

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 relevant 2022 Flood Event¹.

Purpose

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

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

Scope

Under the RHP guidelines, to be eligible for funding, the house must be a residential dwelling used for residential accommodation as defined in *Standard Instrument (Local Environment Plans) Order 2006*. The dwelling must also be a lawful or permissible dwelling.

This document relates to residential dwellings that were directly damaged by landslide (or landslip) caused by the Flood Event or dwellings where there may not have been direct damage to the residential dwelling, but the safe habitation of the dwelling has been impacted by landslide.

Funding Stream

Landslide affected properties are prioritised for funding where a landslide² that occurred during, or because of the Flood Event, resulted in:

- destruction³ of the dwelling; or

¹ AGRN 1012 – NSW Severe Weather Storms and Flooding from 22 February 2022 onwards and AGRN 1025 - NSW Severe Weather and Flooding from 27 June 2022 onwards (Northern Rivers); and AGRN 1030 – Southern and Central West NSW Severe Weather and Flooding from 4 August 2022 onwards and AGRN 1034 - NSW Severe Weather and Flooding from 14 September 2022 onwards (Central West).

² 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.'

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

- impact to the safe habitation of the dwelling such that it becomes uninhabitable without treatment.

Prioritisation is informed by a property specific report independently sourced by the homeowner, such as a geotechnical report.

Properties may be eligible for:

- Retreat Grant if the geotechnical report confirms there is no safe area for the dwelling to be rebuilt on the existing property;
- Resilient Measures – funding toward raising, rebuilding, relocating, retrofitting a home if the dwelling can be rebuilt on the existing 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.

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. In addition, it does not support equitable outcomes for the distribution of funds under the RHP.

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 at the time immediately prior to the Flood Event, 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:

- provisions specified by RA will be put 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 but must comply with any applicable regulations.

Retreat Grant funding will be provided to the homeowner following confirmation of removal of the dwelling from the property and any other grant funding conditions being met. 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 with evidence from a geotechnical practitioner, demolition contractor, or equivalent, and the homeowner can demonstrate measures taken to prohibit access to the dwelling.

Resilient Measures (raise, rebuild, relocate, retrofit)

In limited circumstances, it may be possible to relocate or rebuild the dwelling in another part of the property. Homeowners can make an application to the RA for its consideration, which should include geotechnical evidence, to relocate/rebuild 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.

Refer to the relevant RHP Guideline for further information on eligibility and eligible activities under these streams.

Multiple dwellings / Multiple occupancy

Only the registered proprietor of the land is eligible under the RHP. Where a resident or holder of a dwelling entitlement differs from the landowner (e.g. tenant, multiple occupancy sites), the RHP may consider making grant payments directly to the dwelling owner where the individual can sufficiently demonstrate ownership of the dwelling and with the agreement of the registered proprietor of the land and all other interested parties.

It is the responsibility of the resident to engage with the registered proprietor and other interested parties to apply for the RHP.

Where there are multiple dwellings on a large lot, all dwellings that meet program eligibility requirements and prioritisation may be considered.

A landowner may receive funding for multiple eligible dwellings, up to a maximum receipt of \$600,000 (including GST) per large lot.

In the case of multiple occupancy properties where ownership is shared amongst more than one individual, the RHP may, in limited circumstances, waive the \$600,000 per property cap and allow the grant to be provided on a per dwelling basis. The dwelling and/or property owner(s) will need to sufficiently demonstrate that all impacted dwellings meet the eligibility criteria under the RHP guidelines and supporting policies. This per dwelling allowance may be considered for any grant stream (Buyback – Retreat; or Resilient Measures – Raise, Relocate, Rebuild or Retrofit).

Works commenced

Where the homeowner has commenced building works on a new dwelling prior to an offer under the RHP, the homeowner remains eligible provided:

- for Buyback – Retreat grant properties, the eligible, impacted dwelling is removed from the property,;
- for Resilient Measures, the new dwelling is located in a safe area of the existing property; and
 - the new dwelling is lawfully constructed in line with flood planning regulations; and
 - the new dwelling has not been funded by the Disaster Relief Grant or other government program.