

Resilient Homes Program – Landslide Policy

This document explains the NSW Reconstruction Authority’s (RA) policy on the inclusion of landslide affected properties within the Resilient Homes Program (RHP).

Objective

To assist the NSW Reconstruction Authority (RA) effectively and efficiently administer the RHP to properties affected by landslide in the 2022 Flood Event.

Purpose

The purpose of the policy is to support a policy framework that is:

- Effective – Northern Rivers residents have certainty for funding assistance.
- Affordable – the cost of providing funding assistance is affordable in the context of addressing registered homeowner’s needs and best use of the Resilient Homes Fund (RHF);
- Fair and consistent – there is fair application of the RHP – Program Guideline (RHP Guideline) and the RHF is applied consistently in line with RHP objectives.
- Legacy – there are positive outcomes for the Northern Rivers community as they adapt to more resilient housing, and the knowledge and documentation of landslide risks in NSW is furthered.

Prioritisation and Eligibility

The RHP Guideline outlines objectives, available funding, eligibility criteria, assessment processes, and indicative timeframes for flood affected residential properties.

Under the RHP Guidelines, the house must be a residential dwelling used for residential accommodation as defined in *Standard Instrument (Local Environment Plans) Order 2006*. Consideration must also be given to the lawful use of structures for residential purposes.

The eligibility criteria in the RHP Guidelines further states that residential dwellings in the Northern Rivers that were directly damaged by [landslide] caused by the Flood Event may qualify for assistance under the RHP. These criteria are expanded under the Landslide policy to include those properties where there may not have been direct damage to the residential dwelling, but the safe habitation of the dwelling has been impacted by landslide.

Prioritisation

Landslide affected properties are prioritised for funding where a landslide¹ that occurred during, or because of the Flood Event² resulted in:

- Destruction³ of the dwelling; or

¹ Landslide is defined in accordance with the Australian Geomechanics Society (AGS) and the Australian Building Codes Board (ABCB) as ‘the movement of a mass of rock, debris, or earth (soil) down a slope.’

² Australian Government Reference Number 1012 (Severe weather and floods) from 22 February to 15 March 2022.

³ When considering whether a dwelling has been ‘destroyed’, the RA will consider the extent of the damage and the cost to reconstruct that dwelling relative to the value of the property. The RA will consider reports

- Impact to the safe habitation of the dwelling such that it becomes uninhabitable without treatment (*pending Australian Government approval under the guidelines*).

Prioritisation is informed by a property specific report, received from a geotechnical practitioner under the Flood Property Assessment Program (FPAP) or an equivalent report independently sourced by the homeowner.

Properties are not required to be located in RA mapped flood risk priority level areas.

Retreat Grant

The purchase, through Buyback, of landslide affected properties is not financially feasible for the RHP given the current funding envelope and prioritisations within that envelope, and it does not support equitable outcomes for the distribution of funds under the Resilient Homes Fund.

The Retreat Grant is an eligible activity under the Home Buyback RHP funding stream delivering an equivalent elimination control method. The Retreat Grant provides funding to the homeowner, calculated from the residential improvements value of the property as at 21 February 2022⁴, capped at \$600,000 (including GST) and requires the property to be transitioned to a non-residential use through a zoning change or other restriction applied to the property.

Receiving the Retreat Grant is conditional upon:

- The RA will put provisions in place to ensure no further residential development can be constructed in the area deemed high risk, based on the guidelines in the RHP; and
- The existing dwelling/s must be removed by the homeowner from the property, unless it is not safe or feasible to do so. Removal of the dwelling/s may be through:
 - House removal/relocation – such as via a removalist or other third party that will remove the house from the property for off-property re-use.
 - Demolition – this may be supported through an existing program e.g. Flood Property Assessment Program (FPAP), or Retreat Grant funds may be used. Demolition may include any practical level of resource recovery desired by the homeowner.

Retreat Grant funding will be provided to the homeowner following confirmation of removal of the dwelling from the property. An inspection of the property will be completed to confirm removal of the dwelling.

The homeowner may request an advance payment to be released directly to the removal or demolition contractor to complete the removal activities.

Where it is not safe or feasible to complete demolition activities due to landslide risk, the RA may waive this requirement if provided an indicative statement from a geotechnical practitioner, demolition contractor, or equivalent, and the homeowner can demonstrate measures taken to prohibit access to the dwelling.

Relocation

In limited circumstances, it may be possible to relocate the dwelling to another part of the property. Homeowners can seek *exceptional circumstances* consideration, which should include geotechnical evidence, to relocate the residential dwelling. The homeowner is responsible for seeking preliminary advice and achieving development consent from the local council, as well as getting confirmation that the building itself is suitable for relocation prior to the NSW RA considering the grant funding to support relocation costs.

from the Flood Property Assessment Program, insurers and other relevant reports (including from Government programs).

⁴ Immediately prior to the Flood Event

Relocation costs will be provided up to \$100,000 (including GST). Where the cost estimate is more than the available grant value, the RA will match financial contributions provided by the homeowner (co-contribution) up to a maximum of 100 percent of the available grant value, to a maximum payment of \$200,000 including GST. Eligible activities and costs are consistent with those listed in the RHP Guideline and relocation is handled consistently with the Home Raising stream.

Multiple dwellings / Multiple Occupancy

Only the registered proprietor of the land is eligible under the RHP. Where a dwelling resident or holder of a dwelling entitlement differs from the landowner (e.g. tenant, multiple occupancy sites), the resident will not be independently eligible under the program. Where the resident believes their dwelling meets the eligibility and prioritisation requirements, it is the responsibility of the resident to engage with the landowner to apply for the RHP.

Where there are multiple dwellings on a property, all dwellings that meet the prioritisation and eligibility requirements may be considered as part of the grant (for example, \$400,000 towards the primary residence and \$200,000 towards a secondary dwelling). The Retreat grant is capped at \$600,000 (including GST) per property.

A landowner is only allocated one stream per property. The landowner may not, for example, receive funding for both Relocation and the Retreat Grant.