

TITLE

E708 RIGHT OF USE AND FENCING OF CROWN: RESERVE AND COUNCIL ROADS

DEPARTMENT

Engineering Services

POLICY DIRECTIVE

To provide a mechanism for dealing with disputes relating to access to properties and other destinations over Crown Reserve and public roads

HISTORY

Adopted by Resolution No 249/97 at the ordinary meeting of Council of 20 May 1997.

Council Resolution No 176/00 – Ordinary Meeting of Council 18 April 2000.

Council Resolution No 449/02 – Ordinary Meeting of Council 16 October 2001.

As more and more interstate owners buy and take up residence in the more remote parts of the island, problems with access to properties, especially over Crown access roads and to a lesser extent over Council roads, have become apparent.

Where disputes relating to access over these roads are evident and where settlement cannot be achieved by negotiation between the parties, then the following policy is to apply:-

POLICY

Agreement has been reached between Council and Tasmanian Crown Land Services that where the matter of access is in dispute or where it is considered appropriate, the rules, regulations and processes embodied in legislation are to be applied:-

- All legitimate users of reserve roads (including property owners through which the road passes) are to be licensed under the Crown Lands Act 1976.
- Where appropriate the Licensee is to have unrestricted use of the road, and conditions attaching to the licence could include:
- The removal of gates, fencing of the road at the landholder's cost, annual fees and other conditions .
- It is also the landholder's responsibility to ensure that fencing of the Crown Reserve road which passes through his/her property, is constructed on the correct alignment.

With regard to public roads which adjoin Crown Reserve roads and where circumstances warrant, Council will insist that all gates be removed and the road alignment be fenced, so that users have unrestricted enjoyment of the road.

ADDITIONAL INFORMATION

Council at its meeting held on 20 May 1997 considered a report on the various issues relating to access roads and a copy of this report is attached. Reference should be made to Policies numbered P202 and E706.