



WESTERN AUSTRALIA
MINISTER FOR THE ENVIRONMENT

Ass # 021
Bull # 541
State # 209

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED (PURSUANT
TO THE PROVISIONS OF THE ENVIRONMENTAL PROTECTION ACT
1986)**

EXTENSION TO YUNDERUP CANAL ESTATE (21)

PEEL WATERWAYS PTY LTD

This proposal may be implemented subject to the following conditions:

1. Proponent Commitments

In implementing the proposal, the proponent shall fulfil the commitments (which are not inconsistent with the conditions or procedures contained in this statement) made in the Public Environmental Review. (A copy of the commitments is attached).

2. Implementation

Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

3. Existing Yunderup Canal system

The quality of the water throughout the existing canal system should be improved.

During construction of the extension to Yunderup Canal Estate, and prior to applying to the Department of Planning and Urban Development for clearance of survey documents for residential lots, the proponent shall undertake a programme of remedial works on the existing Yunderup Canal Estate to the satisfaction of the Environmental Protection Authority. The programme shall include but not necessarily be limited to:

1. relevant commitments made by the proponent;
2. improvements in the structure of the canal system and the entrance channel;
3. installation of culvert connections at appropriate sites; and
4. altering canal depths in existing canals so that they are no greater than -2.0m AHD.

4. Water quality

The quality of the water throughout the canal system should be maintained or improved.

During construction of the extension to Yunderup Canal Estate, and prior to applying to the Department of Planning and Urban Development for clearance of survey documents for residential lots, the proponent shall prepare a plan to monitor and manage water quality in the canal estate, to the satisfaction of the Environmental Protection Authority.

Published on

17 JAN 1992

on advice of the Peel Inlet Management Authority, the Shire of Murray and the Department of Marine and Harbours. The plan shall include but not necessarily be limited to:

1. monitoring of physical, biological and chemical parameters such as water column nutrients (total phosphorus, total nitrogen, phosphate, oxidised nitrogen and ammonia), water column chlorophyll 'a', sediment total nitrogen and total phosphorus level and the physical parameters (salinity, temperature, dissolved oxygen, pH, and light penetration);
2. strategies to maintain all canals and the entrance channel at the appropriate depth for flushing;
3. reporting on the monitoring programme; and
4. strategies to be implemented in the event of a deterioration of water quality in the canal system.

5. Canal management

Responsibility for the management of the entire canal estate should be delineated in an agreement.

5-1 Prior to construction commencing, the proponent shall enter into an agreement between the Shire of Murray, the Peel Inlet Management Authority, and the Department of Marine and Harbours, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority. The agreement shall delineate responsibility for:

1. maintenance of canal structures, both existing and new, and maintenance of the entrance channel; and
2. water quality monitoring, management and reporting in accordance with the plan required by condition 4.

5-2 On completion of construction, the parties identified by condition 5-1 as being responsible for management shall implement the management plan and shall report annually, to the satisfaction of the Environmental Protection Authority.

6 Proponent

No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

7 Time limit on approval

If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced. Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority).

Bob Pearce, MLA

MINISTER FOR THE ENVIRONMENT

17 JAN 1992

9.0 SUMMARY OF COMMITMENTS

Project design and environmental management commitments given by Peel Waterways Pty Ltd include the following.

Canal Design

1. The proposed canal estate will incorporate, to the satisfaction of the EPA in consultation with the Shire of Murray and PIMA, all of the Centre for Water Research (CWR) recommendations to ensure the maintenance of adequate water quality. Specifically, the CWR recommendations are as follows:
 - 1.1 The proposed eastern canal to have a depth no greater than -1.9mAHD. (The proposed depth is -1.5mAHD).
 - 1.2 Connections to be installed between the proposed eastern canal and the existing eastern canal (Canal E) at both the northern and southern ends.
 - 1.3 The connection where Kiap Road crosses the southern link to the proposed eastern canal to include full depth box culverts.
 - 1.4 The proposed western canal to have a depth no greater than -2.0mAHD. (The proposed depth is -1.5mAHD).
 - 1.5 A bottom pipe or culvert connection to be installed between the western end of the existing northern canal (Canal F) and the proposed western canal.
 - 1.6 The deepest parts of the existing canals, near the closed ends of Canal F and Canal E, to be filled to a depth consistent with the remainder of each canal (-2.0mAHD).
 - 1.7 The depth of the entrance sill to be maintained. (Note: This will be accomplished through an agreement that is currently being negotiated between the Shire of Murray and the Minister for Transport, described in Appendix C to this PER).

- 1.8 The culvert connection between Wellya Lagoon and the entrance channel to the canal estate to be closed and relocated to the western side of the lagoon.
2. The design of the proposed canals will accord with the recommended specifications described in the DPUD Policy Document DC 1.7 "Procedures for Approval of Artificial Waterways & Canal Estates", in consultation with PIMA and to the satisfaction of the EPA.
3. Shire access to the north-eastern corner of the canals will be provided to the Shire's requirements to allow removal of occasional quantities of weed and other debris that will accumulate at this location.

Subdivision Design

4. Design building levels for the proposed allotments will be above the 1:100 year flood level, as required by the Shire of Murray.
5. The development will be deep sewered.
6. Stormwater drainage will include a suitable arrangement of silt traps to ensure that any water discharged to the canals is of adequate quality, in consultation with PIMA and to the satisfaction of the EPA.
7. Public access to all areas of foreshore reserve adjacent to the estate will be preserved, save at the entrance channel to the western canal. Alternate vehicle and pedestrian access to the boat ramp and foreshore reserve near the western canal will be provided around the northern side of the canal, to the satisfaction of the Shire of Murray.
8. Landscaping of the development to be undertaken by Peel Waterways prior to the sale of the blocks will include appropriate use and placement of topsoil and the widespread establishment of salt tolerant tree species adjacent to roads and the canals, to the satisfaction of the Shire of Murray.
9. The minimisation of nutrient application within future residential gardens and the preferential use of slow release fertilisers and native plant species will be encouraged as follows:

- 9.1 An information brochure describing the use of slow release fertiliser and suitable native plants for residential gardens will be issued at the time of sale to all purchasers of lots.
- 9.2 With the purchase of each residential lot the proponent will supply, free of charge, sufficient slow release fertiliser to establish a native garden. This will be achieved by the issue of a voucher which will be negotiable at nominated local hardwater suppliers for specific slow release fertilisers only.

Project Construction

10. The proponent will ensure to the Shire of Murray's satisfaction that construction contractors do not encroach upon the adjacent foreshore reserves.
11. During construction of the project, the proponent will assist the Shire of Murray where practicable to ensure the ongoing protection of the foreshore reserve. To assist this objective and to encourage continued public use, the proponent will construct a concrete footpath along the Murray River foreshore reserve adjacent to the western site (Lot 18).
12. The proposed canals will be excavated in a land-locked basin. Bunds and settling basins will be used to prevent the flow of turbid water into the existing canals, in consultation with PIMA and to the satisfaction of the EPA. The final opening of the connecting links will be controlled to prevent scour during the initial inflow of water.
13. The proposed canals will be constructed, and the remedial works proposed for the existing canals undertaken, to the satisfaction of the Shire of Murray and EPA upon advice from PIMA and the Department of Marine and Harbours.
14. Construction activities will be restricted to normal daylight hours. If found to be necessary, appropriate techniques will be employed to suppress any noise or dust nuisance to nearby residents, to the satisfaction of the Shire of Murray.

Ongoing Management

15. Upon completion of development of the canal estate, the canal waterways will be ceded to the Crown for vesting with the Shire of Murray. The Shire will accept responsibility to ongoing maintenance of the canal waterways, which will be undertaken in consultation with PIMA and which will be done to the satisfaction of the EPA. The Shire will impose a differential rating scheme upon Yunderup Canal Estate to provide specific funding for this purpose.
16. Following construction of the canals and the proposed remedial works, the proponent will implement an environmental monitoring program as described in Section 7.3.2 of the PER, designed in consultation with PIMA, to the satisfaction of the EPA.