

## **TOWNSVILLE OCEAN TERMINAL**

# **ENVIRONMENTAL IMPACT STATEMENT SUBMISSION RESPONSE**

## **RESPONSE TO P & E LAW FIRM STRAND BRIDGE**

**August 2008**

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## P&E LAW FIRM - STRAND BRIDGE

Note: This submission response document has been prepared by means of duplicating the individual submission received and inserting response clauses where relevant.

We act for the Townsville Motor Boat and Yacht Club.

We write in relation to your organisation's involvement in the proposal to build a bridge across the Ross Creek, on an alignment that is essentially an extension of The Strand.

Please note that our client has only recently become aware of this proposal as a result of the Environmental Impact Study process being undertaken for the Townsville Ocean Terminal.

Nevertheless, our client, at its own cost, has conducted a safety assessment of the operation of the proposed 'Strand Bridge'. It is clear that an extremely high probability of a maritime incident among vessel users occurring in Ross Creek will arise as a result of the proposed establishment and operation of a bridge at this location, irrespective of its purpose.

Given the inevitability of a marine incident associated with the operation of the proposed 'Strand Bridge' occurring in Ross Creek, we ask if you and your organisation intend to notify your insurer in the event that the 'Strand Bridge' proposal is constructed. It may be prudent to take steps now to inform your insurers of this additional exposure to liability.

As our client's members are significant users of the navigable waters of Ross Creek, this letter will be relied upon for litigation purposes should our client's members, or for that matter, other users of Ross Creek, suffer damage, injury or loss of life as a result of an incident arising from the construction and operation of the proposed 'Strand Bridge'.

On a related note, our client and its members are taking legal action to protect their rights of access through Ross Creek, and to protect the general public's existing right to traverse the navigable waters of Ross Creek.

One of the issues that is not transparent in the Environmental Impact Statement for the Townsville Ocean Terminal is the tenure and extent of land holding required for the Development.

The tenure is important in relation to liabilities, while the extent of land involved is important to determine the impacts that ought to be addressed in the Environmental Impact Statement. For example, the land and tenure of the proposed bridge across Ross Creek is dealt with by passing reference only.

## RESPONSE

**The current revised operation of the bridge makes the likelihood of a marine incident very small. The safety aspects of the bridge have been discussed with the Acting Harbour Master and safety matters currently proposed or to be introduced, addressed with him and confirmed as adequate.**

**In regard to liability it is expected that the tidal works permit for the temporary bridge would require the Proponent to maintain public liability insurance from the commencement of its construction to its final removal.**

**In regard to the threatened legal action to protect alleged rights of access in Ross Creek the Proponent is not aware of any such legal action and in any case believes that no such right exists. The use of waterways like the use of roads will be subject to changed conditions over time which could significantly change patterns, like a two way street being made one way.**

**In regard to tenure of the temporary bridge this will be resolved with DNRW if this option is utilised. At this juncture, the matter of tenure has been discussed with DNRW and is not problematic. This matter will be addressed in greater detail as part of the Operational Works Application.**

The Proponent notes the contents of the letter. The Proponent reiterates its commitment to work with all stakeholders to achieve an acceptable outcome to all concerned. It should be noted that the Proponent met with the Board of the TMBYC where concerns and issues were canvassed. That meeting resulted in an agreed position that a dialogue be established going forward to facilitate a beneficial outcome for all concerned. The Proponent continues to act on the basis of this goodwill.

As part of this Supplementary EIS phase, further detailed considerations have been undertaken in relation to the proposed temporary bridge crossing of Ross Creek. Refer revised temporary bridge drawing at Appendix A19 in Volume 2 and Appendix A7 in Volume 2 also covers proposed operation of temporary bridge.

The Proponent has nevertheless investigated alternative haulage options and has developed as an alternative, a barge option to carry trucks across Ross Creek has been considered by the project Proponent, which would effectively avoid any concerns about the impact of a temporary bridge structure on creek access.

This alternative to the temporary bridge across Ross Creek involves barging the trucks back and forth across the creek to the site. Discussions with the Port and the Regional Harbour Master have confirmed that this option is possible and two barge landing ramp locations have been identified with them and design work has been undertaken to show that the options are viable. The barging option has an advantage over the bridge in that noise on the Strand and Sir Leslie Thiess Drive is minimised.