

Q. Who is responsible for maintaining the canals?

➤A. Section 121 of the Coastal Protection and Management Act 1995 (the CPMA) says Council “must maintain and keep clean” each canal in its local government area (and each access channel for each canal). That obligation extends to the physical embankments and any structures forming part of the canal and applies even though land in a canal is owned by the State.

Q. Who is responsible for maintaining revetment walls?

➤A. Under ordinary principles of law the owner of the land on which any structure is located is responsible for the structure’s maintenance. Therefore, if a revetment wall is within the boundary of freehold land that adjoins a canal, the registered owner of that land is responsible for the wall’s maintenance.

Where a revetment wall is within the boundary of a canal, the wall forms (and is) part of the canal for the purposes of section 121 of the CPMA. Accordingly, Council’s obligation to maintain canals within its local government area extends to revetment walls within a canal boundary.

However, section 124 of the CPMA may require a person who owns land adjoining a canal and who authorised the construction of a revetment wall in the canal to maintain the wall in a safe condition. Also, depending on when authority for construction of the revetment wall was given, section 124 may require a person who owns land above high-water mark to maintain a revetment wall in a safe condition if the person’s land is connected to, or receives the benefit of, the wall.

Accordingly, the obligation of Council under section 121 of the CPMA to clean and maintain a canal may co-exist with an obligation on an adjoining landowner under section 124 of that Act to maintain a revetment wall in the canal in a safe condition.

Q: In what way do owners of canal and lakefront property receive a special benefit?

➤A: The owners of property and marine berths to which the special charge applies receive a special benefit as their land is directly proximate to the canals or lake and their land is specifically contained by the adjoining revetment walls and associated services and facilities related to the marine environment and infrastructure.

Their land also benefits from Council’s canals and lake monitoring, planning and maintenance program, where individual wall and canal and lake frontages are specifically related to the structural integrity, functionality and amenity of the entire canal and lake estate.

This includes dredging, navigational aids review and the upkeep and maintenance of perimeter and revetment walls.

Dredging keeps the estates’ waterways navigable and maintains the amenity and quality of the water.

Maintaining and repairing the lake perimeter wall and canal revetment walls assists in reducing erosion and retaining the land to which the special charge applies.

Q. Does Council enforce regulations ensuring the proper use of the canals and lakes?

➤A. Maritime Safety Queensland (MSQ) is responsible for regulating marine safety in canals and lakes (such as speed restrictions) . Council works closely with MSQ them to ensure the canals and lakes are being used safely.

Q. When did Redland City Council take over canal and lake maintenance activities at Raby Bay, Sovereign Waters and Aquatic Paradise?

➤A. Council took these activities over when the estates were handed over from their developers (that is, when the lands in the canals were surrendered to the State).

To ask any questions or to have your say go to:
yoursay.redland.qld.gov.au