



Sand Drift Compliance Officer

Why, how & what drives change in Local Government

City of Wanneroo

- 25km north of Perth
- Extends from Koondola (south) to Two Rocks (north)
- 686km²
- 32km of coastline

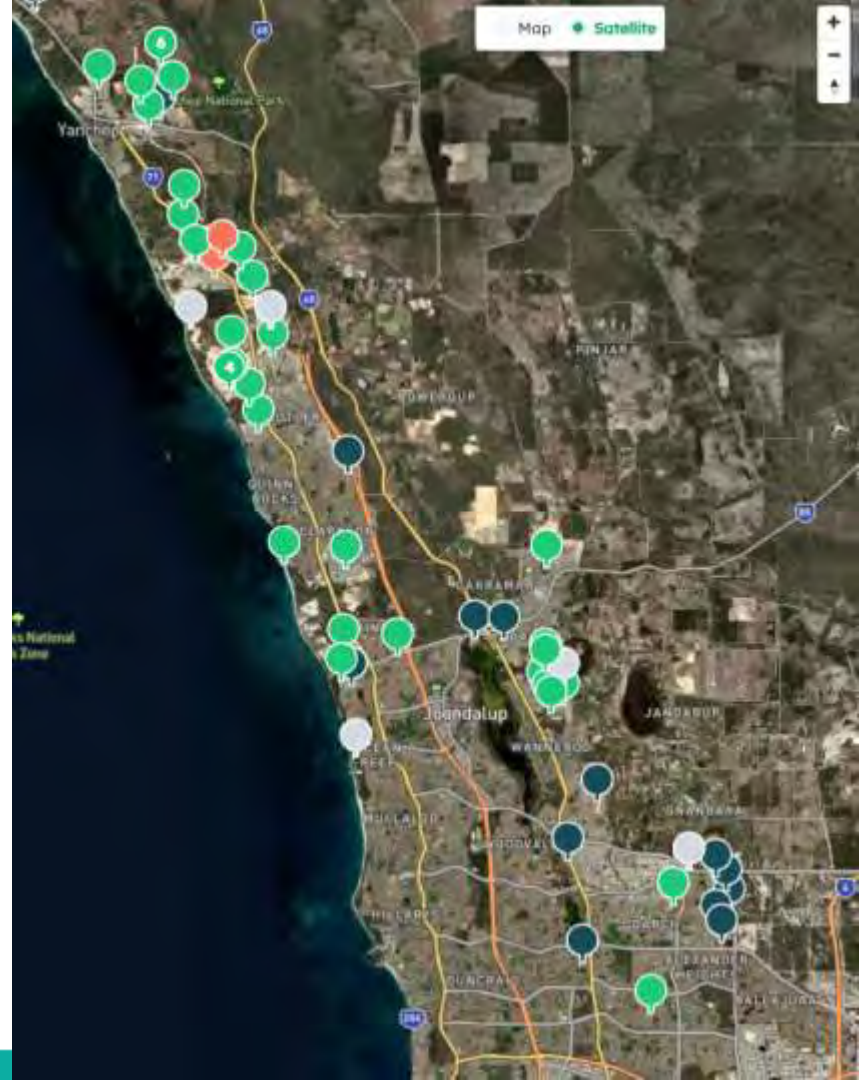
Key Development Areas:

- North-west corridor (Clarkson to Two Rocks)
- East Wanneroo District Structure Plan (DSP) Area
- Various in-fill areas (south)



City of Wanneroo

- Have all major land developers operating within the City.
- ~40% of Perth Metro lot creation.
- **~48 estate developments**, each with 3 to 4 stages at various phases.
- At least **120 active project sites** at any one time.
- Over 2,000 new residential lots created annually.
- Numerous possible sources of sand drift and sediment.



The Problem

Sand Drift and Sedimentation

- Erosion mostly from wind.
- Deposition in road reserves, residential properties, neighbouring land, reserves and stormwater systems.
- Numerous complaints.
- Local, State and Federal Elected Member involvement.
- Reactive process.



ela vale
EGLINTON



nestle into nature











The Challenge

Different scales

- 1) Large scale bulk earthworks via:
 - **Subdivision application**
(works supervised by City Engineer)
 - **Development application**
(works unsupervised by City Engineer).
- 2) Ongoing civil construction activity as part of subdivision works for a particular stage (roads, drainage and lot creation).
- 3) Small-scale infill subdivision (survey strata) and development.
- 4) Individual home build sites.



Team Human Resources



Land Development Civil Engineering Team

- 1 x Manager Land Development
- 1 x Senior Land Development Engineer
- 5 x Land Development Engineers
- 1 x Development Engineer

Compliance Services Team

- 1 x Manager Health & Compliance
- 1 x Coordinator Compliance Services
- 2 x Senior Compliance Officers
- 9 x Compliance Officers
(one of which is the new **Sand Drift Compliance Officer**)



Groundhog Year

The pre-Christmas proactive panic

- **Summer is coming!**
- Each Nov/Dec – Land Development Engineers would hack together a '**list of active sites**' and send to the Compliance Team for summer compliance.
- Some subdivision stages would be finishing while new stages were commencing.
- Difficulty matching sites with relevant stage names, site contacts, relevant Dust Management Plans etc.
- Sites undertaking bulk earthworks via Development Approval (DA) have no site compound / office and no supervision by a City Engineer.
- No road names (where am I and what am I looking at?).



Assume the fetal position...



Change Was Needed

Proactive sand drift inspection

- Program expanded in 2023/24 to cover entire year.
- Employed 1.0 FTE **Sand Drift Compliance Officer** (SDCO) to undertake daily surveillance.
- UDIA (WA) and developers advised of new approach.
- Established a new **Management Procedure**.
- Compliance Team is cc'd into all civil engineering drawing approvals and Bulk Earthwork Development Approvals (DAs) via a specific email address: dust.management@wanneroo.wa.gov.au
- The **SDCO** pairs up with the relevant **Land Development Engineer**, attends **start-up meetings**, forms a 'relationship' with the **Site Superintendent and Contractor**, and proactively inspects each site.



Initial Approach

The friendly warning

- Dust issue identified.
- Refer to site's **Dust Management Plan**.
- **Sand Drift Compliance Officer** and **Land Development Engineer** collaborate with Site Superintendent and Contractor.
- **48-hour notice** provided.
- Agreed actions documented and implemented by Contractor.
- Site monitored on an ongoing basis.
- If a further offence is committed, then say hello to '**Bad Cop**'...



The Penalties

Infringement

- **Infringement Notice** with a **modified penalty of \$500 issued** without further warning under the *Planning & Development Act 2005 (WA)*.
- Can be issued daily to the landowner (i.e. developer).
- This is the preferred approach.

Prosecution

- **Up to \$200,000** through court prosecution under the *Planning & Development Act 2005 (WA)*.
- Not the preferred approach!

**BAD
COP**



Prosecution

A very naughty builder since 2020

- The City has prosecuted **K&B Home Developments Pty Ltd**, the Builder occupying the development sites at 97B & 99 Mindarie Drive in Quinns Rocks for various sand drift offences impacting the neighbour.
- The **Builder failed to comply** with verbal instructions, letters, Infringement Notices and Direction Notices issued by Compliance Officers.
- A **guilty plea** was entered by the Builder at the Joondalup Magistrates Court on 30 November 2023.
- **Charge adjourned to 17 May 2024 for sentencing.**
- The negative impact of sand drift on the neighbouring property has been unacceptable and remains a concern due to the dismissive attitude of the Builder.
- In December 2023, Compliance Services issued **new Direction Notices** under section 3.25 of the *Local Government Act 1995*, **requiring the Builder to engage an expert** to further review sand drift mitigation measures and to prevent sand drift.
- Ongoing monitoring will continue.





Other Approaches

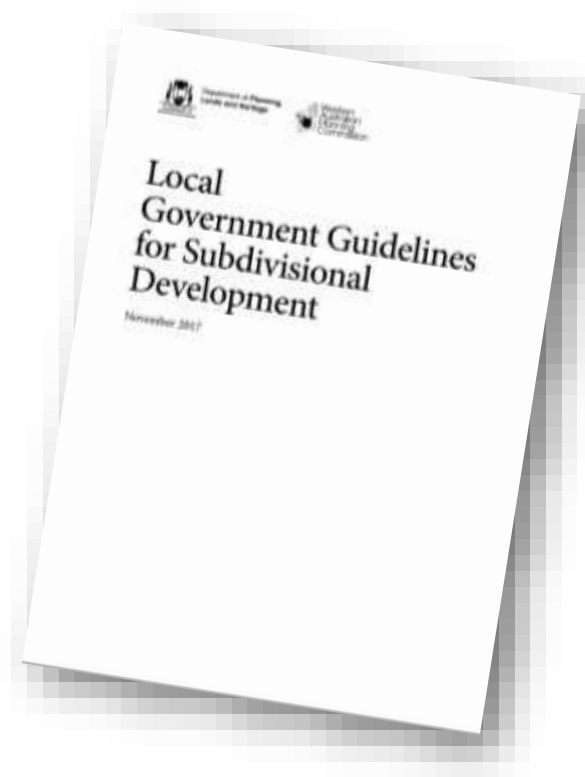
Subdivision Process

Developers can be motivated to prevent sand drift and/or remove sediment via City held security in the form of:

1. **Civil Engineering** 12-month Defects Liability Period (DLP) Bonds, and
2. **Landscape Establishment & Maintenance** Bonds.

Both of which are calculated as 5% of the contractual value of the works. The City imposes them on a performance basis.

Refer to the *Local Government Guidelines for Subdivisional Development* (IPWEA, 2017).



Other Approaches

Subdivision Process

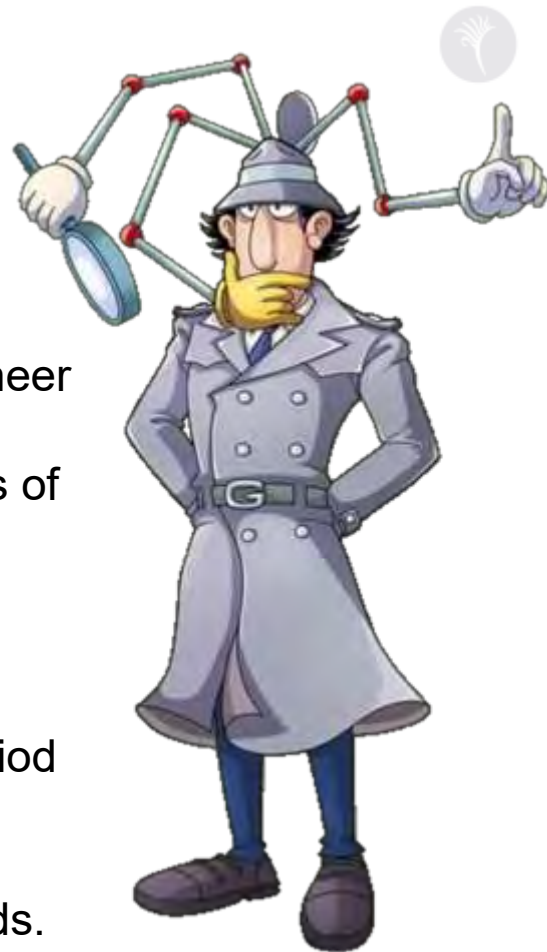
12-month Defects Liability Inspection

- Stormwater pipework can only be inspected by a City Engineer at the end of the 12-month DLP if it is 'clear' of sediment.
- Therefore, the developer must educt stormwater pits / pipes of all sediment.

Landscape Pre-Handover and Handover Inspections

- Smothered or damaged landscaping will need rectifying.
- May trigger an extended Establishment & Maintenance Period depending on the severity.

Fail to do the above, and the City will **'call in'** the security bonds.





Questions?