

<h2>DIVIDING FENCES POLICY</h2>	Date Adopted:	14 April 2021
	Adopted By:	Council
	Review Due:	April 2025
	Responsible Officer:	Manager Assets
	Directorate:	Infrastructure
	EDRMS No:	D/20/45634

PURPOSE

The purpose of this policy is to define the obligations of Council to contribute towards the cost of fencing land adjoining Council owned and/or managed land in accordance with the Victorian Fences Act 1968 and Fences Amendment Act 2014.

DEFINITIONS

A 'dividing fence' is a fence on the common boundary line of adjoining council land.

APPLICATION AND SCOPE

Council is obliged to contribute to the construction of a dividing fence adjoining the following classes of Council owned and/or managed land (if requested) when:

- Land for which Council has freehold title;
- Reserved Crown land occupied under lease or licence by the Council;
- Reserves for public open spaces created by private subdivision prior to 1989 and for which the title has been transferred to the Council;
- Reserves for public open spaces created by private subdivision prior to 1989 and for which the title remains in the name of the subdivider but are maintained by the Council;
- Reserves for public open spaces created by private subdivision and vested in the Council in accordance with the *Subdivisions Act 1988*.

No Council contribution shall be made to the construction of fences adjoining the following classes of land when:

- Reserved Crown land for which Council has been appointed Committee of Management.
- Government roads.
- Government drainage easements.
- Private streets created prior to 1989 which have been constructed and declared public highways.
- Roads created by private subdivision and vested in the Council in accordance with the *Subdivision Act 1988*.
- Drainage easements and right of ways created by private subdivision.

- Where a municipal council or other body or person owns or manages land for the purposes of a public park or reserve.

GENERAL PROVISIONS

The *Fences Act 1968* provides for the construction of dividing fences separating the lands of different occupiers.

Occupiers of adjoining lands are liable to contribute to the construction of a dividing fence sufficient for the purposes of both occupiers in such proportions as are agreed upon or, in the absence of agreement, are determined by a Magistrate's Court.

POLICY STATEMENT

- 1.1 Private land owners and/or occupiers requesting Council to contribute to the construction of dividing fences are required to submit a minimum of two (2) written quotations for the work in line with Council's Procurement Policy. Written agreement to contribute is required by the relevant Service Manager prior to the commencement of work.
- 1.2 The standard fence for residential and commercial land is posts at 3 metre spacings, hardwood/metal rails, clad with timber palings or corrugated iron/colour bond, 1.5 metres in height, except for Lakes Edge subdivision fencing which may be 1.8 metres high.
- 1.3 The standard fence for industrial land is 50mm galvanised tube posts at 3 metre spacings, with galvanised chain wire 1.8 metres in height and three horizontal support cables.
- 1.4 The standard fence for farm land is posts at 7 metre spacings with two droppers per panel and seven plain wires or seven line ringlock.
- 1.5 As a general guide, Council will agree to pay the appropriate share of a fence up to the quality outlined in 1.2-1.4 based on land use. Requests for more expensive fence types should be referred to the service Director for consideration.
- 1.6 Any failure to obtain agreement with the adjoining owner and/or occupier regarding the standard of fence to be constructed and/or the apportionment of cost shall in the first instance be reported to the Chief Executive Officer (or nominee) who shall endeavour to resolve the situation to the mutual advantage of both parties.

IMPLEMENTATION

The relevant service managers are responsible for approving and funding the cost of dividing fences in respect of Council owned and/or managed land used for operational purposes, e.g. works depots, senior citizens centres, swimming pools, municipal offices, etc.

The Director Infrastructure is responsible for approving and funding the cost of dividing fences in respect of Council owned and/or managed land not used for operational purposes.

CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

REVIEW

This Policy must be reviewed a minimum of every four (4) years.

This Policy was first adopted on 13 May 1998 and the following reviews have taken place:

- 10 February 1999
- 9 July 2008
- 9 April 2014

- February 2021

AUTHORISATION

This Policy was adopted at the Council Meeting of 14 April 2021.

END