



Director's Determination - Landslip Hazard Areas

I, Peter John Graham, in my capacity as Director of Building Control, and acting pursuant to section 20(1)(c) of the *Building Act 2016* and regulation 51 of the *Building Regulations 2016*, hereby make the following Determination.

Title	Director's Determination - Landslip Hazard Areas
Description	This Determination specifies requirements for building or demolition work in landslip hazard areas.
Version	1.0
Application	<p>For the purposes of section 20(3)(b) of the <i>Building Act 2016</i>, this Determination commences on the date of its approval and applies until its revocation.</p> <p>This Determination applies in respect of a municipal area when:</p> <ul style="list-style-type: none">(a) the State Planning Provisions come into effect as part of the Tasmanian Planning Scheme in accordance with section 29(2) of the <i>Land Use Planning and Approvals Act 1993</i>; and(b) the State Planning Provisions come into effect in respect of that municipal area in accordance with section 30(2) of the <i>Land Use Planning and Approvals Act 1993</i>.
Approval date	6 February 2020
Commencement Date	16 March 2020

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Director of Building Control
Consumer, Building and Occupational Services
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Document Development History

Version	Application Date	Sections amended
1.0	6 February 2020	Original release

Division I – Interpretation

1 Short title

This Determination may be cited as the Director's Determination - Landslip Hazard Areas.

2 Application of Determination

For the avoidance of doubt, nothing in this Determination affects the operation of clause 3 of Schedule 6 of the *Building Regulations 2016* as it relates to savings and transitional provisions in place for hazardous areas.

3 Interpretation

- (1) The *Acts Interpretations Act 1931* applies to the interpretation of this Determination as if it were by-laws.
- (2) A term that is defined in the *Building Act 2016* or the *Building Regulations 2016*, unless the contrary intention appears, has the same meaning in this Determination.
- (3) A term that is defined in the *Director's Determination – Categories of Building and Demolition Work*, unless the contrary intention appears, has the same meaning in Schedule I of this Determination.
- (4) In this Determination:

AS 1726 means Australian Standard AS 1726 entitled *Geotechnical site investigations* published by Standards Australia in 2017, as amended or substituted from time to time;

AS 2870 means Australian Standard AS 2870 entitled *Residential slabs and footings* published by Standards Australia, as referenced in the National Construction Code;

AS 2870 classification report means a report documenting a site classification undertaken by a site classifier in accordance with AS 2870;

Director's Determination – Categories of Building and Demolition Work means the Determination made by the Director of Building Control entitled *Director's Determination – Categories of Building and Demolition Work* as amended or substituted from time to time;

Engineer - civil means a person holding a building services licence issued under the *Occupational Licensing Act 2005* in the class of engineer-civil;

Geotechnical practitioner means any of the following:

- (a) an engineer-civil;
- (b) a geotechnical engineer licensed as an engineer-civil acting within their area of competence;
- (c) an engineering geologist with the qualifications and expertise specified in the Certificates by Qualified Persons for an Assessable Item Determination made by the Director of Building Control, as amended or substituted from time to time, acting within their area of competence;

Hazardous chemical means a hazardous chemical specified in schedule 11 of the *Work Health and Safety Regulations 2012* of a quantity greater than the manifest quantity, unless otherwise specified in this Determination;

Insubstantial building means a building that has a total floor area not exceeding 20 square metres and is not more than one storey high;

Landslide has the same meaning as landslip for the purposes of this Determination.

Landslip design guide means the *Landslide Hazards Handbook 2015* published by the Australian Building Codes Board, as amended from time to time;

Landslip hazard report means a report referred to in clause 11 of this Determination;

Landslip management plan means a strategic management plan for a landslip hazard area endorsed by the relevant council;

Site classifier means any of the following:

(a) soil scientist with the qualifications and expertise specified in the Certificates by Qualified Persons for an Assessable Item Determination made by the Director of Building Control as amended or substituted from time to time (*only for the classification of land located in a landslip low hazard band*);

(b) geotechnical practitioner;

Tolerable risk means the lowest level of likely risk from landslip to secure the benefits of a use or development in a landslip hazard area, and which can be managed through routine regulatory measures or by specific hazard management measures for the intended life of each use or development.

- (5) For the purposes of regulation 50(1)(a)(i) of the *Building Regulations 2016* the relevant gross floor area for additions and alterations is set out below:

Hazard band	Measurement
Landslip low hazard band	20 square metres
Landslip medium hazard band	20 square metres
Landslip medium-active hazard band	0 square metres
Landslip high hazard band	0 square metres

- (6) The relevant gross floor area for additions and alterations is measured cumulatively for any three year period from the date this Determination commences.

Division 2 – Work in a Landslip Hazard Area

I Application

- (1) Notwithstanding the *Director's Determination – Categories of Building and Demolition Work*, for the purposes of regulation 51(2)(c) of the *Building Regulations 2016*, building work or demolition work specified in Schedule 1 of this Determination, if performed, or proposed to be performed, in a landslip hazard area is work to which Part 5 of the *Building Regulations 2016* applies.

- (2) Notwithstanding the *Director's Determination – Categories of Building and Demolition Work*, building work or demolition work specified in Schedule I of this Determination, if performed, or proposed to be performed, in a landslip hazard area is categorised as notifiable work, provided that it would not otherwise be categorised as permit work.

2 Work in a low hazard band

- (1) Unless otherwise specified, the following requirements apply to:
 - (a) permit building work;
 - (b) permit demolition work;
 - (c) significant work; or
 - (d) building work or demolition work specified in Schedule I of this Determination;performed, or proposed to be performed, on land located in a low hazard band of a landslip hazard area.
- (2) The AS 2870 site classification of any land located in a low hazard band must be Class P, on the basis that it may be subject to landslip, unless otherwise determined in an AS 2870 classification report prepared by a site classifier.
- (3) If the AS 2870 classification report does not include sufficient information for the design of a footing system or significant work, the site classifier may recommend that further geotechnical site investigation be undertaken.
- (4) Further geotechnical site investigation must be undertaken if recommended by the AS 2870 classification report.
- (5) The design of the building footing system must be prepared by an engineer-civil, except where an AS 2870 classification report determines a residential site to be a normal site.
- (6) The building design (including footing system) and significant work must take into account:
 - (a) the AS 2870 site classification and any further geotechnical site investigation; and
 - (b) the landslip design guide.
- (7) In determining an application for a Certificate of Likely Compliance, the building surveyor must:
 - (a) take into account the AS 2870 site classification, any further geotechnical site investigation and any relevant landslip management plan; and
 - (b) be satisfied that the proposed work, including significant work and the installations for the management and disposal of stormwater, sewage, water storage overflow or other wastewater, will not cause or contribute to landslip movement on the site or on adjacent land; and
 - (c) be satisfied that the proposed work can achieve and maintain a tolerable risk for the intended life of the building.
- (8) In determining an application for a permit, the permit authority must:
 - (a) take into account the AS 2870 site classification, any further geotechnical site investigation and any relevant landslip management plan.

3 Work in a medium hazard band

- (1) Unless otherwise specified, the following requirements apply to:
 - (a) permit building work;
 - (b) permit demolition work;
 - (c) significant work; or
 - (d) building work or demolition work specified in Schedule I of this Determination;performed, or proposed to be performed, on land located in a medium hazard band of a landslip hazard area.
- (2) The AS 2870 site classification of any land located in a medium hazard band must be Class P, on the basis that it may be subject to landslip, unless otherwise determined in an AS 2870 classification report prepared by a geotechnical practitioner.
- (3) The AS 2870 classification report may include a recommendation that a landslip hazard report be prepared.
- (4) The design of the building footing system must be prepared by an engineer-civil, except where an AS 2870 classification report determines a residential site to be a normal site.
- (5) An engineer-civil designing the building footing system may recommend that a landslip hazard report be prepared.
- (6) A landslip hazard report must be prepared if recommended by the AS 2870 classification report or an engineer-civil designing the building footing system.
- (7) The building design (including footing system) and significant work must take into account:
 - (a) the AS 2870 site classification and any relevant landslip hazard report; and
 - (b) the landslip design guide.
- (8) In determining an application for a Certificate of Likely Compliance, the building surveyor must:
 - (a) take into account the AS 2870 site classification, any relevant landslip hazard report and any relevant landslip management plan; and
 - (b) be satisfied that the proposed work, including significant work and installations for the management and disposal of stormwater, sewage, water storage overflow or other wastewater, will not cause or contribute to landslip movement on the land or on adjacent land; and
 - (c) be satisfied that the proposed work can achieve and maintain a tolerable risk for the intended life of the building.
- (9) In determining an application for a permit, the permit authority must:
 - (a) take into account the AS 2870 site classification, any relevant landslip hazard report and any relevant landslip management plan.

4 Work in a medium-active hazard band

- (1) Unless otherwise specified, the following requirements apply to:
 - (a) permit building work;
 - (b) permit demolition work;
 - (c) significant work; or
 - (d) building work or demolition work specified in Schedule I of this Determination;performed, or proposed to be performed, on land located in a medium-active hazard band of a landslip hazard area.
- (2) The AS 2870 site classification of any land located in a medium-active hazard band must be Class P, on the basis that it may be subject to landslip.
- (3) A landslip hazard report must be prepared.
- (4) The design of the building footing system must be prepared by an engineer-civil.
- (5) The building design (including footing system) and significant work must take into account:
 - (a) the landslip hazard report; and
 - (b) the landslip design guide.
- (6) In determining an application for a Certificate of Likely Compliance, the building surveyor must:
 - (a) take into account the AS 2870 site classification, the landslip hazard report and any relevant landslip management plan; and
 - (b) be satisfied that the proposed work, including significant work and installations for the management and disposal of stormwater, sewage, water storage overflow or other wastewater, will not cause or contribute to landslip movement on the site or on adjacent land; and
 - (c) be satisfied that the proposed work can achieve and maintain a tolerable risk for the intended life of the building.
- (7) In determining an application for a permit, the permit authority must take into account the AS 2870 site classification, the landslip hazard report and any relevant landslip management plan.

5 Work in a high hazard band

- (1) Unless otherwise specified, the following requirements apply to:
 - (a) permit building work;
 - (b) permit demolition work;
 - (c) significant work; or
 - (d) building work or demolition work specified in Schedule I of this Determination;performed, or proposed to be performed, on land located in a high hazard band of a landslip hazard area.

- (2) A person must not perform work involving the erection, re-erection, construction, alteration or addition to premises on land located in a high hazard band.
- (3) Nothing in subclause (2) prevents a permit authority from authorising a person, in accordance with the Act, to:
 - (a) erect an insubstantial building;
 - (b) carry out work other than erections; or
 - (c) erect a building within the boundaries of a wharf on land located in a high hazard band.
- (4) The AS 2870 site classification of any land located in a high hazard band must be Class P, on the basis that it may be subject to landslip.
- (5) A landslip hazard report must be prepared.
- (6) The design of the building footing system must be prepared by an engineer-civil.
- (7) The building design (including footing system) and significant work must take into account:
 - (a) the landslip hazard report; and
 - (b) the landslip design guide.
- (8) In determining an application for a Certificate of Likely Compliance, the building surveyor must:
 - (a) take into account the AS 2870 site classification, the landslip hazard report and any relevant landslip management plan; and
 - (b) be satisfied that the proposed work, including significant work and installations for the management and disposal of stormwater, sewage, water storage overflow or other wastewater, will not cause or contribute to landslip movement on the site or on adjacent land; and
 - (c) be satisfied that the proposed work can achieve and maintain a tolerable risk for the intended life of the building.
- (9) In determining an application for a permit, the permit authority must take into account the AS 2870 site classification, the landslip hazard report and any relevant landslip management plan.

6 Work in an A landslip area

- (1) The requirements for work in a high hazard band apply to:
 - (a) permit building work;
 - (b) permit demolition work;
 - (c) significant work; or
 - (d) building work or demolition work specified in Schedule I of this Determination;performed, or proposed to be performed, on land located in an A landslip area.

- (2) Before providing written approval to perform significant work in an A landslip area under regulation 61 of the *Building Regulations 2016* a permit authority or general manager must take into account, in respect of those works, any landslip hazard report and any relevant landslip management plan.
- (3) A person must not in an A landslip area:
 - (a) fell or remove vegetation; or
 - (b) use earthmoving or vibration compaction equipment;unless the relevant permit authority or general manager has given written authorisation for the work.
- (4) A person must not store in an A landslip area:
 - (a) more than 10 000 litres of water; or
 - (b) any hazardous chemical specified in schedule 11 of the *Work Health and Safety Regulations 2012* of a quantity greater than the placard quantity.

7 Work in a B landslip area

- (1) A landslip hazard report must be prepared for:
 - (a) permit building work;
 - (b) permit demolition work;
 - (c) significant work; or
 - (d) building work or demolition work specified in Schedule I of this Determination;performed, or proposed to be performed, on land located in a B landslip area.
- (2) Before providing written approval to perform significant work in a B landslip area under regulation 61 of the *Building Regulations 2016* a permit authority or general manager must take into account, in respect of those works, any landslip hazard report and any relevant landslip management plan.
- (3) A person must not in a B landslip area:
 - (a) fell or remove vegetation; or
 - (b) use earthmoving or vibration compaction equipment;unless the relevant permit authority or general manager has given written authorisation for the work.
- (4) A person must not store in a B landslip area:
 - (a) more than 10 000 litres of water; or
 - (b) any hazardous chemical specified in schedule 11 of the *Work Health and Safety Regulations 2012* of a quantity greater than the placard quantity.

Landslip hazard report

- (1) A landslip hazard report prepared for the purposes of this Determination must be prepared in accordance with a methodology specified in this Determination,

and be prepared by a geotechnical practitioner with experience and competence in the preparation of landslip hazard reports (or equivalent), and must include:

- (a) a signed declaration in a format specified in this Determination;
 - (b) a report of a geotechnical site investigation undertaken consistent with AS 1726;
 - (c) conclusions based on consideration of the proposed work, including significant work, as to:
 - (i) whether the work is likely to cause or contribute to landslip movement on the site or on adjacent land;
 - (ii) whether the work can achieve and maintain a tolerable risk for the intended life of the building having regard to:
 - the nature, intensity and duration of the use;
 - the type, form and duration of any development;
 - the likely change in the risk across the intended life of the building;
 - the ability to adapt to a change in the risk;
 - the ability to maintain access to utilities and services;
 - the need for specific landslip hazard reduction or protection measures on the site;
 - the need for landslip hazard reduction or protection measures beyond the boundary of the site; and
 - any landslip management plan in place for the site and/or adjacent land.
- (2) The landslip hazard report must identify appropriate protection measures for any hazardous chemical used, handled, generated or stored on the premises, taking into consideration the potential risks of the hazardous chemical to human health and safety as a consequence of landslip movement on the site or adjacent land.
- (3) The landslip hazard report must be prepared using the methodology of the *Guidelines for Landslide Risk Management 2007* published by the Australian Geomechanics Society and including:
- (a) A National Landslide Risk Management Framework for Australia (AGS 2007f),
 - (b) Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning (AGS 2007a),
 - (c) Commentary on Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning (AGS 2007b),
 - (d) Practice Note Guidelines for Landslide Risk Management 2007 (AGS 2007c),
 - (e) Commentary on Guideline for Landslide Risk Management 2007 (AGS 2007d), and
 - (f) The Australian Geoguides for Slope Management and Maintenance (AGS 2007e).

- (4) The landslip hazard report must also be prepared taking into account the following Guide: "Building on Tasmanian Landscapes: Guidance for Geotechnical Reporting in Tasmania" (Mineral Resources Tasmania, 2018) available at www.mrt.tas.gov.au
- (5) The declaration format for a landslip hazard report must contain:
 - (a) details of, and be signed by, the person who prepared or verified the report;
 - (b) confirmation they have the appropriate qualifications, expertise and level of current indemnity insurance;
 - (c) confirmation that the report has been prepared in accordance with the specified methodology.

SCHEDULE I – Building Work and Demolition Work with Limitations**I Interpretation of table**

- (1) For the purposes of this Determination, the limitations specified in column 2 apply to the corresponding building work or demolition work in column 1.

	Column 1	Column 2
Reference *	Building work or demolition work	Limitations
	Class 1 residential buildings	
3.0.1	New residence, alterations, additions	Except where regulation 50(1)(a)(i) of the <i>Building Regulations 2016</i> (relating to gross floor area) applies.
	Structures associated with a Class 1 residential building	
2.3.4 3.1.9	Swimming pool or spa pool	If significant work.
3.0.4	Underpinning	
	Retaining walls	
1.3.15 2.3.3 3.1.3 3.5.3	Retaining walls	If significant work.
	Outdoor structures (Class 10)	
1.3.1 1.3.2 2.3.1 2.3.2 2.4.1 2.4.2 3.1.1 3.4.1	Shed, garage, carport or similar (prefabricated or non-prefabricated)	If located on land in a medium-active or high hazard band.
	Farm sheds (Classes 7, 8 or 10) related to farming or horticultural activities	
1.4.1 3.4.1	Farm shed	If located on land in a medium-active or high hazard band.
	Commercial buildings and associated Class 10b alterations and additions	
3.3.1	Additions to existing buildings	Except where regulation 50(1)(a)(i) of the <i>Building Regulations 2016</i> (relating to gross floor area) applies.

	Column 1	Column 2
Reference *	Building work or demolition work	Limitations
	Construction or demolition of commercial buildings for energy generation or telecommunications structures	
3.6.1	Construction or demolition of buildings for production or transmission of energy and associated infrastructure, including: <ul style="list-style-type: none"> • Electrical control buildings and substations • Wind turbines support structures over 6m in height • Electrical or gas generation plant and power stations 	If owned or operated by an electricity supply business or a public or other authority.
	Demolition (total removal of structure and no new construction)	
1.7.1 2.7.1 3.2.1	Removal of a Class 1 or 10a buildings (demolition or removal)	
2.7.2	Removal of any Class 10 building or farm shed	
2.7.3	Removal of retaining wall	
3.2.2	Removal of a Class 10b structure	

*Indicative reference number refers to Director's Determination – Categories of Building and Demolition Work

Explanatory notes

These notes are not part of the Determination

1. This Determination should be read in conjunction with the following:
 - (a) *Building Act 2016*
 - (b) *Building Regulations 2016*
 - (c) Tasmanian Planning Scheme – Landslip Hazard Code (available at www.iplan.tas.gov.au)
 - (d) Guidelines for Landslide Risk Management 2007 (available at www.australiangeomechanics.org)
2. Clause 3 of Schedule 6 of the *Building Regulations 2016* specifies savings and transitional provisions relating to hazardous areas, and in particular that Part 5 of the regulations do not come into force in respect of a municipal areas until the State Planning Provisions of the Tasmanian Planning Scheme come into effect in respect of that municipal area.
3. For the purposes of consultation under section 20(2) of the *Building Act 2016*, the Department of State Growth, Tasmanian Planning Commission and the Office of Security and Emergency Management of the Department of Premier and Cabinet are organisations and stakeholders relevant to the content of this Determination.