

Fencing Contribution Policy

(Policy Number – L-INFPOL004)
(Policy Type – Council)

1 Purpose

This Policy outlines the Council's position in relation to requests it may receive from time to time in relation to assistance with the erection, repair, or replacement of boundary fences between Council owned or managed property and private land.

2 Scope

The Council will contribute financially to the cost of erection, repair, or replacement of shared boundary fences between Council property and private property in accordance with the following table:

Where a private property abuts:	Council contribution is given if requested	Compliance
A road reserve	No	Boundary Fences Act 1908, Section 7
A public reserve (primarily undeveloped)	No	Boundary Fences Act 1908, Section 6
A walkway between properties leading to a public reserve or road	No	Boundary Fences Act 1908, Sections 6,7
A public car park	Yes	
A developed Council property (e.g.: camp site or council owned buildings)	Yes	
Sports field, recreation ground or urban public park	Subject to demonstrated need and consistency	

Note: Council may choose to contribute to fencing outside what is defined above if it is of the view it is in the best interest of Council to do so. Examples when this might occur include security, public safety, amenity and operational efficiency.

3 Policy Detail

Any fencing contribution will be subject to the following conditions:

1. The maximum contribution will be 50 per cent of the cost of materials plus 50 per cent of the contracted labour component of a 'standard' fence.
2. The contribution will only be payable where Council's written agreement has been obtained prior to any construction or repair work being undertaken.
3. Alternative arrangements where property owners choose to perform the work themselves:
 - i. Council officer and property owner agree on type, quality, and scope of a "standard", and the fence to be installed (ie a "custom" fence) if the proposal differs from a standard fence;
 - ii. The owner obtains written quotations for materials and prepares an estimate of justified labour costs (for both custom and standard fences if a custom fence is proposed);
 - iii. Officer has the right to request additional quotation(s) if deemed appropriate;
 - iv. Officer approves without further referral a contribution of 75% of the material costs of a standard fence;
 - v. Officer considers payment of up to a maximum 100% of material costs of a standard fence (whether a standard or custom fence is being installed) following further assessment of pricing obtained.
 - vi. Only in exceptional circumstances that are beneficial to Council will more than 100% of material costs of a standard fence be approved towards a custom fence.
 - vii. In no circumstance will more than 100% of the material costs of a custom fence be agreed towards the project;
 - viii. Officer provides written approval including the agreed contribution amount and with a 6-month validity period.

The following conditions form part of this Policy:

(i) Applications

Applications for a Council contribution must be made in writing and fully detail the type of fence proposed. The application is to be accompanied by quotations for

the materials and labour costs involved. Where a landowner is proposing to supply the labour, the estimated value of the labour is to be included.

(ii) 'Standard' Fence

Where a Council property adjoins:

- (a) residential property, a 'standard' fence will be of solid face construction, consistent with other fences in the immediate area:
- (b) commercial or industrial property, a 'standard' fence will be of wire mesh, chain link or solid face construction,
- (c) rural or undeveloped land, a 'standard' fence will be of five-wire and timber post construction,

All fences are to be made of sturdy durable materials and are to be erected in a tradesman like manner.

- (iii) Where a landowner proposes a fence which, in the Council's opinion, exceeds a 'standard' fence, the contribution payable by the Council will be limited to no more than that which would have been payable by Council for a 'standard' fence.
- (iv) There will be no contribution by Council in respect of retaining walls or any structure intended by the landowner to extend the usefulness or enjoyment of private land.
- (v) Council's contribution to any fence will be payable on completion of construction. Before payment will be authorised the fence will be inspected by a Council officer to ensure it has been constructed to Council's satisfaction.

Any contribution made under this policy is not expected to exceed \$5000.

4 Associated Documents and References

4.1 Local Government (Highways) Act 1982 Reference

36. Fencing of streets in towns

(1) *Where, in a highway in a city or town, there is a made footpath and between the footpath and the adjoining land there is –*

(a) no fence and the corporation is satisfied that there should be one and the erection of such a fence would not be contrary to a provision of a planning scheme under the [Land Use Planning and Approvals Act 1993](#) in respect of the relevant area;

(b) no sufficient fence; or

(c) a fence that requires repair –

the corporation may serve a written notice on the owner of the land requiring him to carry out, within the time specified in the notice, such work as is specified in the notice, being work that the corporation is satisfied is necessary to ensure that there is a sufficient fence in proper repair along the boundary between the footpath and the land.

(2) If the owner of any land does not, within the time specified in a notice served on him under this section, carry out the work to which the notice relates, the corporation may itself carry out that work and recover the expenses reasonably incurred in so doing from the owner of the land.

4.2 Other Legislation Reference

Boundary Fences Act 1908

4.3 Strategic Plan Reference

The Latrobe Council Strategic Plan 2020-2030 provides the following objectives and strategies:

Area	3	Infrastructure and Assets
Program	3.3	Buildings and Community Facilities
Objective	3.3	Manage Council owned buildings and facilities for the benefit of the community
Strategy	3.3.1	Update and maintain a Buildings and Community Facilities Asset Management Plan

Area	3	Infrastructure and Assets
Program	3.4	Parks and Reserves
Objective	3.4	Maintain parks and reserves for community use
Strategy	3.4.1	Update and maintain a Parks and Reserves Asset Management Plan

APPROVED BY COUNCIL: 11 April 2022 Minute: 17156

EFFECTIVE DATE: 12 April 2022

ADMINISTERED BY: Manager Infrastructure & Assets

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.