

# Shared Cost Fencing Program – Fact Sheet

## 1. Introduction

Frankston City Council recognises that the maintenance of boundary fencing between Council property and privately owned property is important with respect to visual appearance and safety to reserve users and adjoining property owners. Council is required to act in accordance with its legal obligation as outlined in the *Fences Act 1968- No. 7733*, *Fences Amendment Act 2014* and the *Road Management Act 2004*.

The Fences Act 2014 defines responsibilities for dividing fences built to separate two pieces of adjoining land, including who pays for a dividing fence. Property owners often have the expectation that Council will contribute towards cost of replacing shared dividing fences, however this is often not the case.

The Act exempts contributions for particular types of Crown land and states where a municipal council manages a public reserve or park then they are not considered to be an “owner” and subsequently are not required to share the cost of a dividing fence between that land and privately owned land.

However, as custodian of many reserves throughout the municipality, Council identifies there are circumstances where it is fair and equitable to share the cost of fencing where private property abuts council managed land

## 2. When will council contribute

Frankston City Council will contribute to the cost of a new, replacement or repairs of a fence where:

- The private property adjoins council occupied land such as council buildings and facilities such as community centres and preschools;
- Councils owned parks and reserves (excludes Crown land where council is the committee of management)

## 3. When will council not contribute

Frankston City Council will not contribute towards the cost of a fence where private property abuts a:

- Road, road reserve, laneway, right of way or walkway.
- Drainage Reserve.

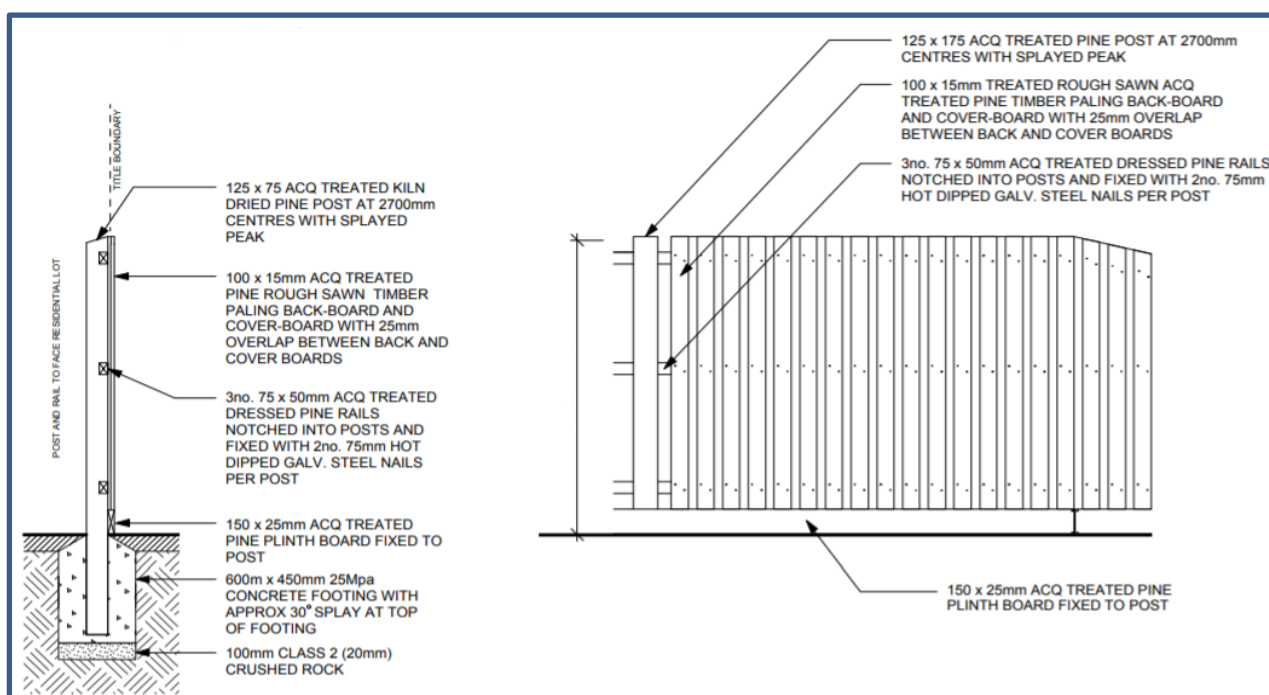
- Land owned by Department of Environment Land Water and Planning including crown land and where Council is committee of management.
- Land owned by service authorities such as Victrack, gas, water and electricity authorities.
- Council will not contribute to the cost of gates or retaining walls installed in a fence.
- Council will not contribute beyond the cost of a standard timber paling fence design.

## 4. What will council contribute

Frankston City Council will contribute financially only when, at Council discretion, the fence is deemed in need of replacement and only when correct process is followed. Council will contribute to the cost of boundary fencing at the flat rate of \$47.30 ex GST per lineal meter including demolition. This is based on a standard fence as pictured below and at the current market value, this price subject to annual review. Council will not backdate payments for works already completed, works completed without correct Permits in place or any fencing not meeting Council specifications.

## 5. Fencing Design Guidelines

The below standard drawing is a guide only to clarify what Council considers to be a 'standard' fence for purposes of calculating shared cost contribution from Council. It is recommended that specific information be obtained prior to the design process with respect to compliance with the Building Act 1993 and Building Regulations 20121.



### **Access gates**

Frankston City Councils *Community Local Law* section 3.23 *Fences between Private Land and Municipal Places* specifies the following:

3.23(a) - An owner or occupier of land adjoining a municipal place must not without a permit construct or otherwise effect an opening or construct or install a gate in any fence on the boundary between the land and the municipal place. The occupier of a property adjoining council managed land must not, without prior written approval from Council, construct or make, or permit to be constructed or made, any gate or opening in the fence directly into the abutting council managed land.

Approval will not be granted to construct private gates as part of any shared cost fencing agreement unless evidence of a prior approved permit is supplied.

## **6. Permits, controls and regulations.**

It is the owners and/or applicants responsibility to ensure that fence construction fully complies with all relevant Council requirements, restrictions, planning schemes, standards or acts.

### **Planning Schemes and Permits**

Planning Scheme Zones ensure land is assigned for particular uses, for example, residential, industrial, commercial or other purposes. The Zone description in the Frankston Planning Scheme also contains information relating to land uses, subdivision of land, construction of new buildings and other changes to land.

The Planning scheme map may show that a piece of land has an overlay as well as a zone effecting it. An overlay applies another layer of planning controls to a parcel of land.

Not all land has an overlay and some land may be affected by more than one overlay. If an overlay applies, the land will have some special feature of interest, such as a bushfire risk, heritage building, significant vegetation or flood risk. The overlay information will indicate if a Planning Permit is required and whether specific design standards apply which may affect fence design and construction methods.

Maps of Planning Scheme Zones and overlays can be found via the link below.

<https://mapshare.vic.gov.au/vicplan/>

### **Building Permits**

A Building Permit may be required if the fence is above 2m in height or where the below building regulations apply:

- Building Regulation 89 – Front Fence Height
- Building Regulation 90 – Fence setback from side and rear boundaries
- Building Regulation 91 – Fences on or within 150mm of side or rear boundaries
- Building Regulation 92 – Fences on street alignments
- Building Regulation 94 – Fences and daylight to windows in existing dwelling
- Building Regulation 95 – Fences and solar access to existing north-facing habitable room windows
- Building Regulation 96 – Fences and overshadowing of recreation private open space
- Building Regulation 97 – Masts, poles etc.

Further information can be found at the links below regarding building permits and legislative requirements under Building Regulation 2018:

[https://www.frankston.vic.gov.au/Planning\\_and\\_Building/Building/Building\\_Permits/Fences](https://www.frankston.vic.gov.au/Planning_and_Building/Building/Building_Permits/Fences)  
[FACT SHEET - Fencing Legislative requirements](#)

### **Park Crossing Permit**

Applicants are required to obtain a Park Crossing Permit in all circumstances regardless of whether shared costs are being sought or approved. The Park Crossing Permit is required to ensure the following:

- Park maintenance teams are informed of works occurring which may affect Council reserves, maintenance activities or the public.
- Council has opportunity to review the methods, plant and equipment proposed to access council land and provide feedback on suitability and site constraints.
- Conditions may be placed on the applicant to ensure the quality and amenity of the reserve and public safety is protected.
- Undertake pre-works and post-works inspections to ensure the site is maintained in and/or returned to original condition.
- Collect fees and bonds and provide relevant site keys to enable access where required.

[https://www.frankston.vic.gov.au/Planning\\_and\\_Building/Building/Building\\_Permits/Parks\\_Crossing\\_Permit](https://www.frankston.vic.gov.au/Planning_and_Building/Building/Building_Permits/Parks_Crossing_Permit)

## **7. Entering the Shared Cost Fencing Program**

Please see the Shared Cost Fencing Program Application Guide to assist you, if you have any further question please contact us 1300 322 322 or visit one of our Service Centres

- Frankston Civic Centre - 30 Davey St, Frankston 3199
- Langwarrin Customer Service Centre - Shop 6, The Gateway, 230 Cranbourne Rd, Langwarrin 3910
- Seaford Customer Service Centre – 1/6 Broughton St, Seaford 3198