

## **Gold Coast Properties: New Obligation on Waterfront Property Owners**

Gold Coast City Council (GCCC) introduced a new local law which came into force on 5 July, 2013. The new local law is cited as “Gold Coast City Council Local Law No. 17 (Maintenance of Works in Waterway Areas) 2013”.

This new local law places new obligations on property owners to maintain and repair certain works near waterway areas in the Gold Coast City Council area (“Works”). The costs of such repair and maintenance of the Works are at the owner’s costs. The Works include, but are not limited to, revetment walls, jetties or pontoons.

Owners include individual owners of land and owners of Lots in Community Titles Schemes who have Works within or adjoining the boundaries of their land.

The new local law also gives the council the power to issue a notice to owners to require certain works to be undertaken in order to maintain and keep the Works in good working condition. This applies to a new owner who has just purchased a waterfront property even though they are unaware of such notice at the time of purchase.

The potential risk of these new obligations is significant when these land owners decide to sell their land. The new local law requires the owner as seller, to include a clause in the sale contract detailing such Works, the responsibility for such Works, and whether there is any outstanding notice issued by GCCC in respect of such Works. The result of not putting this clause in the contract is that the potential buyer may terminate the contract prior to settlement.

Our firm has made representations to the GCCC and local Councillor Lex Bell advising that the new local law goes beyond its power under state legislation by seeking to allow buyers to terminate contracts. This is an ongoing matter at present.

In the meantime, our firm is able to assess whether the new local law will apply to your property transaction, regardless of whether you are buying or selling your property.

If you wish to know more about this new local law, please contact our firm for more information.

Kimberley Yin

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