

Contribution to Fencing Costs Policy



Policy type	Council
Adopted by	Moirá Shire Council
Responsible Director	Chief Financial Officer
Responsible Officer	Coordinator Commercial Services
Date adopted	27 July 2022
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

PURPOSE

The purpose of this policy is to outline Council's responsibilities for contributing toward the cost of fencing between Council land and adjoining properties.

SCOPE

This policy applies to owners of private land abutting a property owned or occupied by the Council who seek a contribution from Council towards the cost of construction, repair or replacement of a dividing fence.

CONTEXT

The *Fences Act 1968* and *Fencing Amendment Act 2014* provides the framework for owners of adjoining land to construct a dividing fence sufficient for the purposes of both occupiers.

The definition of "owner" given in Section 4 of the *Fences Act 1968* excludes municipal councils and others who own or manage land for the purposes of a public park or public reserve.

Council is therefore not required to contribute to the costs of dividing fences between private property and Council land used for public purposes for example:

- Roads, footpaths and walking tracks
- Parks, Playgrounds, Recreation Reserves and Land Fills and Transfer Stations
- Drainage Reserves
- Municipal car parks
- Tree and plantation reserves

Council will contribute to dividing fencing costs where land is not used for public purposes for example:

- Council offices and depots
- Town Halls
- Council owned residential properties
- Pre-schools and Maternal and Child Health Centres

POLICY

Council's commitment

Council will contribute to the cost of fencing with adjoining properties in accordance with the *Fences Act 1968* and *Fences Amendment Act 2014*.

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Quality and standard

Council reserves the right to require a specific quality and standard of fencing in keeping with the adjoining area, the requirements of Council, the *Fences Act 1968* and the *Fences Amendment Act 2014*.

Quotations required

Council will only consider fencing requests when the adjoining owner initiating the request has provided at least two acceptable written quotations from established fencing contractors, unless otherwise agreed by Council.

Agreements in writing

Council will confirm all fencing agreements in writing.

Works to be completed before payment

Where Council agrees to contribute to the cost of dividing fencing costs, payment will be made upon satisfactory completion of the fence's construction.

Prior Notice

Fencing requests must be made prior to the construction of a boundary fence. Council will not consider fencing requests if construction has been completed or has already commenced prior to the request.

RELATED LEGISLATION

Fences Act 1968

Fences Amendment Act 2014

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