



# Half Cost Fencing Policy

Version (No 2)

Approval Date: (05/09/2022)

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## DOCUMENT CONTROL

Responsible GM	(Jody Riordan)	
Division	(Regional City Planning & Assets)	
Last Updated (who & when)	(Manager City Assets – Josh Wilson)	(2022)
<b>DOCUMENT HISTORY</b>		
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Council	05/09/2022	Full review in light of the Fencing Amendment Act 2014
References	Refer to Section 8 and 9 of this policy	
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Responsible Division  
Date

Regional City Planning & Assets  
05/09/2022

Date

01/03/2026

Page 2 of 8  
Approved  
Review

## 1. Background

The Latrobe City Council Half Cost Fencing Policy sets out clear responsibilities for the construction, maintenance and renewal of dividing fences abutting Council owned/managed property, and for compliance with the Fences Act 1968

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 Latrobe City Council has determined that despite the exemption afforded by the legislation it will contribute to the cost of dividing fences in circumstances that fulfil the strategic directions of the Council Plan.

### **Council Plan Alignment:**

This policy is consistent either in full or in part with the following Council Plan Strategic Directions:

- Prioritise a range of public space improvements across the municipality.
- Ensure a holistic approach to community safety in the planning and development of infrastructure, and the delivery of service to our community.
- Ensuring financial sustainability to ensure funding of council priorities and maintenance of community assets.

## 2. Objectives

The purpose of the Latrobe City Council Half Cost Fencing Policy is to set out clear responsibilities for the construction, maintenance and renewal of dividing fences abutting Council owned property, and to comply with the requirements of the Fences Act 1968

The broader aims of the policy are to identify:

- The situations in which Council will or will not contribute to construction, repair or renew a fence between Council owned land and adjoining land;
- Situations in which Council will or will not contribute to repair or renewal of fencing between Crown land for which Council is a Committee of Management (COM) or trustee under the Crown Land (Reserves) Act 1978 and adjoining land;
- The responsibilities of persons engaged to construct, repair or renew a fence bounding Council land; and

- Conditions for which a vehicle or pedestrian access gate may or may not be permitted to be incorporated in a fence bounding Council land that is to be renewed.

### 3. Scope

The policy applies to property owners with boundary fences between privately owned land abutting property owned, occupied or managed by Council, who are seeking a contribution from Council towards the cost of renewal of a dividing fence.

Original construction of boundary fences is the responsibility of the abutting property owners.

Throughout the life of the fence, maintenance, repairs and general care of the fence is the responsibility of the abutting property owners.

The cost of major repair or renewal of dividing fences damaged due to negligent acts, wilful acts or acts of god are the responsibility of the abutting property owners and should be repaired or replaced at the cost of the property owner or as a claim against the property owner's insurance.

Council contributes to the cost of the renewal of fences that are at the end of their serviceable life, being in a condition as would be expected for a standard fence at the end of its serviceable life consistent with the concept of "asset renewal".

- a) Council contributes to the cost of renewal of fences that form a dividing fence with private properties and the following Council managed reserves and facilities:
- Preschools, Maternal and Child Health Centres;
  - Council offices and service centres;
  - Council works depots;
  - Senior Citizen centres;
  - Recreation Reserves;
  - Leisure Centres;
  - Open Space and Drainage reserves;
  - Off-street carparks;
  - Council owned or managed Community Centres;
  - Walkways in commercial and residential precincts with a hard-surfaced footpath that provides access to Council managed land.

- b) Council does not contribute to the costs of major repair and renewal of fences that form a dividing fence with private properties and the following Council managed reserves, facilities and circumstances:
- Nature reserves and rural properties;
  - Tree Reserves next to a Council or Regional Roads Victoria managed road;
  - Council Roads and Right of Ways;
  - Department of Transport Roads and Right of Ways;
  - Vic Track land and Right of Ways;
  - Laneways and walkways in Industrial precincts;

## 4. Principles of Management

To support a property owners' request for Council to share the cost of the renewal of an abutting fence, the property owner must obtain and submit to Latrobe City Council three (3) written quotations from reputable and recognised fencing contractor or builder, and also submit to Council a *Notice to Fence* pursuant to the Fences Act 1968.

### **Council's responsibility under this policy:**

Latrobe City Council:

- Will contribute half of the cost of the renewal of a standard fence abutting a Council owned or managed property consistent with the terms of this policy;
- Will contribute half of the cost of a standard fence where a property owner wishes to construct an approved non-standard fence of greater cost; and
- Reserves the right not to contribute more than half the cost of a fence in accordance with current prevailing rates tendered to Council for the provision of similarly specified fences.

### **It is the property owner's responsibility to:**

- Obtain approval from Latrobe City to construct a non-standard fence abutting a Council owned property prior to construction.
- Engage a reputable fencing contractor to undertake the agreed works.
- Pay all costs associated with the repair or replacement of any damaged section of a boundary fence abutting a Council owned property where damage has occurred through the action of the owner/occupier's neglect, wilful acts or acts of god.

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Responsible Division  
Date

Regional City Planning & Assets  
05/09/2022

Page 5 of 8  
Approved  
Review

Date

01/03/2026

- Comply with the procedures developed and implemented by Latrobe City in respect of fencing construction requirements.

## **Fencing Standards:**

Latrobe City Council has defined the following as standard fences for urban and rural areas.

### **Urban Standard Fence:**

A 1650mm high paling fence with concrete posts at 2700mm centres; hardwood or treated pine rails at the top and bottom and a 75mm x 38mm hardwood or treated pine rail at the centre; a 150mm x 38mm concrete plinth; and 12mm thick by 1500mm long hardwood or treated pine palings with tops and bottoms sawn to line.

### **Rural Standard Fence:**

A 1200mm high post and wire fence with 5 non-barbed wires and 100 mm diameter treated pine posts at 3000 mm centres.

Further detail to guide officers in the implementation of this policy is contained in the Half Cost Fencing Operational Policy and includes:

- Detailed criteria for assessing property owner eligibility.
- Responsibilities of entities engaged to undertake fence works; and
- Gates in fences abutting Council property.

The details within the operational policy may be updated as is required to maintain contemporary guidance and will be made available to the community members upon request.

## **5. Accountability and Responsibility**

Accountability and responsibility for this policy is outlined below.

### **5.1. Council**

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

### **5.2. Chief Executive Officer**

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

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Responsible Division  
Date

Regional City Planning & Assets  
05/09/2022

Date

01/03/2026

Page 6 of 8  
Approved  
Review

## 5.3. General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

## 5.4. Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

## 5.5. Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

## 6. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

## 7. Definitions

*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.

*Council owned land* – land for which Latrobe City Council is the registered proprietor.

*Fence* – for the purposes of this policy the terms fence and fencing will mean ‘dividing fence’ as defined in the Fences Act 1968.

*Sufficient dividing fence* – has the same meaning as ‘Sufficient dividing fence’ as it appears in the Fences Act 1968.

*Half Cost Fencing* – whereby the Council shares the cost of major repair or renewal of dividing fences between Council owned and other land in accordance with the provisions of the Fences Act 1968 and the terms of this Policy.

## 8. Related Documents

Operational Policy – Half Cost Fencing 2022

## 9. Reference Resources

Related Documents Title	Location/Document Number/Hyperlink
Fences Act 1968	
Fencing Amendment Act 2014	
Local Government Act 1989	
Local Government Act 2020	

## 10. Appendices

Nil