

## SWIMMING POOL REQUIREMENTS

- Fences and gates must be at least 1.2m high, with a bottom clearance of no more than 100mm. Any horizontal rails should be on the side of the fence and at least 900mm apart. Any vertical rails must not be more than 100mm apart.
- Gates must only open outwards and must automatically close and lock. The gate latch must be at least 1.5m above the ground otherwise special conditions may apply.
- Boundary fences cannot be used as part of the pool enclosure, unless certified by your Building Surveyor.
- Doors leading into the pool must be self-closing and self-locking, and the release latch at least 1.5m above the floor and must not swing into the pool area.
- Windows overlooking the pool area must be either totally covered by bars no more than 105mm apart, or not be able to be opened more than 105mm by the use of chains etc.

Copies of the *Boundary Fences Act 1908* can be purchased from the Printing Authority of Tasmania at 2 Salamanca Place, Hobart or through the internet on [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

Further information may be obtained from -

Brighton Council  
1 Tivoli Road, Old Beach. Tasmania 7017  
(between 8.15 a.m. and 4.45 p.m.)



Telephone: (03) 6268 7000  
Fax: (03) 6268 7013  
E-mail: [admin@brighton.tas.gov.au](mailto:admin@brighton.tas.gov.au)  
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# Brighton Council

## Fencing Guidelines

Brighton Council receives many enquiries relating to fencing matters. This information sheet has been produced to assist customers with enquiries relating to boundary fencing and special requirements for swimming pool fencing.

### **Does Council become involved in fencing matters?**

**No. Council does not intervene in matters between neighbours over boundary fences. Council will only become involved if the property is adjoining Council land, or if the fence requires a planning or building permit.**

### **Is my neighbour obligated to share the cost of the new fence?**

Under the *Boundary Fences Act 1908* neighbours are required to contribute half the cost of erecting a standard fence.

### **How do I find out who my neighbour is if the property is rented or is vacant land?**

The owner of land is shown on the land title which can be obtained through the Lands Titles Office at 134 Macquarie Street, Hobart or from the Service Tasmania branch in your local area.

### **What is a standard boundary fence?**

**The standard fence in a residential area is a 1.5m high paling fence.**

**The standard fence in a rural area is a seven wire post and wire fence.**

### **How do I approach my neighbour regarding the fence and sharing of costs?**

Council recommends talking to your neighbour first to come to an amicable agreement. It is recommended you obtain three quotes for the construction of the fence (standard or non-standard). Your neighbour need only pay half the cost of the lowest quote.

### **What happens if my neighbour will not contribute towards the cost of the boundary fence?**

If you are unable to come to a suitable agreement for payment of the fencing costs you may wish to serve a notice on your neighbour through the *Boundary Fences Act 1908*.

### **What do I need to do if Council owns the adjoining land?**

Council does not contribute towards the cost of boundary fencing to land adjoining public reserves.

### **What happens if the fence borders onto a road?**

Under the *Boundary Fences Act 1908* no local body having the administration, management, or control of any road, including the Council, is liable to contribute towards the erection or repair of any dividing fence between any road and the land adjoining such road.

Council does not share in the cost of fences on roads or footways.

### **When do I need a planning permit from Council?**

**A planning permit is only required if the fence is more than 2.1 metres high on a side or rear boundary or 1.2 metres high on a frontage.**

### **When do I need a building permit from Council?**

A building permit is only required if the fence is more than 2.1 metres high for a timber/iron fence, or more than 1.2 metres high for a fence constructed from masonry (brick, concrete etc).

### **What are the requirements regarding maintenance of boundary fences?**

Owners of property are required to keep their fences in reasonable repair. Property owners who have dogs or livestock confined within their property are encouraged to regularly check their boundary fences and make repairs as necessary.

Council is able to impose fines on owners of animals (in particular dogs and livestock) who allow their animals to roam at large or escape from their property.

### **Who can help if I need to serve a notice on my neighbour?**

**Free advice may be available from the Legal Aid Service on 1300 366 611.** Alternatively, your Solicitor will be able to assist.

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