



BOUNDARY FENCE POLICY

POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE																		
Council	Infrastructure Manager	Deputy CEO	27 October 2025	October 2027																		
PURPOSE	The purpose of this Policy is to ensure that fencing contributions, fence construction requirements and the Reserves, Parks and Gardens By-Law provisions are administered in accordance with applicable legislation, in a consistent manner to all property owners within the municipality.																					
SCOPE	This Policy is relevant to all boundary fences which adjoin Council land, including areas of public reserve irrelevant of the classification, and areas of land leased from Crown with unlimited public access.																					
DEFINITIONS	<p>For the purposes of this Policy, the following definitions will apply:</p> <p>Road - includes any public highway, street, by-way, cross-way, or public place, whether it be a carriage-way, horse-way, or foot-way.</p> <p>Road reserve - the area between two property boundaries occupied by a road or set aside for future road construction.</p> <p>Public Reserve - any part of a reserve, beach, coastal or river foreshore, rockery, area of bushland, natural area, planted embankment, plantation, sports ground, recreation ground, swimming pool, park or garden owned, or under the control of the Council, including:</p> <p>(1) any road, path or car parking area within any of those areas;</p> <p>(2) any structure or building erected on those areas;</p> <p>(3) the exterior grounds of any building owned, leased or otherwise under the control of the Council that is not in those areas.</p> <p>Not including any Unoccupied Crown Land leased by Council.</p> <p>(Definition from Devonport City Council Reserves Parks and Garden By-Law No. 1 of 2017).</p>																					
POLICY	<p>1. Council will make a contribution to an adjoining property owner's fence in accordance with the Table below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d3d3d3;">Where a private property abuts:</th> <th style="background-color: #d3d3d3;">Council contribution is given if requested</th> <th style="background-color: #d3d3d3;">Compliance</th> </tr> </thead> <tbody> <tr> <td>A road reserve</td> <td style="text-align: center;">No</td> <td><i>Boundary Fences Act 1908, Section 7</i></td> </tr> <tr> <td>A walkway/ foot-way between properties leading to a public reserve or road</td> <td style="text-align: center;">No</td> <td><i>Boundary Fences Act 1908, Section 7</i></td> </tr> <tr> <td>Unoccupied Crown Land leased by Council</td> <td style="text-align: center;">No</td> <td><i>Boundary Fences Act 1908, Section 6</i></td> </tr> <tr> <td>A public reserve, e.g.: <ul style="list-style-type: none"> • Girdlestone Park • Maidstone Park • Miandetta Park • Byard Park </td> <td style="text-align: center;">Yes</td> <td></td> </tr> <tr> <td>A public car park, e.g.:</td> <td style="text-align: center;">Yes</td> <td></td> </tr> </tbody> </table>				Where a private property abuts:	Council contribution is given if requested	Compliance	A road reserve	No	<i>Boundary Fences Act 1908, Section 7</i>	A walkway/ foot-way between properties leading to a public reserve or road	No	<i>Boundary Fences Act 1908, Section 7</i>	Unoccupied Crown Land leased by Council	No	<i>Boundary Fences Act 1908, Section 6</i>	A public reserve, e.g.: <ul style="list-style-type: none"> • Girdlestone Park • Maidstone Park • Miandetta Park • Byard Park 	Yes		A public car park, e.g.:	Yes	
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<ul style="list-style-type: none"> • Kempling St car park • Wenvoe St car park 		
A developed Council property, e.g.: <ul style="list-style-type: none"> • Devonport Rec Centre • Home Hill 	Yes	

Council may choose to contribute to fencing outside what is defined in the above Table if it is the best interest of Council to do so. Examples include security, public safety, amenity, operational efficiencies.

2. Where a request meets the criteria for a Council contribution, Council will contribute funds upon completion of the fence to the agreed standard and quality. The Council contribution will be calculated using the applicable rate published annually as part of Council's Fees and Charges Schedule. Council's contribution rate is based on 50% of the estimated cost of a 1.5-metre-high twin rail green timber fence and will be reviewed and amended annually to remain consistent with current market conditions.
3. Council's contribution will be the lower of the actual cost of the fence or the Fencing Contribution rate specified in the Annual Fees and Charges Schedule (e.g. if a fence was constructed at a cost of \$50/m then Council's contribution will be based on the actual cost of \$50/m, rather than the Fencing Contribution rate of \$63/m specified in the Annual Fees and Charges Schedule).
4. In locations where Council requires a fence, but no request has been made from the adjacent property owner, Council may initiate the construction of a fence in accordance with Part II of the *Boundary Fences Act 1908*.
5. Property owners may choose the style of fence appropriate to their needs where Council do not otherwise have a preference. In these circumstances, materials shall be good quality new materials and the workmanship shall be tradesman-like.
6. Boundary fences shall not have vehicular access gates to Council property unless by written permission of the Chief Executive Officer*. Vehicular access to reserves and open spaces promotes the degradation of reserves through wood cutting and collection in bushland and unregulated motor vehicle use in public open spaces that are not designed for such traffic movement.
7. Where a gate exists in a fenced boundary with a reserve that does not contain bushland, access through the gate will be in accordance with the provisions of the Reserves, Parks and Gardens By-Law.
8. Replacement of fences forming a boundary with a reserve shall not include a gate even if a gate existed in the fence being

