



BOUNDARY FENCING POLICY

POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)																		
Council	22 July 2019	153/19	D594269																		
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW																		
Infrastructure & Works Manager	Deputy GM – Infrastructure, Works & Development	2.1.2 – Provide consistent and responsive development assessment and compliance processes	July 2021																		
PURPOSE	The purpose of this policy is to ensure that fencing contributions, fence construction requirements and Reserves 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>Road reserve: the area between two property boundaries occupied by a road or set aside for future road construction.</p> <p>Public Reserve: means 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> <ol style="list-style-type: none"> (1) any road, path or car parking area within any of those areas; (2) any structure or building erected on those areas; (3) the exterior grounds of any building owned, leased or otherwise under the control of the Council that is not in those areas. <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="text-align: left;">Where a private property abuts:</th> <th style="text-align: center;">Council contribution is given if requested</th> <th style="text-align: left;">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 public reserve, e.g.: <ul style="list-style-type: none"> • Don Reserve • Miandetta Park • Byard Park </td> <td style="text-align: center;">No</td> <td><i>Boundary Fences Act 1908, Section 6</i></td> </tr> <tr> <td>A walkway between properties leading to a public reserve or road</td> <td style="text-align: center;">No</td> <td><i>Boundary Fences Act 1908, Sections 6,7</i></td> </tr> <tr> <td>A public car park, e.g.: <ul style="list-style-type: none"> • Kempling St car park • Wenvoe St car park </td> <td style="text-align: center;">Yes</td> <td></td> </tr> <tr> <td>A developed Council property, e.g.: <ul style="list-style-type: none"> • Devonport Rec Centre • Home Hill </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 public reserve, e.g.: <ul style="list-style-type: none"> • Don Reserve • Miandetta Park • Byard Park 	No	<i>Boundary Fences Act 1908, Section 6</i>	A walkway between properties leading to a public reserve or road	No	<i>Boundary Fences Act 1908, Sections 6,7</i>	A public car park, e.g.: <ul style="list-style-type: none"> • Kempling St car park • Wenvoe St car park 	Yes		A developed Council property, e.g.: <ul style="list-style-type: none"> • Devonport Rec Centre • Home Hill 	Yes	
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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.

Council have previously made contributions to fencing adjacent to sports fields. This should continue where it can be demonstrated to be in the best interest of Council.

2. Where an request meets the criteria for a Council contribution, Council will contribute funds upon completion, based on the applicable rate published annually as part of Council's fees and charges schedule. Council's contribution will be based on 50% 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 not exceed the actual cost of the fence (e.g. if a fence was constructed, for \$50/m then Council's contribution will be \$50/m, rather than the higher rate in the current 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 pursue 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 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 General Manager. 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 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 replaced unless the property owner has written permission from the General Manager.
9. Boundary fences on street corners shall be limited to a maximum height of 1.2 metres. Any fence proposing to exceed this height requires assessment by a qualified person to ensure that adequate sight distances are maintained and approval by the General Manager.
10. Where required to meet building regulations, property owners must seek appropriate permits before commencing construction.
11. Where Council has made a contribution to the cost of fencing the fence will be maintained to a mutually acceptable standard.

LEGISLATION AND RELATED DOCUMENTS	<i>Boundary Fences Act 1908</i> <i>Local Government (Highways) Act 1982</i> <i>Devonport City Council 'Reserves, Parks & Gardens By-Law No.1 of 2017'</i> <i>Building Act 2016</i> <i>Building Code of Australia</i> <i>Interim Planning Scheme 2013</i>		
ATTACHMENTS (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff Department