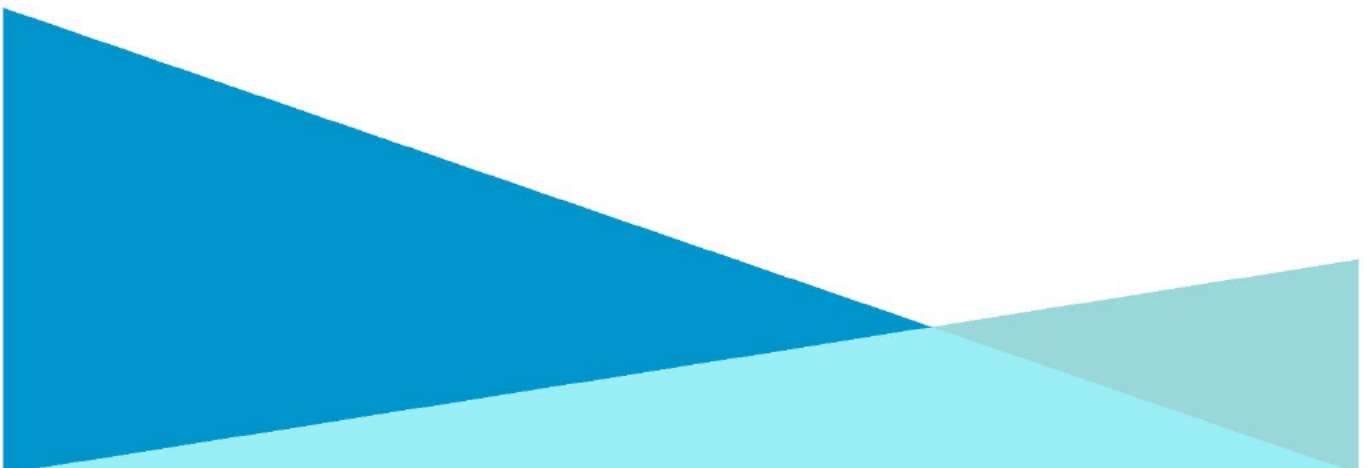




# Complaint Investigation

3 – Mr Stephen Nolan

August 2020



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## Attachments

Attachment A	Complaint received from Mr Stephen Nolan on behalf of the Coomera River Action Group
Attachment B	Acknowledgement email from GCWA
Attachment C	Response to acknowledgement email
Attachment D	Information from the Office of the Queensland Ombudsman

# 1. Overview

- 1.1 This complaint investigation has been prepared in response to a complaint received from Mr Stephen Nolan (Mr Nolan) on behalf of the Coomera River Action Group, forwarded by the Office of the Queensland Ombudsman (Attachment A).
- 1.2 The investigation into the complaint has been undertaken in accordance with the requirements of the Gold Coast Waterways Authority (GCWA) *Complaints Management Policy*, July 2020. This report outlines the process undertaken, any relevant background history, the investigations undertaken, the conclusions reached and recommendations.

## 2. Investigation process

The process of this investigation has been undertaken in accordance with section 12 of the GCWA Complaints Management Policy. This section of the report outlines how the initial interactions with Mr Nolan were undertaken and how the complaint was further escalated.

### 2.1 First point of contact resolution

Section 12.2 of the Complaints Management Policy outlines that the most effective way to resolve the simple issue or concern is to discuss that issue or concern with the complainant.

- 2.1.1 On 28 June 2019, Mr Nolan lodged a submission on the Coomera River (South Arm) speed trial which was considered as part of the assessment for the *Speed Limits Trial Coomera River (South Branch)* report.
- 2.1.2 On 18 February 2020, a letter was sent by Mr Nolan on behalf of the Coomera River Action Group (CRAG) to the Premier of Queensland and the Minister for Transport and Main Roads. This letter was not a formal complaint, but did outline the group's dissatisfaction and disappointment about the decision-making process that was applied by GCWA for the speed limit change for the Coomera River (South Arm).
- 2.1.3 On 16 April 2020, a response letter was sent from Ms Tam van Alphen, Chief of Staff, on behalf of the Minister for Transport and Main Roads. The letter outlined the purposes of GCWA, and process followed for the speed limit review.
- 2.1.4 No formal complaint, other than the abovementioned correspondence had been received by GCWA.

### 2.2 Formal complaints resolution

The following is a summary of the key steps followed in accordance with section 12.3 of the Complaints Management Policy.

#### Step 1 – Lodging a complaint

- 2.2.1 On 20 July 2020, the formal complaint was lodged by Mr Nolan with the Office of the Queensland Ombudsman.
- 2.2.2 Given the nature of the complaint and the fact that no formal complaint investigation process had been undertaken, the complaint was forwarded to GCWA by the Office of the Queensland Ombudsman for investigation.
- 2.2.3 The complaint was received from the Office of the Queensland Ombudsman and recorded on 21 July 2020.

#### Step 2 – Registration, allocation and acknowledgement of complaint

- 2.2.4 A complaints lodgement form was completed reflecting the particulars of the complaint.
- 2.2.5 The complaint was entered into the Complaints Register by the Business Services team.
- 2.2.6 An internal investigating officer was assigned, [REDACTED]
- 2.2.7 On 24 July 2020, an acknowledgement email was sent to Mr Nolan, acknowledging receipt of the complaint and advising that [REDACTED] was assigned as the investigator and encouraging any additional information pertaining to the investigation to be sent (Attachment B).
- 2.2.8 On 30 July 2020, Mr Nolan responded to the email (Attachment C), which is outlined in section 3.0 of this report.

**Step 3 – Investigation of complaint**

2.2.9 The investigation of the complaint commenced, following the process outlined in the Complaint Management Policy. Section 3 of this report outlines the investigation and review of documentation undertaken.

**Step 4 – Advising the complainant**

2.2.10 Advice to Mr Nolan regarding the outcome of the investigation will be outlined in section 4.2 of this report.

### 3 Investigation

This section outlines details of the complaint, the investigation and the document review process that was undertaken.

#### 3.1 Details of the complaint

3.1.1 On 21 July 2020, the Office of the Queensland Ombudsman provided summarised details of the complaint (Attachment D). The following is a summary of the complaint details received:

- Mr Nolan is acting on behalf of CRAG, a group that remains dissatisfied with the procedures and methodologies used by GCWA to design, implement, evaluate and report results of the speed limits trial related to the Coomera River (South Branch).
- Mr Nolan has concerns about the process and procedures used in the trial, and the accuracy and application of data published in the report by GCWA dated 2 August 2019.
- Mr Nolan believes that the processes and procedures used by GCWA were flawed as it used incomplete and inaccurate data for its recommendations, and as a result, the decision by the Chief Executive Officer of GCWA was then flawed.
- As a result, Mr Nolan seeks the appointment of an independent person or panel to consider all of the issues raised and to decide whether or not the procedures used by GCWA were procedurally and administratively sound.
- A number of additional pieces of correspondence were attached.
- In addition, Mr Nolan also provided a hard drive with a copy of video footage from 19 and 26 May 2019, by which he indicated and casted doubt on the veracity of the GCWA field observations as noted on page 5 of the CRAG response.

#### 3.2 Interview with [REDACTED]

3.2.1 On 30 July 2020, an interview was held with [REDACTED] and author of the report, to discuss the complaint and afford the opportunity for any additional information to be provided. A summary of the points discussion is set out below:

- The review of the Coomera River (South Arm) speed limits came about as a result of the *Gold Coast Waterways Management Strategy 2014-2023* and *Speed Limits and Behaviour Management Strategy 2018-2020*, which are both public documents available freely for download from the GCWA website.
- The methodology of the document review and community consultation process was thorough and is detailed in the *Speed Limits Trial Coomera River (South Branch)* report.
- [REDACTED] indicated he has engaged with the Coomera River Action Group on several occasions, even attending the residence of a CRAG member after hours to witness the alleged behaviour. Their main concerns expressed by CRAG relate to speeding vessels adjacent to their properties in the Coomera River (South Arm) and the impact those speeding vessels are having on amenity and property.

#### 3.3 Discussion with other interested State agencies

3.3.1 Discussions were held with senior officers within the Gold Coast Water Police (Water Police), Queensland Boating and Fisheries Patrol (QBFP) and Maritime Safety Queensland (MSQ) in relation to the matters mentioned in the complaint.

- As part of the process, officers from each agency confirmed that they regularly attend the Coomera River (South Arm) for enforcement activities, whether in response to complaints or as part of regular enforcement actions.
- Each agency confirmed that enforcement activities is not undertaken as a result of the change of speed limit, but because people are not adhering to those speed limits and other existing restrictions and requirements.

### 3.4 Document and information review

3.4.1 A review was undertaken of the documentation and supporting information provided by Mr Nolan. The below is a summary of this information.

- On 21 July 2020, the Office of the Queensland Ombudsman forwarded a complaint, the details of which are summarised in section 3.2 above and Attachment D.
- On 30 July 2020, an email was received from Mr Nolan indicating that he wished to clarify the complaint and that a hard drive containing video footage of alleged non-compliance with the speed limits was forwarded to GCWA by mail.
- On 4 August 2020, the hard drive identified in item 3.5.1.2 was received by GCWA and an email of receipt was sent to Mr Nolan by Mr Norris on 5 August 2020.
- The contents of the hard drive contain videos of boating behaviour taken from Mr Nolan’s security camera at 1 Arrowsmith Court, Paradise Point looking toward the Coomera River (South Branch). The videos were taken on 19 May 2019 (51 files) and 26 May 2019 (45 files).
  - A review of the video files was undertaken for recording as part of this report.
  - It was noted that the complaint received from Mr Nolan was not about non-compliance with speed limits, but the methodology and process used by GCWA when forming recommendations about the new speed limits.
  - Generally, the majority of the vessels shown in the videos appeared to be complying with the trial speed limits and did not produce any significant wash within proximity to Mr Nolan’s property.
  - It was noted, that in some instances it was observed that some of the smaller vessels were not adhering to marine safety legislation; for example, the 6 knots “distance-off” speed limit from moored vessels when entering a canal.
  - The contents of the hard drive do not appear directly associated with the specifics of the complaint received from Mr Nolan.

### 3.5 Policy and strategy review

3.5.1 The following is a review of the policy and strategy documents that guide GCWA management of the Gold Coast waterways:

- The *Gold Coast Waterways Management Strategy 2014-2023* sets out a vision and major objectives for the development and care of Gold Coast waterways until 2023.
  - Under the Sustain theme, item 1.5.3 identifies review speed limits, wash, noise and behaviour management arrangements
  - Performance measures for Sustain actions indicate that a comprehensive review of speed and behaviour of the waterways should be undertaken.
- The *Speed Limits and Behaviour Management Strategy 2018-2020*
  - Priority 1 seeks to adopt a process to review speed limits and make changes where required.
    - This priority indicates that changes will be made where there is evidence that a change would provide an improved outcome

- Where a speed limit change is made, it will be fixed at a level that achieves an appropriate balance between safety and transport efficiency with consideration to factors such as:
  - type and level of water traffic
  - character and features of the waterway
  - current recreational and commercial activities
  - marine industry
  - environment.
- Action 1.5, Proposed speed limit change 2 indicates an intent to review the Coomera River (South Arm) from the current 6 knot limit for all vessels to 40 knots for all vessels less than 8 metres in length.

### 3.6 Legislative review

3.6.1 The following is a review of the framework that provides GCWA with the authority to change speed limits within Gold Coast waters:

- Part 3 of the *Gold Coast Waterway Act 2012* (GCWA Act) identifies GCWA's purposes, these are summarised below and include:
  - Plan for and facilitate the development of waterways over the long-term
  - improve and maintain navigational access to waterways
  - improve access to Gold Coast waterways
  - develop and improve public marine facilities
  - promote and manage the sustainable use of the Gold Coast waterways for marine industries, tourism and recreation.
- GCWA's purpose, as identified above, is therefore focussed on improving and promoting waterways use and access to those waterways, as well as sustainable use of Gold Coast waterways. GCWA must consider the needs of all waterways users, not just those who live adjacent to them, so other users include marine industries, tourism and recreational boaters.
- When taking into account that the new speed limit has opened up use of the waterway to recreational boaters, as well as increased access to the Coomera marine precinct, the change in speed limit has been undertaken in line with the core purposes of the GCWA Act.
- GCWA also has **conferred powers** under the provisions of the *Transport Operations (Marine Safety) Act 1994* (TOMSA) to change speed limits and set up navigation aids within Gold Coast waters.
- A review of TOMSA indicates that GCWA has **the responsibility to change** speed limits within Gold Coast waters.
- GCWA however does not have the power **to enforce compliance** with the speed limits as GCWA does not have appointed shipping inspectors like Water Police, QBFP or MSQ.
- Where policy changes occur, the Queensland Treasury has prepared the *Queensland Government Guide to Better Regulation*, May 2019.
  - The document outlines that government decision makers should be provided with the necessary information and advice to make informed decisions where those proposals can have significant impacts on business, community and the Queensland economy.
  - The requirements of this document are further discussed in section 4.

## 4 Process and procedure review

This section investigates the processes and procedures being questioned by Mr Nolan outlined in the complaint.

### 4.1 *Speed Limits and Behaviour Management Strategy 2018-2020 (the Strategy)*

- 4.1.1 In December 2017, the GCWA Board endorsed the Strategy that described a review process and identified five areas for review as part of an initial body of work.
- 4.1.2 The Strategy incorporates core principles from the Queensland Treasury's Guide to Better Regulation, as well as the Council of Australian Governments' Best Practice Regulation Guide, which include:
- establishing an evidence-based case for action to address the problem
  - considering a range of feasible options before a regulatory approach, at a reasonable cost to the community and government
  - adopting an option that generates greatest benefit to the community
  - ensuring that the intent of the regulatory approach and its requirements are clear
  - ensuring that any regulation remains relevant and effective over time
  - consulting effectively with key stakeholders
  - ensuring that any action should be effective and proportionate to the issue being addressed.
- 4.1.3 In July 2018, a speed limit trial was commenced in the Coomera River (South Branch) as outlined in section 4.2 below.

### 4.2 **Speed limits trial of the Coomera River (South Branch)**

- 4.2.1 A new speed limit was trialled in the Coomera River (South Branch) from the Broadwater to Sanctuary Cove from July 2018 for a period of 12 months.
- 4.2.2 The trial was undertaken keeping in line with GCWA's respective legislative jurisdiction under both the GCWA Act and TOMSA.
- 4.2.3 A review of other river systems of the Gold Coast and further areas were undertaken, and similar speed limits are in place in areas such as Nerang River, Coomera River (North Branch), Logan River, Brisbane River etc. No data could be found as part of the review that might support any valid evidence-based reason for why the existing 6 knot speed limit was in place for this part of the Coomera River.
- 4.2.4 The speed limits set as part of the trial were for 6 knots for larger vessels and a 40 knots speed limit for smaller vessels and personal watercraft.
- 4.2.5 Evaluation criteria for safety, waterways, environment and the community were set, and at the request of the GCWA Board, were equally weighted.
- 4.2.6 Field observations were undertaken during the trial period to ascertain levels of compliance, with approximately 92% of vessels being compliant with the trial speed limits.
- 4.2.7 Feedback was provided from State Government stakeholders including Water Police, QBFP and MSQ indicating that marine incidents did not increase, that there was increased water traffic and consequently more vessel wash and noise to resident's property, and that there was increased access to the waterway.

### 4.3 **Community consultation**

- 4.3.1 Consultation was undertaken through a number of different channels including community meetings, consultation sessions at local shopping centres and boat ramps, meetings with

residents' groups, web-based platforms (including frequently asked questions, social media campaigns, online surveys) and written feedback.

- 4.3.2 Feedback from these consultation platforms indicated support for the speed limit change in general.
- 4.3.3 However, feedback from residents in the area did indicate concerns with speeding vessels, increased wash and noise, which were separate compliance issues versus specific compliance with the posted speed limits.
- 4.3.4 Feedback from the broader community in relation to the speed limit change is overwhelmingly positive, with the majority supporting the newly implemented speed limit.

## 4.4 Related waterways issues

- 4.4.1 An assessment of a range of issues outside of GCWA jurisdiction was undertaken due to the possible impacts as a result of the speed limit change. These included:
  - Shoreline sensitivity
    - Research from [REDACTED] of the Australian Maritime College was relied upon to understand the shoreline characteristics of the Coomera River (South Branch) including both northern and southern shorelines.
  - Marine Park legislation
    - Feedback was provided by the Department of Environment and Science who administers marine park legislation which indicated the speed limits were suitable.
  - Wash energy
    - [REDACTED] was engaged by GCWA to provide specialist advice for speed limits and wash utilising scientific qualifications.
  - Noise
    - Noise from vessels falls outside of GCWA responsibilities but is regulated under the *Environmental Protection Act 1994* (EP Act) which is administered by DES and the Council of City of Gold Coast (the Council).
  - Waterfront dwellings
    - Strong feedback from residential waterfront homeowners along the Coomera River (South Branch) was received showing concerns from speeding and noise from vessels.
  - Private waterways structures
    - A general review of private waterways structures was undertaken. Generally, these structures are engineered to withstand much larger impacts from wash than what would be expected from the speed limit change.
  - Community feedback
    - Generally, feedback received from the community regarding the speed limit change was positive. As previously mentioned, waterfront owners were concerned about the impacts from the speed limit change to their amenity and property.

## 4.5 Evidence

- 4.5.1 An assessment was taken against the complaint from Mr Nolan, as well as the supporting appendices. These documents claimed that the basis upon which the trial and subsequent decision was based was flawed.
- 4.5.2 In Mr Nolan's view, the data and research that the decision for the trial was based upon can be interpreted in different ways, depending on the party looking at the data. GCWA used and interpreted the data as the waterways manager, because, as outlined above, it has the

responsibility not just to maintain navigational access, but also to promote community access to waterways and enhance marine industries, tourism and recreational values.

4.5.3 The complaint from Mr Nolan and supporting appendices provided criticism of the data used to support the trial but does not provide any other supporting material that undermines the basis of the report or decision.

4.5.4 The data relied upon by Mr Nolan relates to distance-off issues, or a combination of speed and distance-off issues. The basis of the complaint, although purported as being about the basis of the decision, is in fact about compliance by boaters with marine safety legislation and are therefore an enforcement matter for QBPF, MSQ or Water Police.

## 4.6 Overall process review

4.6.1 The Report for *Speed Limits Trial – Coomera River (South Branch)* outlines the process and methodologies undertaken from inception of the trial to adoption of the new speed limits.

4.6.2 The process that was followed included an extensive community consultation process, which demonstrated support from users of the waterway for the speed limit change, but also concern from waterfront residents that there was impacts to their amenity as a result of vessels using the waterway and not adhering to regulated limits.

4.6.3 The decision-making process was based on research and review of data from professionals in the maritime field, field observations and feedback from stakeholders.

4.6.4 An options analysis of for speed options was undertaken, with a new speed limit of 6 knots for vessels over 6.5 metres and 30 knots for ships less than 6.5 metres.

4.6.5 The final option chosen had the most advantages and least disadvantages when viewed as outlined in the options analysis matrix.

4.6.6 Adoption of the new speed limits is at the discretion of the CEO of GCWA, based on an informed and community involved process.

4.6.7 The process followed that as outlined in *The Queensland Government Guide to Better Regulation*.

## 5 Investigation outcomes

This section of the report will outline the key findings of the investigation as well as any recommendations.

### 5.1 Key findings

The key findings of this complaint investigation found the following:

- 5.1.1 The provisions of TOMSA allows GCWA to gazette a speed limit without the need for a trial period or community consultation process. This process was followed as part of a good governance and community inclusive decision-making process.
- 5.1.2 The processes and procedures followed to implement the new speed limit of 6 knots for vessels over 6.5 metres and 30 knots for ships less than 6.5 metres in the Coomera River (South Branch) followed a trial period, combined with thorough community consultation.
- 5.1.3 The data relied upon in the *Speed Limits Trial Coomera River (South Branch)* report is from qualified persons in the maritime field and the concerns provided in the complaint from Mr Nolan do not appear to have any factual backing to support, instead relying upon non-compliance with marine safety legislation.
- 5.1.4 Feedback from the broader community in relation to the speed limit change is overwhelmingly positive, with the majority supporting the newly implemented speed limit.
- 5.1.5 The provisions of TOMSA do not appear to allow the gazettal of a speed limit to be reviewed.

### 5.2 Recommendations to the Chief Executive Officer as Decision Maker

That Mr Nolan is advised in writing that:

- 5.2.1 Although GCWA is sympathetic to his position, GCWA believe that the processes and procedures followed for the speed limits trial for the Coomera River (South Branch) and documented in the report follow principles of best practice regulation.
- 5.2.2 When considering the speed limit change for the Coomera River (South Branch), GCWA considered the input of all concerned parties ranging from the marine industry, recreational users and waterfront land owners
- 5.2.3 That Mr Nolan is advised that if he remains dissatisfied with the outcome of the investigation into the complaint, that he may request a review of the complaint by the Queensland Ombudsman
- 5.2.4 No further actions are taken.

**Attachment A**

Complaint received from Mr Stephen Nolan on behalf of the Coomera River Action Group



[REDACTED]

**From:** GCWAMail  
**Sent:** Tuesday, 21 July 2020 1:15 PM  
**To:** [REDACTED]  
**Subject:** CM - Complaint File

[REDACTED]

I have created the container below. Please let me know if you are happy with the text and I will create the hardcopy file.

110/150/10 CORPORATE GOVERNANCE AND EXTERNAL RELATIONS - COMPLAINTS MANAGEMENT - STEPHEN NOLAN - COOMERA RIVER ACTION GROUP - COOMERA RIVER SPEED LIMIT  
ALSO REFER TO: 135/160/18 & 230/155/8

Thanks,

[REDACTED]



[REDACTED]

40-44 Seaworld Drive  
Main Beach Qld 4217

PO Box 107  
Southport Qld 4215



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**From:** Mailbox Ombudsman <ombudsman@ombudsman.qld.gov.au>  
**Sent:** Monday, 20 July 2020 9:45 AM  
**To:** GCWAMail <mail@gcwa.qld.gov.au>  
**Subject:** WAITING FOR REPLY FROM HAL - CM: 2020/05042 - Direct referral from the Queensland Ombudsman

Our ref: 2020/05042

20 July 2020

**SENSITIVE**

Mr Hal Morris  
Chief Executive Officer  
Gold Coast Waterways Authority  
Email: [mail@gcwa.qld.gov.au](mailto:mail@gcwa.qld.gov.au)

Dear Mr Morris

The Office of the Queensland Ombudsman (this Office) has received a complaint from Mr Stephen Nolan of [REDACTED] who is represents the Coomera River Action Group (CRAG) about Gold Coast Waterways Authority (the agency) dated 15 July 2020.

## Complaint

As I understand it, CRAG is complaining about the adequacy of the response from the agency, dated 5 December 2019, in relation to issues complained of to the Minister for Transport and Main Roads (the Minister). I note that in the initial concerns CRAG raised via the Minister's office they specifically queried the procedures used by the agency to design, implement, evaluate and report results of a speed limit trial. While I acknowledge that the agency responded to the overall validity of the trial and subsequent decision (to increase the speed limit), the agency did not address the specific concerns raised in relation to the trial implementation and data analysis.

Additional enquiries with Mr Nolan also confirm that CRAG raised its concerns to the Minister believing this to be the appropriate formal complaints process in the absence of evidence to the contrary on the agency's website. Despite this intention, it does not appear that CRAG's complaint has been responded to in line with the agency's internal complaints process.

## Assessment

Under s.23(1)(d) of the *Ombudsman Act 2001* (the Act) the Ombudsman may refuse to investigate, or continue to investigate, a complaint where the complainant has a right of appeal, review, or remedy that has not yet been exhausted, and where it would be reasonable in the circumstances for that right to be exhausted before the Ombudsman investigates, or continues to investigate, the complaint.

I have decided not to investigate CRAG's complaint about the agency's response to their concerns under s.23(1)(d) of the Act because the agency should be given the opportunity to address the problem through its own complaint process, including the review options available, before this Office investigates.

Mr Nolan has been informed of my decision, and with his and CRAG's consent, I am referring their complaint to your agency for assessment.

To ensure clarity, this Office has not considered the merits of the complaint.

As a result of my decision, this Office will not be taking any further action in response to the complaint at this time, and our case has been closed.

## Contacting the complainant

Please assess/review this matter and manage it through your agency's complaint management system. Please contact the complainant as soon as practicable to confirm receipt of the complaint, and to obtain any further information you require directly from them.

The complainant can be contacted by telephone on [REDACTED] or by email at [REDACTED]

## Conclusion

Thank you for accepting this referral.

If you have any questions about the information in this email please contact this Office at [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au) quoting case reference 2020/05042.

Yours faithfully

**Jami Leigh Acworth**

Enquiry Officer

Registration and Preliminary Assessment Team

**P** 07 3005 7000  
1800 068 908 (outside Brisbane)  
**F** 07 3005 7067  
**E** [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)  
**W** [ombudsman.qld.gov.au](http://ombudsman.qld.gov.au)

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**Attachment B**

Acknowledgement email from GCWA



[Redacted]

**From:** [Redacted]  
**Sent:** Friday, 24 July 2020 3:51 PM  
**To:** stephentnolan@gmail.com  
**Subject:** Acknowledgement of complaint 110/150/10: Coomera River Speed Limit Review

Good afternoon Mr Nolan,

I acknowledge receipt of your complaint received on 20 July 2020 in relation to the Coomera River Speed Limit Review. I have been assigned as the responsible person for investigating your complaint.

The complaint will be taken seriously and handled in accordance with the Gold Coast Waterways Authority Complaints Management Policy (available from <https://gcwa.qld.gov.au/wp-content/uploads/2017/03/Complaints-Management-Policy.pdf>). The Complaints Management Policy indicates that for an investigation such as this there is a 30 working day period, however I will attempt to attend to this matter faster than that.

As the investigation moves forward I may contact you to discuss progress. I have copies of your recent emails, but if there is any additional information you would like considered please feel free to send it to me in the next few days.

I can be contacted on [Redacted] or via email at [Redacted] if you wish to discuss further.

Regards,

[Redacted]



[Redacted]

40-44 Seaworld Drive  
Main Beach Qld 4217

PO Box 107  
Southport Qld 4215



# Attachment C

Response to acknowledgement email



[REDACTED]

---

**From:** stephentnolan@gmail.com  
**Sent:** Thursday, 30 July 2020 6:00 PM  
**To:** [REDACTED]  
**Subject:** RE: Acknowledgement of complaint 110/150/10: Coomera River Speed Limit Review  
**Attachments:** Registered Plan.pdf; Image 29-7-20 at 1.48 pm.jpeg

Good Afternoon [REDACTED]

Thanks for your email confirmation of our complaint submitted as noted below.

We acknowledge a minor correction is required in our submission "Coomera River Action Group Response to GCWA Report on Speed Limits".  
Item 6 c. on page 7 should read 33 dwellings (not 34 dwellings) and we refer to the attached plan which we believe confirms these are properties are riverfront, rather than behind a reserve as stated by GCWA on page 65 of The Speed Limits Trial – Coomera River (South Branch) Report.

We will forward to you a drive with a copy of the video footage for 19<sup>th</sup> May 2019 and 26<sup>th</sup> May 2019 which cast doubt on the veracity of the GCWA field observations as noted on page 5 of CRAG Response.

Please feel free to make contact should any queries arise or further information would assist.

Regards

Stephen Nolan  
0438100200  
CRAG

---

**From:** [REDACTED]  
**Sent:** Friday, 24 July 2020 3:51 PM  
**To:** stephentnolan@gmail.com  
**Subject:** Acknowledgement of complaint 110/150/10: Coomera River Speed Limit Review

Good afternoon Mr Nolan,

I acknowledge receipt of your complaint received on 20 July 2020 in relation to the Coomera River Speed Limit Review. I have been assigned as the responsible person for investigating your complaint.

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As the investigation moves forward I may contact you to discuss progress. I have copies of your recent emails, but if there is any additional information you would like considered please feel free to send it to me in the next few days.

I can be contacted on [REDACTED] or via email at [REDACTED] if you wish to discuss further.

Regards,  
[REDACTED]



40-44 Seaworld Drive  
Main Beach Qld 4217

PO Box 107  
Southport Qld 4215



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- Supporting layers
- Strategic framework
- Zones
- Conceptual land use
- Overlays
- LGIP
- Draft and historic content

Navigation controls: directional arrows, zoom in (+), zoom out (-), home, and close (X) buttons.



### City Plan property summary

Address: 81 Boykambil Esplanade  
North Hope Island

Lot/plan: Lot 0 on BUP8776

Zone: Waterfront and marine industry

[View a City Plan property report](#)

[Zoom to area](#)

- Base map
- Draw
- Measure
- Print
- Help



Building Units and Group Titles Act 1980 — 1984  
BUILDING UNITS AND GROUP TITLES REGULATIONS 1980  
(Form 1)

Regulation 8(1)  
Sheet No. 1 of 14 Sheets  
ANNEXURE 1 TO SHEET NO 1  
MADE 3 Jan 1989

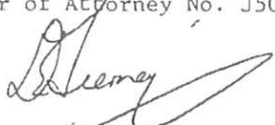
NAME OF BUILDING: "SANCTUARY BAY"

# BUILDING UNITS PLAN NO. 8776

SIGNATURE OF REGISTERED PROPRIETOR:  
I, ROBERT HARDROSS RUDKIN duly  
authorised Attorney of KANEROSE  
PTY LTD pursuant to registered  
Power of Attorney No. J505472Y

KANEROSE PTY LTD by its  
Attorney:

  
ROBERT HARDROSS RUDKIN



DAVID EDWARD TIERNEY  
Solicitor

NAME OF REGISTERED PROPRIETOR: KANEROSE PTY LTD

ADDRESS: SUITE 6, 66 APPEL STREET, SURFERS PARADISE

REFERENCE TO TITLE: VOLUME 7211 . FOLIO 186

DESCRIPTION OF PARCEL: LOT 14 ON R.P. 222095

COUNTY: WARD

PARISH: COOMERA

CITY:



NAME OF BODY CORPORATE: THE PROPRIETORS  
"SANCTUARY BAY" Building Units Plan No.


ADDRESS at which documents  
may be served: ~~BOYKAMBIL ESPLANADE~~  
~~BOYKAMBIL~~

~~Body Corporate Services Pty Limited~~  
~~P.O. Box 1661~~  
~~Runaway Bay QLD 4216~~

CL- ERNEST + YOUNG,  
P.O. BOX 5603,  
GOLD COAST MAIL CENTRE 4217

BUILDING UNITS PLAN No.:

REGISTERED: at 8.08am

11 NOV 1988 

REGISTRAR OF TITLES



Shire  
Clerk  
Towa

Surveyor's Reference: 87475  
Local Authority Reference:

ALBERT SHIRE COUNCIL

CHARTED ON BOYKAMBIL TM 22/11/88



No J718072P NOTIFICATION OF CHANGE OF BY LAWS RECORDED

3 JAN 1989 *[Signature]*

REGISTRAR OF TITLES

No K167515B NOTIFICATION OF CHANGE OF BY LAWS RECORDED

7 FEB 1990 *[Signature]*

REGISTRAR OF TITLES

No. K632923L Notification of change of address for service of notices recorded 23 MAY 1991

*[Signature]*

REGISTRAR OF TITLES

No. K632928E NOTIFICATION OF CHANGE OF BY LAWS RECORDED 23 MAY 1991

*[Signature]*

REGISTRAR OF TITLES

No. K941669X NOTIFICATION OF CHANGE OF ADDRESS FOR SERVICE OF NOTICES RECORDED

19 MAR 1992 *[Signature]*

REGISTRAR OF TITLES

No 700119720 NOTIFICATION OF CHANGE OF BY LAWS RECORDED

20 OCT 1994 *[Signature]*



Building Units and Group Titles Act 1980 — 1984  
BUILDING UNITS AND GROUP TITLES REGULATIONS 1980  
(Form 2)

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 3 of 14 Sheets

**BUILDING UNITS PLAN NO. 8776**

I, JEFFREY JAMES TIERNEY, of 4 MITCHELL AVENUE, SOUTHPORT  
licensed surveyor registered under the Surveyors Act 1977-1983 hereby certify that:—

- (a) The building shown on the 'building units plan/~~building units plan of subdivision~~ to which this certificate is annexed is within the external surface boundaries of the parcel the subject of the said plan subject to paragraph (b) of this certificate;
- (b) (i) ~~Where eaves or guttering project beyond such boundaries an appropriate easement has been granted as an appurtenance of the parcel, and~~  
(ii) ~~Where that projection is over a road the local authority has consented thereto pursuant to the ordinances or by laws as the case may be.~~

DATED this TENTH day of SEPTEMBER, 19 88.

  
LICENSED SURVEYOR

\*Delete whichever is inapplicable.

  
Shire Clerk  
~~Town~~  
ALBERT SHIRE COUNCIL

Building Units and Group Titles Act 1980 — 1984  
BUILDING UNITS AND GROUP TITLES REGULATIONS 1980  
(Form 3)

Name of Building: *SANCTUARY BAY*



Regulation 8(1)  
Sheet No. 4 of *14* Sheets

**BUILDING UNITS PLAN NO. 8776**

CERTIFICATE OF LOCAL AUTHORITY

Council *of the shire of Albert* hereby certifies that the proposed subdivision of the parcel as illustrated in the abovementioned plan has been approved by the Council *of the shire of Albert* and that all the requirements of The Local Government Act 1936 to 198<sup>7</sup> as modified by the Building Units and Group Titles Act 1980-1984 have been complied with in regard to the subdivision.

DATED this *13th* day of *October*, 19 *88*

  
.....CHAIRMAN  
  
.....SHIRE CLERK

Council of the Shire of Albert

Building Units and Group Titles Act 1980 — 1984  
BUILDING UNITS AND GROUP TITLES REGULATIONS 1980  
(Form 6)

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 5 of 14 Sheets

## BUILDING UNITS PLAN NO. 8776

I, David John ROBERTS, of Albert Shire Council

~~\*an architect within the meaning of the Architects Act 1985.~~

~~\*a building surveyor appointed by the Council+~~

\*a building inspector appointed by the Council+ of the Shire of Albert

hereby certify that the building shown on the \*building units plan/~~building units plan of subdivision~~  
to which this certificate is annexed has been substantially completed in accordance with plans  
and specifications approved by ~~the Council+~~

/a designated officer of the Council of the Shire of Albert

DATED this 10th day of October, 1988



~~Building surveyor/Building inspector.~~

\* Delete whichever is inapplicable

+ Insert name of local authority



Shire  
Clerk  
~~Tom~~

ALBERT SHIRE COUNCIL

Building Units and Group Titles Act 1980  
 BUILDING UNITS AND GROUP TITLES REGULATIONS 1980  
 (Form 8)

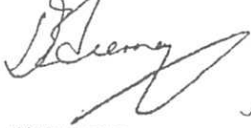
Regulation 8(1)  
 Sheet No 6 of 14 Sheets

## BUILDING UNITS PLAN NO. 8776

SCHEDULE OF LOT ENTITLEMENTS AND REFERENCE TO  
 CURRENT CERTIFICATE OF TITLE

Lot No.	Level	Entitlement	Current C's T.		Lot No.	Level	Entitlement	Current C's T.		
			Vol.	Fol.				Vol.	Fol.	
1	A & B	1	7214	242						
2	A & B	1		243						
3	A & B	1		244						
4	A & B	1		245						
5	A & B	1		246						
6	A & B	1		247						
7	A & B	1		248						
8	A & B	1		249						
9	A & B	1		250						
10	A & B	1	7215	1						
11	A & B	1		2						
12	A & B	1		3						
13	A & B	1		4						
14	A & B	1		5						
15	A & B	1		6						
16	A & B	1		7						
17	A & B	1		8						
18	A & B	1		9						
19	A & B	1		10						
20	A & B	1		11						
21	A & B	1		12						
22	A & B	1		13						
23	A & B	1		14						
24	A & B	1		15						
25	A & B	1		16						
26	A & B	1		17						
27	A & B	1		18						
28	A & B	1		19						
29	A & B	1		20						
30	A & B	1		21						
31	A & B	1		22						
32	A & B	1		23						
33	A & B	1		24						
34	A & B	1		25						
35	A & B	1		26						
36	A & B	1		27						
37	A & B	1		28						
38	A & B	1		29						
39	A & B	1		30						
40	A & B	1		31						
41	A & B	1		32						
42	A & B	1		33						
43	A & B	1		34						
44	A & B	1		35						
45	A & B	1		36						
AGGREGATE		45			AGGREGATE					

SIGNATURE OF REGISTERED PROPRIETOR:  
 I, ROBERT HARDROSS RUDKIN duly  
 authorised Attorney of KANEROSE  
 PTY. LTD. pursuant to registered  
 Power of Attorney No. J505472Y

  
 DAVID EDWARD TIERNEY  
 Solicitor

KANEROSE PTY. LTD by its  
 Attorney

  
 ROBERT HARDROSS RUDKIN

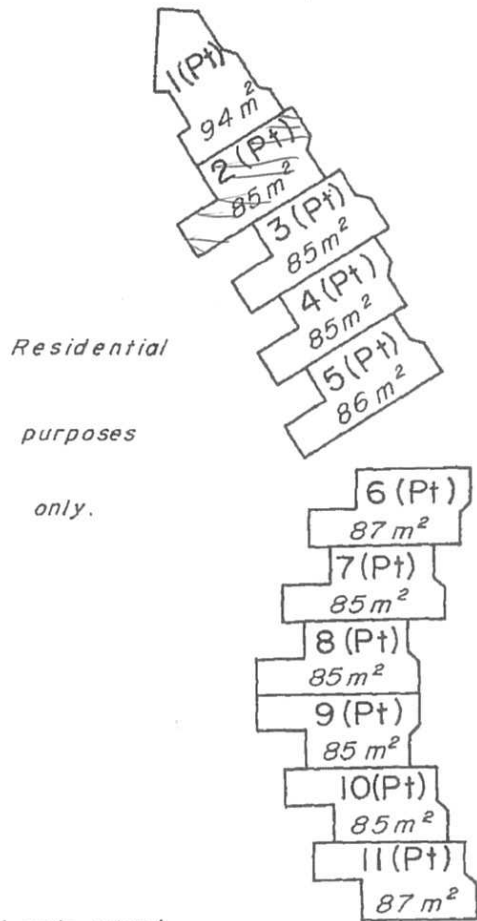
  
 ALBERT SHIRE COUNCIL  
 Shire Clerk  
 Council

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 2 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

LEVEL A



*Residential  
purposes  
only.*

*Uncovered parts extend  
to ceiling height only.*

Scale: 1:500

Floor areas are approximate only.

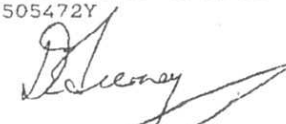
SIGNATURE OF REGISTERED PROPRIETOR:

I, ROBERT HARDROSS RUDKIN, duly )  
authorised Attorney of )  
KANEROSE PTY. LTD. pursuant to )  
registered Power of Attorney )  
No. J505472Y )

KANEROSE PTY. LTD.

by its Attorney:

ROBERT HARDROSS RUDKIN

  
DAVID EDWARD TIERNEY  
Solicitor witness



Shire Clerk  
Town

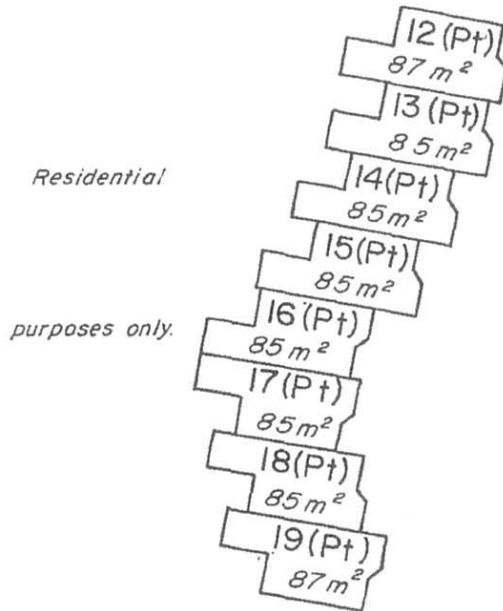
ALBERT SHIRE COUNCIL

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 5 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

## LEVEL A



*Uncovered parts extend to ceiling height only.*

Scale: 1 : 500

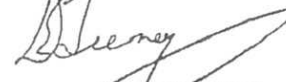
Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

I, ROBERT HARDROSS RUDKIN )  
duly authorised Attorney of )  
KANEROSE PTY. LTD. pursuant )  
to Registered Power of Attorney )  
No. J565472Y . )

KANEROSE PTY. LTD.  
by its Attorney:

  
ROBERT HARDROSS RUDKIN

  
DAVID EDWARD TIERNEY  
Solicitor

*witness 7*

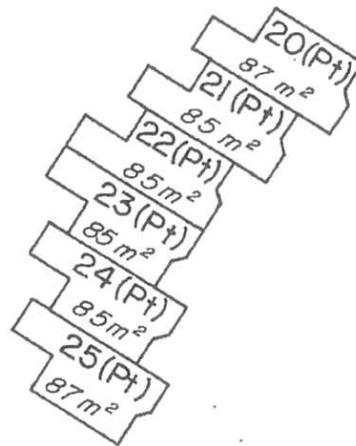
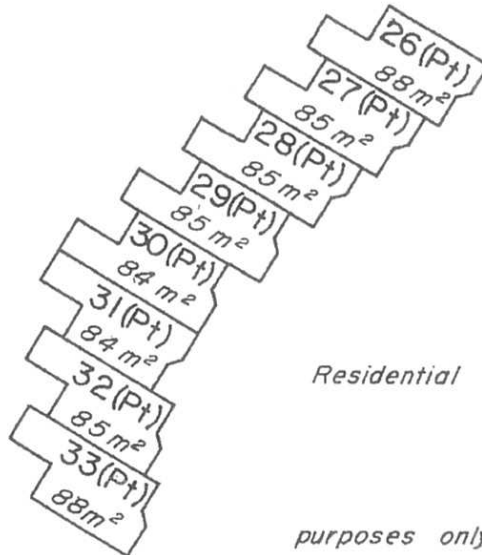
  
Shire Clerk  
ALBERT SHIRE COUNCIL

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 8 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

## LEVEL A



Scale: 1 : 500

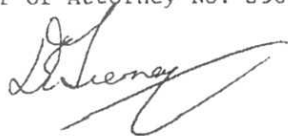
Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

ROBERT HARDROSS RUDKIN, duly  
authorised Attorney of KANEROSE  
PTY. LTD. pursuant to registered  
Power of Attorney No. J505472Y

KANEROSE PTY. LTD.  
by its Attorney


  
ROBERT HARDROSS RUDKIN



DAVID EDWARD TIERNEY  
Solicitor



ALBERT SHIRE COUNCIL

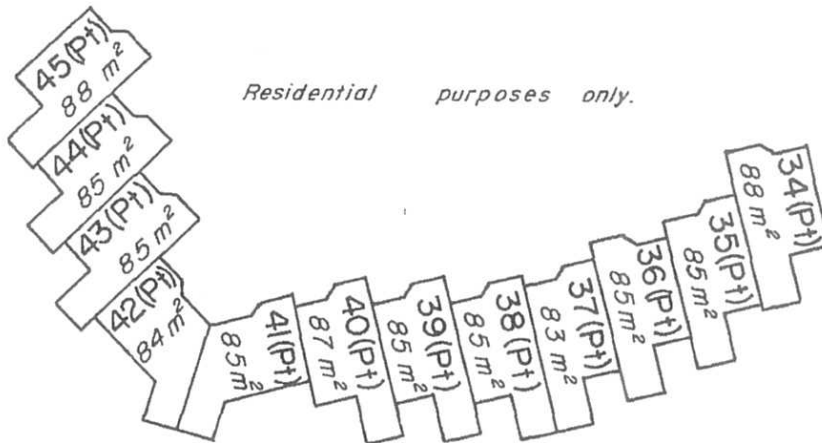
Shire Clerk  


Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 10 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

## LEVEL A



*Uncovered parts extend  
to ceiling height only.*

Scale: 1:500

Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

ROBERT HARDROSS RUDKIN, duly  
authorised Attorney of KANEROSE  
PTY. LTD. pursuant to registered  
Power of Attorney No. J505472Y

)  
) KANEROSE PTY. LTD.  
) by its Attorney  
)

.....  
ROBERT HARDROSS RUDKIN

  
DAVID EDWARD TIERNEY  
Solicitor

  
ALBERT SHIRE COUNCIL

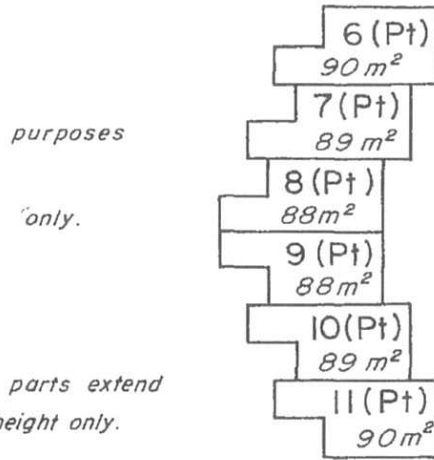
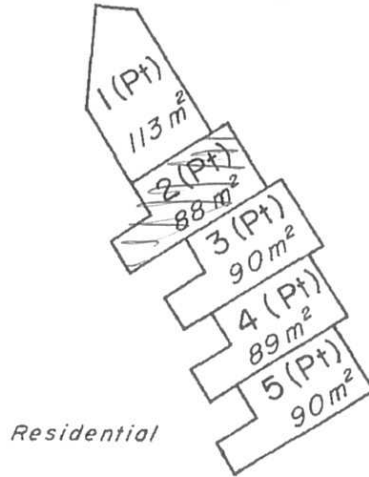
Shire  
Clerk

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 11 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

LEVEL B



Uncovered parts extend  
to ceiling height only.

Scale: 1 : 500


Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

ROBERT HARDROSS RUDKIN  
duly authorised Attorney of  
KANEROSE PTY. LTD. pursuant  
to Power of Attorney  
No. J505472Y

) KANEROSE PTY. LTD.  
) by its Attorney

)   
) ROBERT HARDROSS RUDKIN

  
DAVID EDWARD TIERNEY  
Solicitor



Shire Clerk

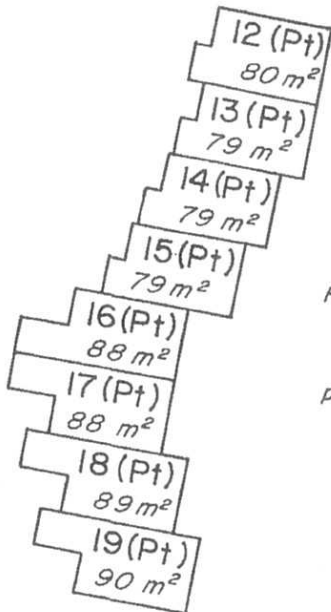
ALBERT SHIRE COUNCIL

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 12 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

## LEVEL B



*Residential*

*purposes only.*

*Uncovered parts extend  
to ceiling height only.*

Scale: 1 : 500

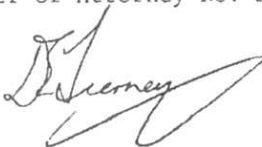
Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

ROBERT HARDROSS RUDKIN, duly  
authorised Attorney of KANEROSE  
PTY. LTD. pursuant to registered  
Power of Attorney No. J505472Y

) KANEROSE PTY. LTD.  
) by its Attorney  
)  
)

  
ROBERT HARDROSS RUDKIN



DAVID EDWARD TIERNEY  
Solicitor

*witness?*



Shire  
Clerk  
*Town*

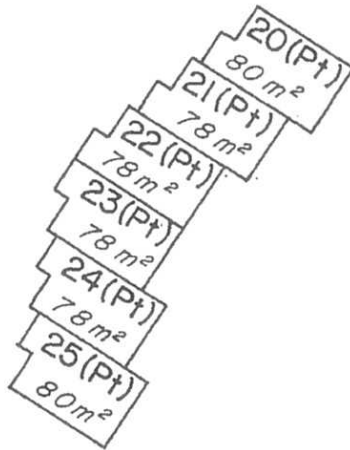
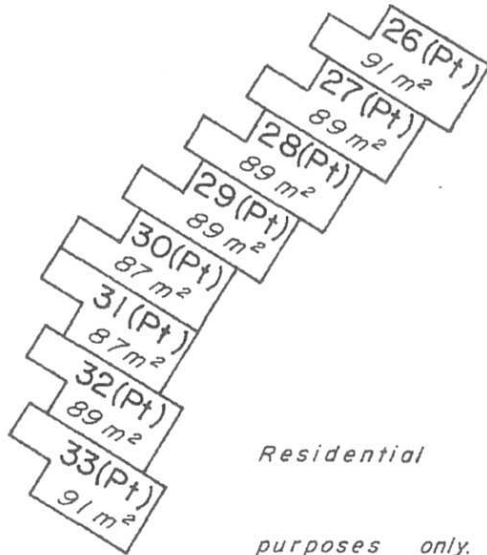
ALBERT SHIRE COUNCIL

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 13 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

LEVEL B



Scale: 1 : 500

Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

ROBERT HARDROSS RUDKIN  
duly authorised Attorney of  
KANEROSE PTY. LTD. pursuant  
to Power of Attorney  
No. J505472Y

)  
)  
)  
)  
)

KANEROSE PTY. LTD.  
by its Attorney

ROBERT HARDROSS RUDKIN

DAVID EDWARD TIERNEY  
Solicitor

Witness

Shire Clerk

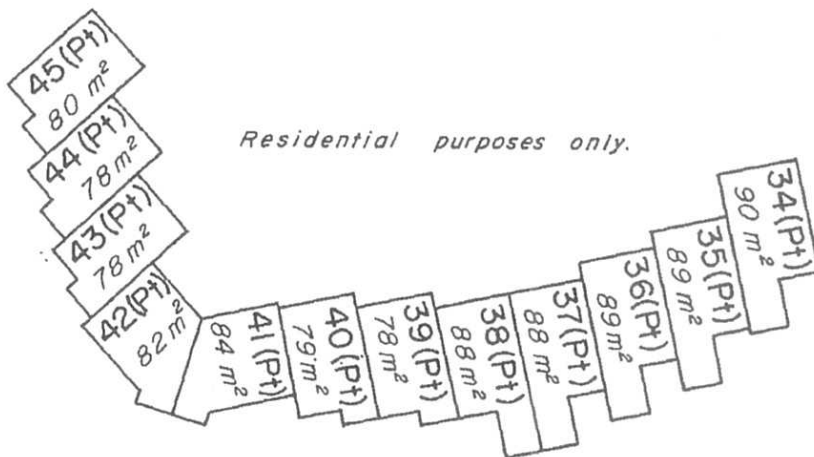
ALBERT SHIRE COUNCIL

Name of Building: "SANCTUARY BAY"

Regulation 8(1)  
Sheet No. 14 of 14 Sheets

# BUILDING UNITS PLAN NO. 8776

## LEVEL B



*Residential purposes only.*

*Uncovered parts extend  
to ceiling height only.*

Scale: 1 : 500

Floor areas are approximate only.

SIGNATURE OF REGISTERED PROPRIETOR:

ROBERT HARDROSS RUDKIN, duly  
authorised Attorney of KANEROSE  
PTY. LTD. pursuant to registered  
Power of Attorney No. J505472Y

DAVID EDWARD TIERNEY  
Solicitor

)  
)  
)  
)  
)  
KANEROSE PTY. LTD.  
by its Attorney  
  
ROBERT HARDROSS RUDKIN

Shire  
Clerk

ALBERT SHIRE COUNCIL



# James A Harris & Associate

Incorporating the Practice of J J. Tierney and Associates

83 Upton Street (Cnr Crombie Ave) BUNDALL  
GOLD COAST, QLD. 4217

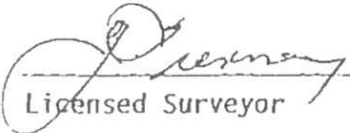
Telephone: (075) 501244  
Fax: (075) 502310

P.O. Box 5585, Gold Coast Mail Centre. 4217



MEMBER CONSULTANT  
ASSOCIATION OF CONSULTING  
SURVEYORS (Qld)

I, JEFFREY JAMES TIERNEY, Licensed Surveyor of 4 Mitchell Street, Southport, Queensland,  
hereby certify that, as at the date of the signing of my Certificate in  
Form 2 of the Building Units and Group Titles Regulations 1980, I had  
physically inspected the building known as "Sanctuary Bay" and certify  
it conforms to the Building Units Plan as submitted herewith;  
unimpeded access is available to all meters;  
meters are located on common property;  
the lots are numbered in accordance with the numbering on the  
Building Units Plan;  
areas designated as parts of Lots (including garages) have been  
suitably identified and structurally divided;  
all Lots in the building are physically connected to each other  
in an approved manner.

  
\_\_\_\_\_  
Licensed Surveyor

Date 10:9:88

# Attachment D

Information from the Office of the Queensland Ombudsman





Telephone number

0438100200

Email

stephentnolan@gmail.com

## Your complaint

What happened and when?

We write as a group of concerned citizens who have been adversely impacted by the 1 August 2019 speed limit change (the decision) for the Coomera River (South Branch) As a result of dissatisfaction with this decision we formed the Coomera River Action Group (CRAG). We request the Ombudsman investigate our complaint concerning the procedures used by the Gold Coast Waterways Authority (GCWA) to design, implement, evaluate and report the results of the speed limits trial related to the Coomera River (South Branch).

Gold Coast Waterways Authority (GCWA) conducted a speed limit trial from July 2018 to June 2019 and released its report on 2nd August 2019. The result was an increase in the speed limit for smaller craft less than 6.5 metres, (from 6 knots to 30 knots) The speed limit change was gazetted on 1 August 2019.

Why do you think this is unfair or wrong?

The Coomera River Action Group (CRAG) has concerns about the process and procedures used in the trial, and the accuracy and application of data published in the Report by GCWA dated 2 August 2019. CRAG believes that as the process and procedures used by GCWA were flawed, and use of what appears to be incomplete and inaccurate data to make a decision that the subsequent determination made by the CEO of GCWA is incorrect. Unless valid and reliable procedures were used throughout the trial and the analysis of results, the decision will be flawed.

What was Gold Coast Waterways Authority's response to your complaint?

Members of CRAG initially raised concerns about the process and data analysis in correspondence with Ms Anastacia Palaszczuk and Mr Mark Bailey via a solicitor, Sara Davies. The letter from Sara Davies and three detailed submissions that were part of this correspondence are attached to this application, and consisted of:

- Appendix A - SED\_190005 Sara Davies.pdf (dated 6 November 2019)
  - Appendix B - Coomera River Action Group Response to GCWA Speed Limits Trial Coomera River (South arm) v2.pdf
  - Appendix C - Salacia Waters submission on behalf of the residents who opposed the decision including cover letter and critique 30 October 2019.pdf
  - Appendix D - Submission to Premier and Transport Minister by Roger Welch & John Taylor
- The CEO of GCWA responded with the attached document:

- MC110394\_CoomeraRiverSpeedLimit\_SDL\_final.pdf - Appendix E

As the response from the GCWA CEO did not address

the concerns raised in the submissions about the trial process and procedures, CRAG again requested on 18th February 2020 of Ms Anastacia Palaszczuk and Mr Bailey that the trial process and subsequent issues raised by affected persons be investigated by an independent panel. The letter and submissions submitted were:

- Letter to Premier Anastacia Palaszczuk and Hon Mark Bailey Transport Minister.pdf (18 February 2020) - Appendix F
- Coomera River Action Group Response to GCWA Speed Limits Trial Coomera River (South arm).pdf - Appendix B
- Submission from Salacia Waters Residents who objected to the decision.pdf - Appendix C

A response from Tan Van Alphen dated 16th April of Mr Baileys office does not speak to the concerns raised about the speed trial process and data used. The response is attached:

- MC113403\_COS signed letter\_16042020 - Appendix G

If you have a copy of your original complaint in writing to Gold Coast Waterways Authority, please attach it here.

Appendix A SED\_190005 Sara Davies.pdf (1322 KB)

Appendix B CRAG Response to GCWA Speed Limits Trial Coomera River (South arm) v2.pdf (1680 KB)

Appendix C Salacia Waters cover letter and critique 30 October 2019.pdf (346 KB)

Appendix D 19.10.29 - Submission to Premier Roger Welch and John Taylor.pdf (332 KB)

Appendix F 1. Letter to Premier Anastacia Palaszczuk and Hon Mark Bailey Transport Minister.pdf (156 KB)

Appendix G 3. CRAG Response to GCWA Speed Limits Trial Coomera River (South arm).pdf (1680 KB)

Appendix H 4. 19.10.30 - Submission from Salacia Waters Residents.pdf (338 KB)

If you received a response in writing from Gold Coast Waterways Authority, please attach it.

Appendix E

MC110394\_CoomeraRiverSpeedLimit\_SDL\_final.pdf (189 KB)

Appendix I MC113401\_COS signed letter\_16042020.pdf (645 KB)

Why are you unhappy with Gold Coast Waterways Authority's response to your complaint?

It is clear from the GCWA response that they had received the three detailed submissions. These submissions thoroughly addressed the numerous flaws in the procedures used to design and carry out the trial, the inconsistencies and errors in the Report produced by GCWA, yet GCWA did not address any or our specific concerns in its reply, particularly the trial procedure and report flaws and errors.

What do you think Gold Coast Waterways Authority should do to fix your complaint?

As some members of the community have lost confidence in the GCWA, we are seeking that an independent person/panel considers all the issues raised in the three submissions and decides whether or not the procedures used by GCWA were procedurally and administratively sound. If found not to be sound, we request that consideration be given to performing a well designed scientific trial that examines all issues related to speed

limits on the Coomera River (South Branch) including the issues of noise, wash, amenity and unlawful behaviour that have arisen since the speed limit was increased.

## Another organisation

Have you made your complaint to another complaint-handling organisation? No

## Consent to refer

Do you consent to us referring your complaint to Gold Coast Waterways Authority if we consider it appropriate to do so? No

## Supporting documents

Other documents that support your complaint No response provided

## Demographic information

Do you have any special needs that we should be aware of? No

What language do you speak at home? English

Do you identify as an Aboriginal and/or Torres Strait Islander? No

Which age group are you in? 55-64

How did you first hear about us? Community or legal service

Thank you for your complaint.

Kind regards,

### Queensland Ombudsman

P 1800 068 908

F (07) 3005 7067

E [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

W [ombudsman.qld.gov.au](http://ombudsman.qld.gov.au)



