences adjoining Council land if a permit has been obtained from Council and in the opinion of Council there is no risk to the safety or health of the public or detriment to the interests of Council, its services or assets.
- 3.7 Any person who is engaged to construct, repair or replace a fence bounding Council land must:
  - 3.7.1 Provide a copy of their Public Liability Insurance of not less than \$10 million before commencing any work;
  - 3.7.2 Demonstrate that their equipment and work practices will comply with Victorian Occupational Health and Safety legislation before commencing any work;
  - 3.7.3 Construct, repair or replace the fence in accordance with Council's approved 'Specifications for the Provisions of Fencing Services'.

#### 4 ADDITIONAL PROVISIONS

- 4.1 Fence heights may vary from those expected or specified as a result of variations in natural ground or finished surface levels.
- 4.2 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.
- 4.3 In rural areas alternative agricultural fences may be more appropriate for which Council will contribute a half share in accordance with the current schedule of rates in Council's tendered contracts for the Provision of Fencing Services which are reviewed and retendered from time to time.
- 4.4 Before agreeing to share in the cost of fencing, Council reserves the right to verify ownership of land attributed to the Council.

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- 4.5 Except where works are to be carried out by an existing contractor of the Council, any proposal must be accompanied by two quotations for the provision of the relevant fencing services, which must address the requirements of Council's specifications for the provision of fencing services.
- 4.6 Council reserves the right to make further inquiries into the scope and compliance of any quotations supplied.
- 4.7 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.
- 4.8 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.

### 5 OBJECTIVE

- 5.1 That Council delivers an efficient, fair and equitable Half Cost Fencing Program to the community of Hume City.

### 6 POLICY IMPLEMENTATION

- 6.1 The policy will be maintained, implemented and reviewed by the Municipal Building Surveyor.
- 6.2 The policy will be accessible to the community at the following locations:
- 6.2.1 Council's internet site;
  - 6.2.2 Customer Service Centres;
  - 6.2.3 On request from Building Control Services.
- 6.3 This policy will be communicated to key internal stakeholders.
- 6.4 The policy will be monitored and evaluated at least every five years. This will include an analysis of cost, customer feedback and issues arising from use of the policy.

### 7 DEFINITIONS AND ABBREVIATIONS

- 7.1 **Authorised Officer of the Council** – a Council officer who is authorised to act as Council's agent for the purposes of undertaking Council's obligations under the Fences Act 1968.
- 7.2 **Council** – means Hume City Council.
- 7.3 **Council owned land** – land for which the Hume City Council is the registered proprietor.
- 7.4 **Fence** – for the purposes of this policy the terms fence and fencing will mean 'dividing fence' as defined in the Fences Act 1968.

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- 7.5 **Sufficient dividing fence** – has the same meaning as ‘Sufficient dividing fence’ as it appears in the Fences Act 1968.
- 7.6 **Half Cost fencing program** – whereby the Council shares the cost of repairing or replacing dividing fences between Council owned and other land in accordance with the provisions of the Fences Act 1968.
- 7.7 **Land** – same meaning as it has in the Sale of Land Act 1962.
- 7.8 **Occupier** – same meaning as it has in the Fences Act 1968.
- 7.9 **Owner** – same meaning as it has in the Local Government Act 1989.
- 7.10 **Road** – same meaning as it has in the Local Government Act 1989.

### 8 RELATED DOCUMENTS

- 8.1 Fences Act 1968.
- 8.2 Local Government Act 1989.
- 8.3 Council’s contract specifications for the provision of fencing services.
- 8.4 Council’s contract schedule of rates for the Provision of Fencing Services.

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