

CHAPTER 5 – OVERLAY CODES

PART 10 POTENTIAL LANDSLIDE AREAS OVERLAY CODE

Division 1 Applicability of the Potential Landslide Areas Overlay Code

1.1 This code applies to development:-

- (1) that is located¹ in “potential landslide areas” shown on *Overlay Code Map 10 – Potential Landslide Areas*; and
- (2) referred to as “code assessable” in Tables 5.10.1 or 5.10.2 below.

Division 2 Assessment Tables for the Potential Landslide Areas Overlay Code

2.1 Assessment Categories for the Potential Landslide Areas Overlay Code

The assessment categories are identified for development in Column 2 of Tables 5.10.1 or 5.10.2, as follows:-

- (1) Table 5.10.1 - Material Change of Use and Associated Works² for uses listed in Column 1; or
- (2) Table 5.10.2 - Other Development not associated with a Material Change of Use³ listed in Column 1.

Note: Zones also affect assessment categories. See zone maps to determine the zone of the land. Also see Chapter 1, Part 1, Division 4, Section 4.8(3) explaining how the higher assessment category prevails.

2.2 Relevant Assessment Criteria for Development Affected by the Potential Landslide Areas Overlay Code

- (1) The relevant assessment criteria in the overlay code are referred to in Column 3 of Tables 5.10.1 and 5.10.2.
- (2) For development requiring code assessment, the relevant assessment criteria are applicable codes.

Table 5.10.1: Assessment Categories and Relevant Assessment Criteria for the Potential Landslide Areas Overlay Code – Material Change of Use and Associated Works²

COLUMN 1 Uses ⁴	COLUMN 2 Assessment category	COLUMN 3 Relevant assessment criteria - applicable code for code assessable development
All Mapped Features		
Associated Unit Detached House Display Home Domestic Storage Estate Sales Office Home Business	Exempt – if <ol style="list-style-type: none"> 1. located entirely within a mandatory building area or certified building area OR <ol style="list-style-type: none"> 2. a written assessment by a competent person (as defined in <i>Planning Scheme Policy PSP18 Demonstrating Compliance with the Potential Landslide Areas Overlay Code</i>)⁵ confirms that the area subject to works has an existing slope less than 15%. 	
	Code assessable – if <ol style="list-style-type: none"> 1. located outside a mandatory building area or certified building area OR <ol style="list-style-type: none"> 2. no mandatory building area or certified building area exists on the site OR <ol style="list-style-type: none"> 3. a written assessment by a competent person (as defined in <i>Planning Scheme Policy PSP18</i> 	<ul style="list-style-type: none"> • Potential Landslide Areas Overlay Code

COLUMN 1 Uses ⁴	COLUMN 2 Assessment category	COLUMN 3 Relevant assessment criteria - applicable code for code assessable development
	<i>Demonstrating Compliance with the Potential Landslide Areas Overlay Code</i> ⁵ confirms that the area subject to works has an existing slope greater than 15%.	
All Other Defined and Undefined Uses	Exempt – if 1. involving earthworks of 50m ³ or less (including the placement of topsoil) AND 2. no vegetation clearing AND 3. not redirecting the existing flow of surface or groundwater OR 4. a written assessment by a competent person (as defined in <i>Planning Scheme Policy PSP18 Demonstrating Compliance with the Potential Landslide Areas Overlay Code</i>) ⁵ confirms that the area subject to works has an existing slope less than 15%.	
	Code assessable – if 1. involving earthworks exceeding 50m ³ (other than the placement of topsoil) OR 2. involving vegetation clearing OR 3. redirecting the existing flow of surface or groundwater OR 4. a written assessment by a competent person (as defined in <i>Planning Scheme Policy PSP18 Demonstrating Compliance with the Potential Landslide Areas Overlay Code</i>) ⁵ confirms that the area subject to works has an existing slope greater than 15%.	<ul style="list-style-type: none"> Potential Landslide Areas Overlay Code

Table 5.10.2: Assessment Categories and Relevant Assessment Criteria for the Potential Landslide Areas Overlay Code – Other Development not Associated with a Material Change of Use³

COLUMN 1 Type of development	COLUMN 2 Assessment category	Column 3 Relevant assessment criteria – applicable code for code assessable development
All Mapped Features		
Reconfiguring a Lot Operational Work associated for Excavating and Filling	Exempt – if 1. involving earthworks of 50m ³ or less (including the placement of topsoil) AND 2. no vegetation clearing AND 3. not redirecting the existing flow of surface or groundwater.	

COLUMN 1 Type of development	COLUMN 2 Assessment category	Column 3 Relevant assessment criteria – applicable code for code assessable development
Operational Work for Clearing of Vegetation Operational Work for Reconfiguring a Lot	Code assessable – if 1. involving earthworks exceeding 50m ³ (other than the placement of topsoil) OR 2. involving vegetation clearing OR 3. redirecting the existing flow of surface or groundwater.	<ul style="list-style-type: none"> Potential Landslide Areas Overlay
Building Work (other than <i>minor building work</i>)	Exempt⁶ – if 1. involving an increase in site coverage of < 20m ² to an existing or approved building ⁷ AND 2. involving earthworks of 50m ³ or less (including the placement of topsoil) AND 3. no vegetation clearing AND 4. not redirecting the existing flow of surface or groundwater.	
	Code assessable – if 1. involving an increase in site coverage of ≥ 20m ² to an existing or approved building OR 2. involving earthworks exceeding 50m ³ (other than the placement of topsoil) OR 3. involving vegetation clearing OR 4. redirecting the existing flow of surface or groundwater.	<ul style="list-style-type: none"> Potential Landslide Areas Overlay
Minor Building Work	Exempt⁶	
All Other Development	Exempt	

Division 3 Compliance with the Potential Landslide Areas Overlay Code

- 3.1 Assessable development that is consistent with the specific outcomes contained in Division 5, Table 5.10.3 complies with the Potential Landslide Areas Overlay Code.

Division 4 Overall Outcomes for the Potential Landslide Areas Overlay Code

- 4.1 The overall outcomes are the purpose of this code.
- 4.2 The overall outcomes sought by the Potential Landslide Areas Overlay Code are the following:-
- (1) Adequate protection of people, buildings, **structures** and activities from a landslide event are provided;
 - (2) Loss of life, injury or damage to property is limited; and
 - (3) Physically suitable sites are provided for development on steep slopes.

Division 5 Specific Outcomes for the Potential Landslide Areas Overlay Code

- 5.1 The specific outcomes and probable solutions for the Potential Landslide Areas Overlay Code are contained in Table 5.10.3. The elements covered by the specific outcomes are:-
- (1) Development design and location;
 - (2) Uses involving Bulk Hazardous Materials; and
 - (3) Vital Community Infrastructure.

Table 5.10.3: Specific Outcomes and Probable Solutions for Assessable Development

Specific Outcomes for Assessable Development	Probable Solutions
<p>Note - Information to be provided with an application for development on a site subject to the Potential Landslide Areas Overlay is contained in <i>Planning Scheme Policy PSP18 Demonstrating Compliance with the Potential Landslide Areas Overlay Code</i>. Such information may include a geotechnical analysis of the subject site.</p>	
Development Design and Location	
<p>SO 1 Development maintains the safety of people and property from the risk of landslide through measures that protect:</p> <ol style="list-style-type: none"> (1) the long term stability of the site; and (2) the site from being adversely affected by landslide activity originating above the site. 	<p>PS 1.1 The development site is not subject to landslide hazard internally or from land above the site.</p> <p>OR</p> <p>PS 1.2 Development does not:-</p> <ol style="list-style-type: none"> (1) involve vegetation clearing; or (2) alter ground levels or stormwater conditions. <p>OR</p> <p>PS 1.3 The development includes measures that ensure:-</p> <ol style="list-style-type: none"> (1) the long term stability of the site; and (2) the site will not be adversely affected by landslide activity originating on land above the development site.
<p>SO 2 Development minimises its impact on the natural landform by:-</p> <ol style="list-style-type: none"> (1) minimising site disturbance; (2) maximising ground and tree cover retention; (3) minimising the extent of hard surfaces, such as paved and roofed areas; and (4) minimising disturbance to natural drainage patterns. 	<p>PS 2.1 Buildings are located so that their long axis is parallel to the contours of the site.</p> <p>AND</p> <p>PS 2.2 Development avoids cut and fill by using elevated construction with stepped building forms where necessary.</p> <p>OR</p> <p>PS 2.3 If cut and fill is required:-</p> <ol style="list-style-type: none"> (1) it results in a maximum height of any cut and fill batter of 1m; and (2) batters are a minimum of 1.5m from any boundary of the site. <p>AND</p> <p>PS 2.4 Any retaining wall has a maximum height of 1.2m.</p> <p>AND</p> <p>PS 2.5 Cut and fill batters are stabilised using vegetation or other porous materials to avoid erosion.</p> <p>AND</p> <p>PS 2.6 Ground cover and trees on the site are retained.</p> <p>AND</p> <p>PS 2.7 Natural drainage patterns are not disturbed.</p>
<p>SO 3 Development on steep slopes provides safe access and minimises the impact on the natural landform by:-</p> <ol style="list-style-type: none"> (1) following the contours of the site; and (2) avoiding cut and fill; or (3) minimising cut and fill; and (4) providing for vehicles to travel in a forwards motion both up and down the slope. 	<p>PS 3.1 Pedestrian and road access follows the contours of the site.</p> <p>AND</p> <p>PS 3.2 Road access has a maximum gradient of 12.5%.</p> <p>AND</p> <p>PS 3.3 Driveways are not steeper than a 1 in 5 gradient for more than 20m at a time.</p> <p>AND</p> <p>PS 3.4 Vehicle turning areas are provided at each end of the driveway.</p>
Uses Involving Bulk Hazardous Materials	
<p>SO 4 The manufacture and storage of bulk hazardous materials is not subject to landslide hazard through measures that protect:-</p> <ol style="list-style-type: none"> (1) the long term stability of the site; and (2) the manufacturing and storage areas from landslide activity originating above the site. 	<p>PS 4.1 Bulk hazardous materials are not manufactured or stored on land with a slope of 15% or greater.</p> <p>OR</p> <p>PS 4.2 The manufacture and storage of bulk hazardous materials does not:-</p> <ol style="list-style-type: none"> (1) involve any new building work other than a minor extension (maximum 20m² GFA) to an existing building; or (2) involve vegetation clearing; or (3) alter ground levels or stormwater conditions.

Specific Outcomes for Assessable Development	Probable Solutions
Vital Community Infrastructure	
<p>SO 5 <i>Vital community infrastructure</i> is able to function effectively during and immediately after landslide events, through measures that protect:-</p> <ul style="list-style-type: none"> (1) the long term stability of the site; (2) access to the site from being impeded by a landslide event; and (3) from landslide activity originating above the site. 	<p>PS 5.1 <i>Vital community infrastructure</i> is not located on land with a slope of 15% or greater.</p> <p>OR</p> <p>PS 5.2 <i>Vital community infrastructure does not-</i></p> <ul style="list-style-type: none"> (1) incorporate any new building work other than an addition (maximum 20m² GFA) to an existing building; or (2) involve vegetation clearing; or (3) alter ground levels or stormwater conditions.

Schedule A to the Potential Landslide Areas Overlay Code - Additional Defined Terms

For purposes of this code, the following meanings apply to critical terms used in the code:-

(1) **Bulk Hazardous Materials**

Defined in the Dangerous Goods Safety Management Act 2001 in quantities that:-

- (a) would be equivalent to or exceed the minimum quantities set out to determine a large dangerous goods location in the Dangerous Goods Safety Management Regulation; or
- (b) would require a licence for a magazine for the storage of an explosive under the Explosives Regulation 1955.

(2) **Certified Building Area**

Means a building area identified on a **plan of development** or subdivision proposal plan which complies with the probable solutions for such areas given in the relevant design code. The area is certified by appropriately qualified persons as meeting the specified criteria in the probable solutions. The certification is provided to Council at the time the plan of survey is approved by **Council**.

(3) **Mandatory Building Area**

An area within a property where the location and extent of construction (including vegetation clearing) has been identified and applied as a condition of development. Construction outside the building area or movement of the building area would require an application to Council. Other terms for **mandatory building area** include:

- (a) designated building pad;
- (b) mandatory building pad;
- (c) designated building area;
- (d) building location envelope; and
- (e) defined building pad or area

(4) **Natural Hazard Management Area (NHMA) (landslide)**

Is an area identified by a local government in its **planning scheme** as all land of 15% and greater slope. In this instance, the NHMA (landslide) for this **planning scheme** is shown on the Potential Landslide Overlay Map.

(5) **Vital Community Infrastructure**

Any of the following:-

- (a) aeronautical facilities;
- (b) communication network facilities;
- (c) facilities for the storage of valuable records or items of cultural or historical significance (including facilities for the storage of public records under the Public Records Act 2002);
- (d) **hospitals** and associated **institutions**;
- (e) police and emergency services facilities including emergency shelters;
- (f) railway lines, stations and associated facilities;
- (g) state-controlled roads;
- (h) water cycle management infrastructure; and
- (i) works of an electricity entity under the Electrical Safety Act 2002.

¹ This overlay code does not apply if the proposed development is outside the mapped areas.

² Table 5.10.1 refers to material change of use and associated works undertaken at the same time as the material change of use. Also, see **planning scheme** explanatory notes giving examples that explain the type of development involved in different proposals.

³ Table 5.10.2 refers to other development including works not undertaken at the same time as the material change use. Also, see **planning scheme** explanatory notes giving examples that explain the type of development involved in different proposals.

⁴ For defined uses see Chapter 7, Part 2, Use Definitions Schedule.

⁵ *Planning Scheme Policy PSP18 Demonstrating Compliance with the Potential Landslide Areas Overlay Code* contains a definition of a competent person and outlines what they must demonstrate to satisfy this provision.

⁶ Exempt building work may still require a building development approval from a building certifier under the Building Act.

⁷ The < 20m² **site coverage** increase to an existing building is limited to 1 only increase since the commencement of this amendment (Amendment 1/2007).