

Policy

Title: Required Safety Fences Between Roads and Private Property

Category: Roads, Traffic and Walkways

Date Last Adopted: 17 March 2025

1. Objectives

To assist Council officers to consistently assess who is responsible for the cost of installation, improvements and maintenance to safety fences between roads and private property.

2. Background

Hobart has generally a hilly terrain which causes many of its roads to be elevated above the natural ground level resulting in a number of retaining walls supporting roadways and footpaths being spread across Hobart and its suburbs. Historically there has been an inconsistent approach to the maintenance of these retaining walls and fences.

3. Policy

That in accordance with *Section 36 of the Local Government (Highways) Act 1982*, where the Council requires a pedestrian safety fence to be installed or repaired between the footpath and adjacent private property, the following guidelines shall apply when determining the Council's financial contribution to the safety fence:

1. Where as a result of the Council carrying out road works, a retaining wall or embankment is created which requires a safety fence to protect the public from falling from the roadway, the Council will install a safety fence at its cost in accordance with the following:
 - (i) Where no fence previously existed, the standard safety fence shall be designed appropriate for the site. In cases where the adjacent property owner requires a more substantial fence the Council's contribution shall not exceed the cost of a standard fence provided it complies as a safety fence.

- (ii) Where there was a fence previously, and the fence cannot be retained, the Council will provide a replacement fence of equivalent value to a standard appropriately designed fence, provided it complies as a safety fence.
2. The subsequent maintenance, which may include replacement, shall be the responsibility of the adjacent property owner.
3. Where as a result of works on private property, adjacent to a roadway by the owner, a level difference has been created between the roadway and private property that requires a safety fence, the adjacent property owner is responsible for erection of the initial safety fence and all subsequent maintenance on the fence.
4. Where there is an existing fence between a made footpath and the adjoining land and the fence needs to be replaced or repaired in the interests of pedestrian safety, then it shall be the responsibility of the land owner to meet the costs of the work after a notice has been issued in accordance with Section 36 of the *Local Government (Highways) Act 1982*.

4. Legislation, Terminology and References

Local Government (Highways) Act 1982 s36

Responsible Officer:	Director Infrastructure and Assets
Policy first adopted by the Council:	24/07/1995
History	
Amended by Council	7/3/2016
Amended by Council	23/9/2019
Approved by Hobart Workshop Committee	17/3/2025
Next Review Date:	March 2027
File Reference:	F16/65227