

# FACT FILE

## Fencing shared cost with the Shire

### OVERVIEW

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The Fences Act 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 the Shire will contribute towards the cost of replacing shared dividing fences; unfortunately this is not often 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, the Shire identifies there are circumstances where it is fair and equitable to share the cost of fencing where private property directly abuts a Shire owned building.

### WHEN THE SHIRE WILL CONTRIBUTE

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The Shire will contribute to the cost of;

- A fence where the private property directly abuts a Shire owned building such as halls, preschools and sports pavilions.
- Up to a 1.93 metres (6'4”) high paling fence, in accordance with the Fences Act. Where a higher fence or a fence of a higher standard is requested, the private property owner shall be responsible for the difference in cost.

### WHEN THE SHIRE WILL NOT CONTRIBUTE

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The Shire 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
- Natural reserve or tree reserve
- Public park or reserve, including leash free areas and ovals.

The Shire will not contribute to the cost of

- Gates installed in a fence (planning permit may be required)
- Retaining walls
- Vegetation removal
- Additional building or landscape works
- Planning permits (if required)

## **Seeking Contribution from the Shire**

If a property owner believes they fall within the Shires criteria for shared cost fencing, they should contact [property@mornpen.vic.gov.au](mailto:property@mornpen.vic.gov.au) to discuss their circumstance.

Once the Shire has agreed to contribute, the property owner is required to provide a minimum two quotes from separate reputable fencing contractors for consideration. The approval of a fencing contractor is a decision made between the property owner and the Shire after some assessment. In some cases the contractor is not always the cheapest quote, but the one the parties agree will do the best job.

All quotes must include:

- Location, Height, Length and type of materials
- If a gate is to be included (council do not pay for gates)
- Cost per lineal metre
- Cost for demolition and removal of old fence (Council will only cover a standard fence removal)
- Total cost (GST shown separately)

Once construction has been completed the fencing contractor will send separate invoices to the Shire and the property owner.

An inspection will be carried out prior to payment being made to the appropriate party.

## **ACCESS GATES**

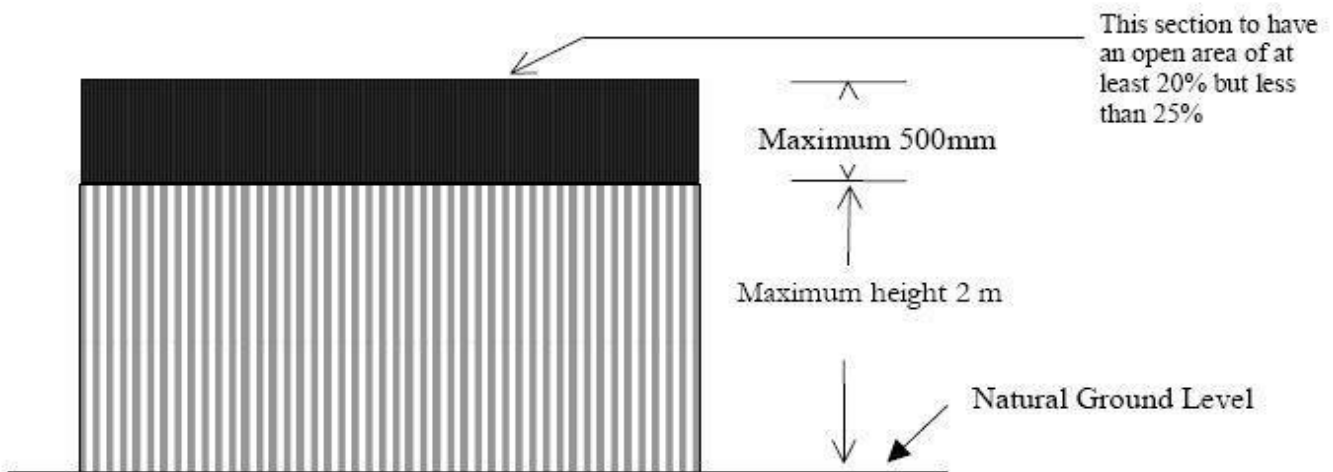
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The occupier of a property adjoining a reserve must not, without notifying the Council, construct or make, or permit to be constructed or made, any gate or opening in a fence abutting the Reserve.

## **FENCING TO PREVENT OVERLOOKING**

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If you are required to build a fence on a side or rear title boundary to prevent overlooking onto your neighbours, this fence may be built to a maximum height of 2.5 metres. However, the section of the fence between 2metres and 2.5metres in height must be constructed out of a material that has an open area of 20% - 25% (Building Regulation 91).



## FURTHER INFORMATION

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For further information regarding shared cost fencing, contact the Shire on 1300 850 600.

For information for adjoining property owners details should be made in writing to the Rates department or phone 5950 1080.

[Fencing in Victoria | Dispute Settlement Centre of Victoria](#) will provide you with useful information including the Fencing Act 1968.