

HALF COST FENCING POLICY

Policy Reference No:	CP2011-11-15
File Reference No:	HCC11/294
Strategic Objective:	Appearance of the City
Date of Adoption:	28 November, 2011
Date for Review:	June 2013
Responsible Officer:	Manager Services
Department:	Services

HALF COST FENCING POLICY

1. POLICY STATEMENT

- 1.1. Council is obliged to comply with its obligations under the Fences Act 1968. This confers liability upon the occupiers of adjoining lands to construct, or join in or contribute to the construction of a dividing fence sufficient for the purposes of both occupiers between the adjoining lands.

2. PURPOSE

- 2.1 The aims of the policy are to define the:
- 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 responsibilities of persons engaged to construct, repair or replace a fence bounding Council land;
 - 2.1.3 condition 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 comply with its obligations under the *Fences Act 1968*.
- 3.2 Council will contribute:
- 3.2.1 to half the cost of fences in accordance with the conditions provided for in this policy, except where this policy is inconsistent with the Fences Act 1968.
 - 3.2.2 to half the cost of the construction or repair of a standard 1630 mm high timber paling fence. The amount of Council's contribution will not be greater than the schedule of rates—stated in Council's 'Contracts for the Provision of Fencing Services'. Any additional costs associated with accoutrements over and above a standard 1630 mm high timber paling fence shall be borne by the adjoining owner (occupier).

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- 3.2.3 to the cost of the construction, repair or replacement of a dividing fence between Council owned land (being reserves and parks) and the adjoining land (including laneways and walkways principally providing access to Council owned land, reserves and parks), if notice is served upon the Council by an adjoining land owner (occupier) in accordance with the provisions of the Fences Act 1968.

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 fence that is not a standard paling fence. In such circumstances, the Council will pay any additional costs that are over and above the cost of a standard timber paling fence.

- 3.2.4 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.

- 3.2.5 Council will not contribute to the cost of:

3.2.5.1 Construction or repair of any fence along a road alignment boundary of any land not owned by the Council.

3.2.5.2 Replacement of a dividing fence if in the opinion of the authorized officer/s of the Council it is more cost effective and environmentally responsible to repair the fence.

3.2.5.3 Construction, repair or replacement of a dividing fence if the work is carried out prior to an authorized officer assessing the condition of the fence. Notice in accordance with the provisions of the Fences Act 1968 must be served on Council in advance.

3.2.5.4 Any pedestrian or vehicle entry gates forming part of a fence.

3.2.5.5 Fencing where it is or may be the occupier of Crown land.

3.2.5.6 Construction, repair or replacement of dividing fences if the conditions of this policy are not satisfied.

3.2.5.7 Council may permit the inclusion of an access gate in the following circumstances:

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- 3.2.5.8 A pedestrian access gate in fences adjoining Council reserves, provided that there is no risk to the safety or health of the public and no detriment to the interests of Council and its services. A pedestrian access gate must not be more than one metre wide when measured between the gate posts.
- 3.2.5.9 Vehicle access gates may only be included in fences adjoining Council land where a permit has been obtained from Council. A permit may be issued and may include conditions. A permit may be refused if a vehicle access gate is detrimental to the health or safety of the public or it it compromises Council land and assets.
- 3.2.6 Any person who is engaged to construct, repair or replace a fence bounding Council land must:
- 3.2.6.1 Provide a copy of their Public Liability Insurance of not less than \$10 million before commencing any work
- 3.2.6.2 Demonstrate that their equipment and work practices will comply with Victorian Occupational Health and Safety legislation before commencing any work.
- 3.2.6.3 Construct, repair or replace the fence in accordance with Council's approved 'Specifications for the Provisions of Fencing Services'.

4. ADDITIONAL COMMENTS

- 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 land owner as a consequence of fencing works.
- 4.3 Fences in rural areas may be less than 1630 mm in height consistent with traditional and existing rural and agricultural fencing practices.
- 4.4 Before agreeing to share in the cost of fencing, Council reserves the right to verify ownership of land attributed to the Council.
- 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 provisions of fencing services.

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- 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. Such costs must be entirely borne by the respective pool or spa owners.

5. OBJECTIVE

- 5.1 That Council delivers an efficient, fair and equitable Half Cost Fencing Program to the community of Hume City.
- 5.2 To indicate what the connection is between the policy and current Council plans and objectives.

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:
- 6.2.2 Council's internet site;
 - 6.2.3 Customer Service Centres;
 - 6.2.4 On request from Building Control Services
- 6.3 This policy will be communicated to key internal stakeholders, such as Council's Rate Department, Property Services Department and Customer Services Department.
- 6.4 The policy will be monitored and evaluated at least every two 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 owned land** – land for which the Hume City Council is the registered proprietor.
- 7.3 **Fence** – for the purposes of this policy the terms fence and fencing will mean 'dividing fence' as defined in the Fences Act 1968.
- 7.4 **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.

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7.5 **Land** – same meaning as it has in the Sale of Land Act 1962.

7.6 **Occupier** – same meaning as it has in the Fences Act 1968.

7.7 **Owner** – same meaning as it has in the Local Government Act 1989.

7.8 **Road** – same meaning as it has in the Local Government Act 1989.

8. RELATED DOCUMENTS

8.1 Fences Act 1968

8.2 Council's specifications for the provision of fencing services.

8.3 Council's contracts for the Provision of fencing services.

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