

Shared Cost Fencing Policy

Version: 5.2

Date updated: 19 June 2018

Responsible Department: City Design and Construction

1. Purpose

This policy establishes when Council will share in the cost of constructing or replacing the dividing fencing between private land and a property owned or occupied by the Council.

2. Definitions

Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

3. Scope

The policy applies to owners of private land abutting a property owned or occupied by the Council who are seeking a contribution from Council towards the cost of constructing or replacing the dividing fencing.

4. Context

The *Fences Act 1968 and Fencing Amendment Act 2014* requires owners of adjoining land not divided by a fence sufficient for the purposes of both occupiers 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.

Section 4 of The Fencing Amendment Act 2014 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 dividing fencing between private property and an open public reserve. This includes:

Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at www.casey.vic.gov.au/policiesstrategies to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.

- Drainage reserves
- Municipal and recreational reserves
- Municipal car parks
- Playgrounds
- Roads and right-of-ways
- Tree and plantation reserves
- Walkways

Council will contribute where land is used for:

- Council offices and customer service centres
- Council-owned residential properties
- Council works depots
- Pre-schools and maternal and child health centres

5. Policy

5.1 Shared Cost Fencing

In accordance with the *Fences Act 1968 and Fences Amendment Act 2014*, Council will contribute half the reasonable cost of constructing, repairing or replacing a sufficient dividing fence abutting a property occupied by Council.

Council will not contribute to the cost of constructing, repairing or replacing the fencing abutting an open public reserve.

5.2 Exemption for Pensioners' Principal Place of Residence

Council will contribute half the reasonable cost of constructing, repairing or replacing the fencing abutting an open public reserve, excluding roads and right-of-ways, when the abutting private land is the principal place of residence of a homeowner eligible for the Municipal Rates Concession.

This exemption is provided in accordance with the resolution of Council at its meeting on 3 February 2015 (Item 6.4).

5.3 Use of Alternate Fencing Materials

Council officers will consider requests to use alternate fencing materials such as pre-painted steel posts and sheeting on a case-by-case basis.

The private land owner will need to cover the additional cost of using an alternate fencing material where Council officers deem that a standard timber paling fencing is adequate for Council's needs.

6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.

Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation, which does not have a material impact. However, any change or update, which materially alters this document, must be by resolution of Council.

7. Review

The next review of this document is scheduled for completion by 30 June 2022.