



## BOUNDARY FENCE POLICY

| POLICY TYPE  | DOCUMENT CONTROLLER   | RESPONSIBLE MANAGER                        | POLICY ADOPTED    | REVIEW DUE     |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |
|--|---|--|-------------------|----------------|---------------------------------|--|------------|----------------|----|--|--|----|--|---|----|--|--|-----|--|--------------------------|-----|--|
| Council  | Infrastructure Manager  | Deputy General Manager                     | 25 September 2023 | September 2025 |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |
| <b>PURPOSE</b>   | 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.   |  |                   |                |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |
| <b>SCOPE</b>   | 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.   |  |                   |                |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |
| <b>DEFINITIONS</b>   | <p>For the purposes of this policy the following definitions will apply:</p> <p><b>Road</b> - 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><b>Road reserve</b> - the area between two property boundaries occupied by a road or set aside for future road construction.</p> <p><b>Public Reserve</b> - 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>   |  |                   |                |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |
| <b>POLICY</b>  | <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"> <li>Girdlestone Park</li> <li>Maidstone Park</li> <li>Miandetta Park</li> <li>Byard Park</li> </ul> </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"> <li>Girdlestone Park</li> <li>Maidstone Park</li> <li>Miandetta Park</li> <li>Byard Park</li> </ul> | Yes |  | A public car park, e.g.: | Yes |  |
| 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"> <li>Girdlestone Park</li> <li>Maidstone Park</li> <li>Miandetta Park</li> <li>Byard Park</li> </ul> | Yes   |  |                   |                |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |
| A public car park, e.g.:   | Yes   |  |                   |                |                                 |  |            |                |    |  |  |    |  |   |    |  |  |     |  |                          |     |  |

|   |     |  |
|---|-----|--|
| <ul style="list-style-type: none"> <li>• Kempling St car park</li> <li>• Wenvoe St car park</li> </ul>                            |     |  |
| A developed Council property, e.g.: <ul style="list-style-type: none"> <li>• Devonport Rec Centre</li> <li>• Home Hill</li> </ul> | 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 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, 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 replaced, unless the property owner has written permission from the General Manager.

|  |   |                        |   |                        |   |                            |   |                 |   |
|--|---|------------------------|---|------------------------|---|----------------------------|---|-----------------|---|
|  | <p><b>9.</b> Property owners must seek advice from Council's Planning Department to determine if a planning permit is required prior to commencing works.</p> <p><b>10.</b> Where required to meet building regulations, property owners must seek appropriate permits before commencing construction. Property owners should contact a building surveyor for advice.</p> <p><b>11.</b> Boundary fences on street corners shall be limited in height to ensure adequate sight distance at the intersection. Property owners must seek advice from Council's Engineering Team to ensure sight distance requirements are achieved.</p> <p><b>12.</b> Council may provide indicative measurements to assist in locating a property boundary. However, responsibility for locating the true property boundary and constructing the fence on that boundary lies with the property owner.</p> <p><b>13.</b> Where Council has contributed to the cost of fencing, the fence will be maintained to a mutually acceptable standard by the property owner.</p> |                        |   |                        |   |                            |   |                 |   |
| <b>LEGISLATION AND RELATED DOCUMENTS</b> | <p><i>Boundary Fences Act 1908</i><br/> <i>Boundary Fences Regulations 2008</i><br/> <i>Local Government Act 1993</i><br/> <i>Local Government (Highways) Act 1982</i><br/> Reserves, Parks &amp; Gardens By-Law No.1 of 2017<br/> <i>Building Act 2016</i><br/> <i>Building Code of Australia</i><br/> Tasmanian Planning Scheme – Devonport 2020<br/> Devonport City Council Strategic Plan 2009-2030</p>   |                        |   |                        |   |                            |   |                 |   |
| <b>ATTACHMENTS (IF APPLICABLE)</b>       | N/A   |                        |   |                        |   |                            |   |                 |   |
| <b>STRATEGIC REFERENCE</b>               | 5.3 Council looks to employ best practice governance, risk and financial management   |                        |   |                        |   |                            |   |                 |   |
| <b>MINUTE REFERENCE</b>                  | 23/189  |                        |   |                        |   |                            |   |                 |   |
| <b>OFFICE USE ONLY</b>                   | <table border="1" data-bbox="403 1500 1460 1601"> <tr> <td data-bbox="403 1500 949 1547">Update Register</td> <td data-bbox="956 1500 962 1547">Y</td> <td data-bbox="968 1500 1428 1547">Training/Communication</td> <td data-bbox="1434 1500 1441 1547">Y</td> </tr> <tr> <td data-bbox="403 1556 949 1601">Advise Document Controller</td> <td data-bbox="956 1556 962 1601">Y</td> <td data-bbox="968 1556 1428 1601">Advise HR / MCO</td> <td data-bbox="1434 1556 1441 1601">Y</td> </tr> </table> <p>Management Sign Off:</p>  <p>Date: 25 September 2023</p>   | Update Register        | Y | Training/Communication | Y | Advise Document Controller | Y | Advise HR / MCO | Y |
| Update Register                          | Y   | Training/Communication | Y |                        |   |                            |   |                 |   |
| Advise Document Controller               | Y   | Advise HR / MCO        | Y |                        |   |                            |   |                 |   |