

Fencing Policy

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Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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Approval			

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Purpose

The purpose of this policy is to set out Council's approach to the cost of constructing, repairing, or replacing boundary fencing abutting Council owned, or managed land, which includes compliance with the Fencing Act 1968 and Fences Amendment Act 2014.

Background

Council recognises that boundary fencing contributes to the safety, amenity, and security of both public and private land. While not legally obligated to share fencing costs under the Act for land such as public parks, Council has adopted a fair and supportive approach by offering a 50% cost contribution towards standard fencing in eligible cases. This approach balances community expectations with responsible financial management of public funds.

The policy also outlines standard fencing specifications, eligibility criteria, and exclusions, ensuring consistency and transparency in decision-making. It helps manage community expectations, clarifies Council's position in complex ownership and land use scenarios, and supports Council's commitment to good governance and accountability.

Policy

The *Fencing Act 1968* does not require Council to make contributions towards the construction and/or maintenance of a common boundary fence with an adjoining owner in respect of land owned by, vested in or under the care, control or management of the Council for the purpose of a public park or public reserve.

However, as common boundaries do provide a public benefit, Council may contribute up to 50% of the cost for a standard fence in cases where the owner adjoins a Council owned or managed land, unless excluded under section 5 of this policy.

1. Half Cost Share

Council will determine at its discretion if the fence in question requires replacement or if it is possible and more cost effective and/or environmentally responsible to repair the existing fence.

No work is to be carried out prior to Council assessing the condition of the fence. Failure to comply may result in Council not contributing to the cost of fencing.

2. Fencing Contribution Request

Property owners seeking shared cost of fencing with Council and which meet the requirements as set out in this Policy must submit two written quotes along with a completed 'Request for Half Cost Fencing Contribution' form (refer to Appendix A of the Fencing Procedure document).

Council will review the quotes in line with Council's Procurement Policy and determine which quote will be accepted.

3. Style and Cost of Fencing

For rural properties, Council's contribution is limited to the construction of a Standard Rural Fence, excluding gates, decorative features or painting. Similarly, for urban properties, fencing is limited to a Standard Urban Fence, also excluding gates, embellishments or painting.

If Council determines that a standard fence is not suitable for a specific location, it will consult with the adjoining landowner to agree on an alternative fencing style. In such cases, if the agreed alternative fence exceeds the cost of a standard fence, Council will cover the additional cost.

However, if the adjoining landowner requests additional features or upgrades beyond the standard rural or urban fence—such as decorative elements or non-standard materials—they will be responsible for covering the extra cost.

Where a covenant on the property title specifies a required fencing style or type, a copy of the covenant must be submitted to Council with the fencing application.

Non-standard fencing—such as fences over two metres in height or constructed from brick—may require a building permit. These applications will be referred to Council's Safer Communities for further assessment and approval by a registered Building Surveyor.

4. Access Gates

Vehicle access gates are not permitted to be installed in boundary fences with Council owned or managed land.

At the written request of the adjoining landowner, council may consider the installation of a pedestrian access gate in the boundary fence, subject to the following conditions:

- Must not exceed 1200mm in width, to prevent vehicle access.

- Must swing inward onto the adjoining landowner's property.
- Must not provide access to a plantation or vegetation offset reserve, for environmental protection reasons.

Approval is at Council's discretion and will only be granted where it does not compromise safety, environmental protection, or land use requirements.

Maintenance of existing gates, which may have been installed prior to this policy adoption, remain the responsibility of the resident and Council take no responsibility for maintenance of the gate.

5. Exclusions

Council does not accept responsibility for half cost fencing for the following:

- Land not in direct Council ownership or maintained under Council management.
- Crown Land.
- Road reservations.
- Right of ways, laneways, discontinued roads, walkways and other unoccupied spaces.
- Public parks or public reserves, except where the purpose of the park or reserve is primarily to house a Council building or improvement such as a town hall, library, kindergarten or recreation centre including tennis courts, aquatic centres and swimming pools
- Buffer to a road, for example, plantation and tree reserves or other land.
- Drainage reservations.
- Bicycle path.
- Pool compliance fencing. Council will not contribute to any additional costs required to bring a fence into compliance with pool safety barrier regulations under the Building Regulations 2018 or the Swimming Pools Act 1992, nor will it cover costs related to the personal preferences or requirements of the adjoining owner or occupant. Any pool fences or gates that provide access to Council land must comply with Australian Standard AS1926.1.

6. Discrepancies

Construction of a new fence on a previously undefined boundary will require the adjoining owner to engage a qualified surveyor to prepare a boundary establishment plan at the owner's cost. Council will then contribute 50% of the cost of a standard urban or rural fence.

Should there be any discrepancies with existing fence lines regarding the correct title boundary; the owner will be requested to carry out a title re-establishment survey at their cost to define and set the boundary / fence line.

7. Responsibilities

This policy doesn't apply to emergency works where public safety is of concern. These cases are to be referred to Council's Assets and Operations Directorate, Coordinator of Civil Maintenance and Construction.

Any cost of fencing to Council is to be charged to the operational budget of the relevant Department which is responsible for the asset maintenance of the Council building or improvement. Any significant budget overruns because of unexpected costs can be referred to the Mid-year budget review for funding.

8. Resolution of Disagreements

If the adjoining landowner disagrees with a decision by Council, the adjoining landowner should contact the relevant Director who is responsible for the maintenance of the asset or facility.

Upon being contacted by the adjoining landowner, the Director shall arrange for the disagreement to be mediated and resolved.

9. Human Rights Charter

This policy has been reviewed against and complies with the *Charter of Human Rights and Responsibilities Act 2006*. Property rights are a human right under the charter which states that a person must not be deprived of his or her property other than in accordance with law.

10. Gender Impact Assessment

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Definitions

Term	Definition
Accoutrement	Means additional trimmings and accessories including gates.
Council managed land	Means land for which Council is the Committee of Management
Council owned land	Means land for which Council is the registered proprietor.
Fence and/or dividing fence	Means a fence that: (a) is located on the common boundary of adjoining land; or (b) is not located on the common boundary of adjoining land, but the purpose of which is to separate adjoining land.
Half cost fencing contribution	Applies where Council is responsible for half the fencing cost and means the cost of constructing, repairing or replacing a standard urban fence or standard rural fence between Council owned or managed land and privately owned land in accordance with the Acts.
Land	Means the same as in the <i>Sale of Land Act 1962</i> .
Owner	For the Purposes of the Acts, and owner means the registered proprietor of the land. However, <i>the Fences Amendment Act 2014</i> states that an owner does not include a council in respect of land owned by or under management of a council for the purposes of a public park or public reserve (including road reserves). Consequently, Council does not have to contribute to fencing costs in these situations.
Responsible Department	Means the Department that is responsible for the maintenance of the asset
Property and Valuations Unit	Is a unit within the Finance & Reporting Department, responsible for reviewing and evaluating applications for fencing contributions.
Rural Property	Land located within a Farming Zone, Rural Living Zone, Green Wedge Zone or similar, where fencing is primarily for stock control, land management or boundary delineation.

Standard Rural Fence	Means a fence is a rural area, which is consistent with normal post and wire rural fencing.
Standard Urban Fence	Means a 1.6 metre to 1.8-metre-high urban paling fence in finished height (palings, posts and plinth). Construction standard and materials will be in accordance with the accepted industry standard.
Urban properties	Land located within a township, residential, commercial or industrial zone under the <i>Macedon Ranges Planning Scheme</i> , where the prevailing fencing style is domestic or suburban in character.

Related Policies

- > Procurement Policy

Related Legislation

- > *Building Regulations 2018*
- > *Crown Land (Reserves) Act 1978*
- > *Fences Act 1968*
- > *Fences Amendment Act 2014*
- > *Fences Regulations 2024*
- > *Land Act 1958*
- > *Local Government Act 2020*
- > *Road Management Act 2004*
- > *Sale of Land Act 1962*
- > *Swimming Pools Act 1992*