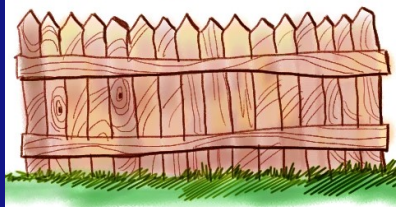


# Boundary Fences Act 1908

The Boundary Fences Act 1908 ('the act') sets out the law in Tasmania relating to erecting and repairing boundary fences. If neighbouring properties are not divided by a 'sufficient or rabbit-proof' fence, or the fence needs repairing, the neighbours are legally required to erect or repair the fence. The provisions of the Act will not apply to you if your property boundary adjoins unoccupied Crown Land, Public Reserve, land owned by the Forestry Corporation, or any unsold land adjoining land already owned by one person (eg; land in a subdivision which has not yet been sold separately). Nor does it apply if you are simply renting the property. It is the owner of the property who is responsible for erecting or repairing a boundary fence, not the tenant.

Good Fences Make Good  
Neighbors



While all advice and recommendations in this document are made in good faith, neither the Sorell Council nor any other person associated with the preparation of this document accepts legal liability or responsibility for the advice or recommendations therein or for the consequences of relying on such advice or recommendations. You should satisfy yourself that any information you rely on from any source is appropriate for your own particular circumstances.



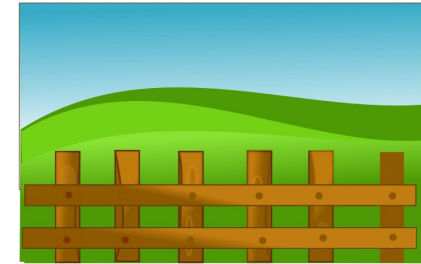
## Sorell Council

Engineering & Regulatory Services

Sorell Council  
47 Cole Street, Sorell 7172

Ph: 6269 0000  
Fax: 6269 0014

Email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)  
Web: [www.sorell.tas.gov.au](http://www.sorell.tas.gov.au)



# Boundaries, Fences and Property Measurements

**Sorell Council**



## Frequently Asked Questions:

### How high can I build a fence?

Boundary fences can be built up to 2.1m high without Council approval.

Front fences can be up to 1.2m if solid; or up to 1.8m high provide that part of the fence above 1.2m has 30% transparency, anything higher will require Council approval.

### Who pays?

Both neighbours are responsible for the cost of erecting or repairing a boundary fence. If you want your neighbour to help out with the cost, you must serve on them a notice to erect or repair a fence.

The Act states, a fence that divides your property with your neighbours' property is called a boundary fence. If a boundary fence needs to be erected, repaired or needs replacing, both you and your neighbour are jointly responsible for the costs of that fence.

### Notice to Fence/Notice to Repair Existing Fence.

The forms to use for giving your neighbor notice to erect a fence (Form1) or to repair a fence (Form2) are found in Schedule 1 of the Boundary Fences Regulations 1998.

### If your neighbour objects?

If your neighbour does not agree with your proposals for erecting or repairing the boundary fence, including the type of fence to be erected, they can object, however, there are procedures in which both parties must follow which are outlined in the Boundary Fences Act 1908. If an objection has been made by either parties and you cannot resolve the dispute you should both meet with a mediator (solicitor) to resolve the issue.

### What is meant by the terms "Sufficient Fence"

The Act refers to erecting or repairing a "sufficient or rabbit-proof fence". Where the fence is next to another

## Council Involvement:

Council has no involvement in boundary fences (other than on some occasions with front boundary fences), it's all covered under the Boundary Fences Act 1908

You will require Council approval if:

The front boundary fence or wall **is** constructed of **masonry or concrete and is higher than 1.2metres**

Or

The side boundary Fence is constructed of material other than masonry or concrete and is **higher than 2.1 metres**.

If the fence is proposed to be over these heights according to the materials used, building approval is required under the Building Regulations 2016.

**Retaining walls** do require a building permit if the wall is situated closer than 1.5 metres from a boundary and retains ground above one metre in height.

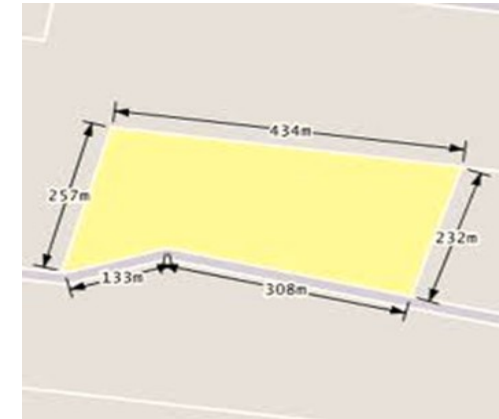
In the case of a front fence being erected, the Councils Engineering Officer should be contacted on '6269 0000. This is to ensure that line of sight of vehicular and pedestrian traffic is not compromised.



## Boundaries:

Should you want to know the measurements of your boundaries you will need to obtain a current full copy of your Certificate of Title. This should include the Survey Plan, Schedule of Easements (if any), Covenants and Title Plan. The title plan will show your boundary measurements. Title Boundaries can only be determined by a Qualified Land Surveyor.

You can obtain a copy of a Certificate of Title by contacting the Land Titles Office or using the search facility [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) or by visiting any Service Tasmania Shop.



Boundary Fences Act 1908  
Boundary Fences Regulations 1998  
Certificate of Title  
can be obtained from any Service Tasmania Shop  
or Land Titles Office (The List)  
Other sites to visit:  
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)  
[www.foolkit.com.au/tas](http://www.foolkit.com.au/tas)  
[www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)  
[www.legalaid.tas.gov.au](http://www.legalaid.tas.gov.au)