

## C15.0 Landslip Hazard Code

### C15.1 Code Purpose

The purpose of the Landslip Hazard Code is:

- C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.

### C15.2 Application of this Code

C15.2.1 This code applies to:

- (a) use or development of land within a landslip hazard area; or
- (b) use or development of land identified in a report, that is lodged with an application, or required in response to a request under section 54 of the Act, as having potential to cause or contribute to a landslip.

C15.2.2 The planning authority may only make a request under clause C15.2.1(b) where it reasonably believes, based on information in its possession, that the use or development of land has the potential to cause or contribute to landslip.

### C15.3 Definition of Terms

C15.3.1 In this code, unless the contrary intention appears:

Term	Definition
critical use	means a use that is within one of the following Use Classes: <ul style="list-style-type: none"><li>(a) Emergency Services; or</li><li>(b) Hospital Services.</li></ul>
geotechnical practitioner	means: <ul style="list-style-type: none"><li>(a) a person holding a building services license issued under the <i>Occupational Licensing Act 2005</i> in the class of engineer-civil;</li><li>(b) a geotechnical engineer acting within their area of competence; or</li><li>(c) an engineering geologist acting within their area of competence.</li></ul>

Term	Definition
hazardous use	<p>means a use that is within one or more of the following use classes:</p> <ul style="list-style-type: none"> <li>(a) Crematoria and Cemeteries;</li> <li>(b) Extractive Industries, if the use involves the storage of a hazardous chemical of a manifest quantity;</li> <li>(c) Hospital Services, if the use involves the storage of a hazardous chemical of a manifest quantity;</li> <li>(d) Manufacturing and Processing, if the use involves the storage of a hazardous chemical of a manifest quantity;</li> <li>(e) Recycling and Waste Disposal;</li> <li>(f) Research and Development, if the use involves the storage of a hazardous chemical of a manifest quantity;</li> <li>(g) Storage, if the use involves the storage of a hazardous chemical of a manifest quantity;</li> <li>(h) Transport Depot and Distribution, if the use involves the storage of a hazardous chemical of a manifest quantity;</li> <li>(i) Utilities, if the use involves the storage of a hazardous chemical of a manifest quantity; or</li> <li>(j) Vehicles Fuel Sales and Service.</li> </ul>
landslide	means landslide for the purposes of this code.
landslip	means the downslope movement of a mass of rock, debris, or earth.
landslip hazard area	<p>means land:</p> <ul style="list-style-type: none"> <li>(a) shown on an overlay map in the relevant Local Provisions Schedule, as within a landslip hazard area, which is classified into one of four landslip hazard bands; or</li> <li>(b) identified in a report for the purposes of C15.2.1 (b).</li> </ul>
landslip hazard bands	<p>means the classification of land within a landslip hazard area into one of the following landslip hazard bands:</p> <ul style="list-style-type: none"> <li>(a) low</li> <li>(b) medium;</li> <li>(c) medium-active; or</li> <li>(d) high</li> </ul>
landslip hazard report	<p>means a report prepared using the methodology of the <i>Practice Note Guidelines for Landslide Risk Management 2007</i> by a geotechnical practitioner and must include:</p> <ul style="list-style-type: none"> <li>(a) details of, and be signed by, the person who prepared or verified the report;</li> <li>(b) confirmation that the person has the appropriate qualifications and expertise;</li> <li>(c) confirmation that the report has been prepared in accordance with any methodology specified by a State authority;</li> <li>(d) a report of a geotechnical site investigation undertaken consistent with <i>Australian Standard AS 1726-2017 Geotechnical site investigations</i>;</li> <li>(e) conclusions based on consideration of the proposed use or development: <ul style="list-style-type: none"> <li>(i) as to whether the use or development is likely to cause or</li> </ul> </li> </ul>

Term	Definition
	<p>contribute to the occurrence of a landslip event on the site or on adjacent land;</p> <p>(ii) as to whether the use or development can achieve and maintain a tolerable risk for the intended life of the development, having regard to:</p> <ul style="list-style-type: none"> <li>a. the nature, intensity and duration of the use;</li> <li>b. the type, form and duration of any development;</li> <li>c. the likely change in the risk across the intended life of the use or development;</li> <li>d. the ability to adapt to a change in the risk;</li> <li>e. the ability to maintain access to utilities and services;</li> <li>f. the need for specific landslip reduction or protection measures on the site;</li> <li>g. the need for landslip reduction or protection measures beyond the boundary of the site; and</li> <li>h. any landslip management plan in place for the site or adjacent land;</li> </ul> <p>(iii) any advice relating to the ongoing management of the use or development; and</p> <p>(iv) relating to any matter specifically required by Performance Criteria in this code.</p>
landslip management plan	means a management plan for a landslip hazard area endorsed by the relevant council.
significant works	<p>means any of the following:</p> <ul style="list-style-type: none"> <li>(a) excavation equal to or greater than 1m in depth, including temporary excavations for the installation or maintenance of services or pipes;</li> <li>(b) excavation or land filling of greater than 100m<sup>3</sup> whether or not material is sourced on the site or imported;</li> <li>(c) felling or removal of vegetation over a contiguous area greater than 1000m<sup>2</sup>;</li> <li>(d) the collection, pooling or storage of water in a dam, pond, tank or swimming pool with a volume of more than 45 000L;</li> <li>(e) removal, redirection, or introduction of drainage for surface or groundwater; and</li> <li>(f) discharge of stormwater, sewage, water storage overflow or other wastewater.</li> </ul>
vulnerable use	<p>means a use that is within one or more of the following Use Classes:</p> <ul style="list-style-type: none"> <li>(a) Custodial Facility;</li> <li>(b) Education and Occasional Care;</li> <li>(c) Residential, if for respite centre, residential care facility, retirement village or assisted housing; or</li> <li>(d) Visitor Accommodation, if the use is to accommodate more than 12 guests.</li> </ul>

## **C15.4 Use or Development Exempt from this Code**

C15.4.1 The following use or development is exempt from this code:

- (a) use of land within a low or medium landslip hazard band, excluding for a critical use, hazardous use or vulnerable use;
- (b) use or development of land for Extractive Industry where a mining lease under the *Mineral Resources Development Act 1995* is in force, excluding a hazardous use;
- (c) use of land for:
  - (i) Natural and Cultural Values Management;
  - (ii) Passive Recreation;
  - (iii) Resource Development; or
  - (iv) Utilities;
- (d) development on land within a low or medium landslip hazard band that requires authorisation under the *Building Act 2016*;
- (e) development, including subdivision, on land within a low landslip hazard band, if it does not involve significant works;
- (f) development for Resource Development on land within the low or medium landslip hazard band, if it does not involve significant works;
- (g) development for minor utilities or linear utilities associated with sewer, water, or stormwater systems, electricity, gas, telecommunications and roads, if it does not involve significant works;
- (h) subdivision of land within the medium-active or high landslip hazard band, if it does not involve any works; and
- (i) subdivision of land within a medium landslip hazard band if:
  - (i) it does not involve significant works; or
  - (ii) it does not create a new road, or extend an existing road.

## C15.5 Use Standards

### C15.5.1 Use within a landslip hazard area

Objective:	That uses, including critical, hazardous or vulnerable use, can achieve and maintain a tolerable risk from exposure to a landslip for the nature and intended duration of the use.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1.1</b></p> <p>A use, including a critical use, hazardous use, or vulnerable use, within a landslip hazard area achieve and maintain a tolerable risk from exposure to landslip, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the type, form and duration of the use; and</li> <li>(b) a landslip hazard report that demonstrates that: <ul style="list-style-type: none"> <li>(i) any increase in the level of risk from landslip does not require any specific hazard reduction or protection measure; or</li> <li>(ii) the use can achieve and maintain a tolerable risk for the intended life of the use.</li> </ul> </li> </ul> <p><b>P1.2</b></p> <p>If landslip reduction or protection measures are required on land beyond the boundary of the site, the consent in writing of the owner of that land must be provided for that land to be managed in accordance with the landslip reduction or protection measures.</p>

<p><b>A2</b></p> <p>No Acceptable Solution.</p>	<p><b>P2</b></p> <p>In addition to the requirements in clause C15.5.1 P1.1, a critical use within a landslip hazard area must achieve and maintain a tolerable risk from landslip, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the impact on the ability of the use to respond to a landslip event;</li> <li>(b) the impact on ability of the use to function and maintain service during the landslip and recovery period;</li> <li>(c) any interruption to the operation of the critical use in locations external to the immediate impact of the landslip event;</li> <li>(d) the creation of risk to the health or safety of people from damage or disruption to: <ul style="list-style-type: none"> <li>(i) a water supply service;</li> <li>(ii) an energy supply; or</li> <li>(iii) the drainage and treatment of waste water;</li> </ul> </li> <li>(e) any advice contained in a landslip hazard report; and</li> <li>(f) any advice from a State authority, regulated entity or a council.</li> </ul>
<p><b>A3</b></p> <p>No Acceptable Solution.</p>	<p><b>P3</b></p> <p>In addition to the requirements in clause C15.5.1 P1.1, a hazardous use within a landslip hazard area must achieve and maintain a tolerable risk, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the health and safety of people;</li> <li>(b) any impact on property;</li> <li>(c) any impact on the environment;</li> <li>(d) the advice contained in a landslip hazard report; and</li> <li>(e) any advice from a State authority, regulated entity or a council.</li> </ul>

<p><b>A4</b></p> <p>No Acceptable Solution.</p>	<p><b>P4</b></p> <p>In addition to the requirements in clause C15.5.1 P1.1, a vulnerable use within a landslip hazard area must be protected from landslip, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any protection measures, existing or proposed;</li> <li>(b) the ability and capability of people in a landslip event who may live, work or visit the site, to: <ul style="list-style-type: none"> <li>(i) protect themselves;</li> <li>(ii) evacuate in an emergency; and</li> <li>(iii) understand and respond to instructions in the event of an emergency;</li> </ul> </li> <li>(c) any emergency evacuation plan;</li> <li>(d) the advice contained in a landslip hazard report; and</li> <li>(e) any advice from a State authority, regulated entity or a council.</li> </ul>
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## C15.6 Development Standards for Buildings and Works

### C15.6.1 Building and works within a landslip hazard area

Objective:	That building and works on land within a landslip hazard area can: (a) minimise the likelihood of triggering a landslip event; and (b) achieve and maintain a tolerable risk from a landslip.
Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<p><b>P1.1</b></p> <p>Building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the type, form, scale and intended duration of the development;</li> <li>(b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures;</li> <li>(c) any advice from a State authority, regulated entity or a council; and</li> <li>(d) the advice contained in a landslip hazard report.</li> </ul> <p><b>P1.2</b></p> <p>A landslip hazard report also demonstrates that the buildings and works do not cause or contribute to landslip on the site, on adjacent land or public infrastructure.</p> <p><b>P1.3</b></p> <p>If landslip reduction or protection measures are required beyond the boundary of the site the consent in writing of the owner of that land must be provided for that land to be managed in accordance with the specific hazard reduction or protection measures.</p>



## C15.7 Development Standards for Subdivision

### C15.7.1 Subdivision within a landslip hazard area

Objective:	That subdivision within a landslip hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from a landslip.	
Acceptable Solutions		Performance Criteria
<b>A1</b> <p>Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:</p> <ul style="list-style-type: none"> <li>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;</li> <li>(b) be for the creation of separate lots for existing buildings;</li> <li>(c) be required for public use by the Crown, a council or a State authority; or</li> <li>(d) be required for the provision of Utilities.</li> </ul>		<b>P1</b> <p>Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot achieve a tolerable risk from landslip, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any increase in risk from a landslip for adjacent land;</li> <li>(b) the level of risk to use or development arising from an increased reliance on public infrastructure;</li> <li>(c) the need to minimise future remediation works;</li> <li>(d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;</li> <li>(e) the need to locate building areas outside the landslip hazard area;</li> <li>(f) any advice from a State authority, regulated entity or a council; and</li> <li>(g) the advice contained in a landslip hazard report.</li> </ul>