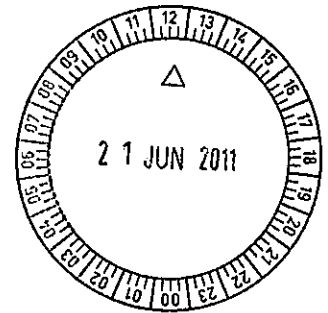




ENVIRONMENT & CONSERVATION SOCIETY (INC).



President: Mr P Smith
Secretary: Mrs E Thompson

20th June 2011

PUBLIC

Hon Brian Ellis MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House,
PERTH W.A. 6000

Petition No 86 – Preserving Part of Bunbury’s Timber Jetty

Dear Sir,

The Members of the Bunbury Timber Jetty Environment and Conservation Society (Inc) are disappointed at the Standing Committee’s response to our petition asking the *“Legislative Council to remind the State Government of its responsibilities as the owner of the Bunbury Timber Jetty and under the Heritage Act and noting the State Government funding commitments of \$24 million to rebuild the Busselton Timber Jetty, call on the State Government to fully fund over and above the City of Bunbury’s existing financial commitment the part demolition and part rebuild of the Bunbury Timber Jetty.”*

We feel the response to the Standing Committee from the Government Ministers was to restate the history of the project and to blame the City of Bunbury for lack of progress.

It appears that the Ministers have overlooked the points made in our written submission of 4th August 2010, particularly; that our Society has made a major concession in reducing the area to be restored from 40% to 20%, and, that costs have almost certainly increased markedly since 2007.

In 2007, a commitment to restore up to 40% of the remaining area of jetty was agreed to, but the Government of the day withdrew the offer.

Since 2007, costs have escalated markedly and we believe that the government’s commitment of \$3.5million, reinstated in October 2009, is unlikely to be enough to restore 40% of the remaining area. In view of the anticipated increased cost we have agreed that the overall area to be restored be reduced from 40% to 20% of the remaining jetty. The overall \$7million may not be enough to restore even 20%

We believe that it is unreasonable to expect the Bunbury Council to compile an ongoing Management Plan when they do not know; how much of the jetty will be restored, to what standard of restoration, and whether the State Government is prepared to assist over and above their present commitment of \$3.5m. A joint working group with representations from Government and Bunbury City Council should be established to progress this matter, as was established for the Busselton Jetty.

Our petition asked the Government to commit to the project immediately to support their goal of Bunbury becoming a major regional city. A lack of commitment from the Government is hindering progress on this valuable heritage, recreation and environment project.

The replies from the Ministers to your Committee inferred they are not prepared to support the project further. We feel this lack of enthusiasm indicates the Government is advocating complete demolition of the jetty.

We do not see evidence that the Standing Committee pressured the Ministers to address the questions raised by our Petition (No 86) and supported by our subsequent submission in writing dated 4th August 2010. Therefore, we request that the Standing Committee undertake a public inquiry into this matter to establish:

1. Whether the State’s failure to restore the heritage listed Jetty and its efforts to transfer this responsibility to the City of Bunbury through the Jetty Licence is lawful and proper and whether this contravenes State’s obligations under the Heritage Act;
2. Whether the Jetty Licence is a valid and lawful agreement, in particular, whether the City of Bunbury was authorised to enter into the Licence agreement with the Minister for Transport on the terms therein;
3. Whether the \$1million paid by the State to the City of Bunbury in four annual instalments of \$250,000 was sufficient to restore or demolish the jetty.
4. Whether the State Government’s imposition of a condition precedent to release of its \$3.5million in funding towards the Jetty restoration/demolition – the condition precedent being, that the City of Bunbury prepare a Management Plan for the future maintenance of the Jetty – is an unfair and unreasonable burden, given that the Jetty is owned by the State, bearing mind that, in the case of the Busselton Jetty, no such condition precedent was imposed and the Management Plan (in that case, referred to as a Maintenance Plan)- was prepared by the State;
5. Further, in 2007, the State set up a committee composed of Government and City of Bunbury representatives under Land Corp to prepare a Management Plan, amongst other things. Why has a condition been set in 2011 that the City of Bunbury is solely responsible for the Management Plan? ;

6. Whether it is legal and proper for the State to require the City of Bunbury to spend ratepayer monies to rebuild and/or demolish the State-owned Jetty.

Yours faithfully,

A handwritten signature in black ink that reads "Philip Smith". The signature is written in a cursive style with a small flourish at the end.

Philip Smith
PRESIDENT

Copy to Mayor of Bunbury (David Smith)
CEO City of Bunbury (Andrew Brien)