

Category 2P
Property Risk
Mitigation
Scheme

Homeowner handbook

aucklandcouncil.govt.nz/recovery





Rārangi kōrero

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About the scheme

Auckland Council has established a Property Risk Mitigation Scheme to support Category 2P homeowners that were affected by the January and February 2023 severe weather events.

The scheme will provide financial grants to support homeowners to make changes to their property so that the future intolerable risk to life from extreme weather events is reduced.

This limited, one-time scheme has been made possible through a joint funding agreement between Auckland Council and the Crown. It recognises that paying for mitigation work is out of reach financially for many storm-affected property owners where there is intolerable risk to life, and it will allow eligible homeowners to make their homes safe and be able to stay in them.

Getting a categorisation for your property



Under the council's **Categorisation Approach** a property can be assessed as Category 1, Category 2 or Category 3.

The risk mitigation scheme will only be available for properties that are confirmed as Category 2P, where there is an intolerable risk to life from future severe weather events that can be feasibly reduced through a property-level mitigation.

To get a category for your property, you need to ask for a detailed risk assessment to be completed.

This process begins by completing an online **Flooding and Landslide Registration form** to provide Auckland Council with information about your property and how it was impacted during the storms of early 2023.

We will then start a risk assessment process for your property.

A risk assessment has two parts:

1. An initial desktop assessment, based on existing information and any information you provide, which gives an indication of whether your property is likely to be low or high risk. The desktop assessment also tells us if an on-site assessment is needed.
2. An on-site assessment to look at your physical property – this will be required if we think your property could be high risk.

The on-site assessment will look at the level of risk associated with your property, and whether there are changes that can be made at your property or in the surrounding area to reduce the future risk of serious flooding or landslides to the property. If there is an intolerable risk to life but there are practical and financially feasible property-level mitigations identified, then it's likely your property will be Category 2P.

Once the risk assessment process is complete, we'll contact you to tell you your property's category and provide you with written confirmation of this, along with your next steps.

A copy of the council's Categorisation Approach can be found in **Appendix 2** at the back of this document.

You can find more information about the risk assessment and a set of Frequently Asked Questions on the OurAuckland website ourauckland.aucklandcouncil.govt.nz/recovery.

What to expect

We know you have been living with a lot of uncertainty since the storms of early 2023. Our commitment to you is to make the process as easy as possible and be clear about what is needed at each step.

For some homeowners, the mitigations required at your property may be simple, while for others they may be complex. This means the time it takes to go through the process will be different for everyone.

Pathway for Category 2P support



Roles and responsibilities within the scheme

The **homeowner** is responsible for:

- finding licensed building practitioners (designers, engineers, building services) to work with to develop a detailed design and estimate for the works needed
- submitting applications for the Design and Consenting Grant and the Construction Grant
- managing the completion of the physical works including managing tradespeople and professional experts
- paying the invoices for professional experts and tradespeople (using grant funding) to do the work, if this is the approach set out in the grant terms
- keeping records of the work and providing documentation to council as set out in the grant terms.

Auckland Council is responsible for:

- giving a property categorisation to the homeowner
- leading the initial homeowner meeting to discuss mitigations
- providing advice to homeowners on how the scheme works and what homeowners need to do
- approving grant applications and making payments (as set out in the grant terms)
- reviewing the detailed scope of works provided by the homeowner to evaluate whether it will be effective and meets the cost and time feasibility criteria
- undertaking standard local government regulatory functions (building and resource consent, consent monitoring, building inspections, issuing code of compliance certificates)
- checking works have been completed and removing the LIM notice.

How the scheme works

The scheme will provide a financial grant for Category 2P homeowners to fund agreed property mitigations, **up to the value of 25 per cent** of your home's capital value (CV), as registered in the rates database. This 25 per cent is inclusive of GST that will be charged by contractors.

The scheme terms in **Appendix 1** at the back of this document explain the eligibility criteria for the scheme.

There are four phases to the scheme:

1. Categorisation

As part of the risk assessment for your property, Auckland Council will provide you with suggested options for changes that can be made on your property to reduce the risk. Once you get this from the council, you have three months to opt-in to the 2P scheme.

If you don't agree with the categorisation, you can raise a dispute, at aucklandcouncil.govt.nz/review.

2. Scoping the works

If you want to go ahead with the mitigation work, and the mitigation work is supported by Auckland Council, we'll provide you with an initial grant ("Design and Consenting Grant") so you can fully scope the works. This grant will give you the money to pay for experts (such as builders or engineers) to help you draw up plans for consenting and construction and give you a detailed estimate for how much it will cost.

On receipt of the information, council will complete a feasibility check at this stage.

If the detailed scope isn't feasible due to the cost being more than 25 per cent of the property's CV, the council may ask the homeowner if they want to pay costs above the 25 per cent. If the homeowner doesn't want to pay the extra costs, or the mitigations aren't feasible for other reasons, the property will be reassigned to Category 3.

If the project is feasible, you will progress to the consenting stage.

3. Awarding the Construction Grant

Once you have your consents, council will check the expected total cost is still the same. You will then be invited to apply for the Construction Grant to support you to undertake the construction work.

In terms of the Construction Grant, if you've received any insurance or EQC payments that relate specifically to the mitigations, this will be taken off the grant that's given to you.

You'll have one month to accept the Construction Grant and sign a grant agreement, but this time can be extended if there are specific circumstances that should be taken into account. The grant agreement will set out what work is being delivered, the total cost, and any other conditions that have been discussed with you. The agreement will also explain that the council doesn't guarantee or warrant the work you're having done, and that the council won't accept any liability relating to the work or the contractors you engage. Any ongoing costs such as maintenance or upgrades of the mitigations in the future will be your responsibility and no further funding will be available.

4. Undertaking the works

You'll be responsible for managing the tradespeople. The grant agreement will set out the approach agreed with the council for making payments for the work completed.

When the work has been completed, we'll ask you to provide all the documentation you've received from your contractors so we can do a reconciliation of the costs. We'll also update your LIM to show the risk to life at your property has been mitigated.

Financial support available to you

Auckland Council will provide two grants to each 2P homeowner, to a **maximum** value of 25 per cent of the property's CV (GST inclusive). This means if your home is valued at \$1 million, you can get up to \$250,000 to pay for the total costs of making the changes to your property.

The initial Design and Consenting Grant will be available at the start of the process to pay for the technical experts that you need to help you work out what solution is right for your property, based on the options provided by the council in your property assessment.

The value of the Design and Consenting Grant will depend on the scale of the works, and will be agreed by the council. We will ask for receipts to show that the grant has been used as intended. The grant agreement will set out how the payments will work.

This initial grant will be taken out of the total funding that is available to you.

If you accept the Design and Consenting Grant, you can still opt-out once the scoping phase is complete.

The Construction Grant will cover the cost of completing the physical works. This will help pay for all your contractors, materials and project management services if you need some help to manage the project. The grant is a fixed sum and will not be renegotiable in the event of cost over-runs.

As this is a grant to you, not a loan, you do not have to pay the council back.

If you have received an insurance settlement from your private insurer or EQC that directly relates to the risk mitigation work proposed this will be assessed to determine if the grant payment should be reduced. This information will be requested in the grant application form.

Applying for grants

Auckland Council will use an online system called **SmartyGrants** to manage the grants. This will be available at the end of January 2024.

To get started on SmartyGrants, you'll need to create a free login and a secure password. Once you've set up your account, you'll be able to log in to your account at any time and see how your application is progressing.

Before you start the process, we recommend you read the Guide to using SmartyGrants in **Appendix 3** at the back of this document. If you don't have a computer at home, you can ask a friend or family member to help you, or you can visit a council library to use a computer.

Support to manage the building project

We know that some homeowners may not be able to cope with the responsibility of managing a construction project and tradespeople.

You can use part of the grant money to pay for a project manager that can help you and ensure the work is completed at your home. We can provide advice on this option during the initial site visit at the start of the process.

What do the grants cover?

The grants can be used to pay for:

- design and consent costs scope for the agreed works
- costs to deliver the agreed works
- any utilities work (such as disconnecting or extending underground services)
- project management costs (if required)
- an agreed amount for contingency in case of cost over-runs.

What don't the grants cover?

The grants can't be used to pay for:

- temporary accommodation if you need to move out of your home while the construction work is being done
- additional work you want to get done around your home, where it isn't specifically for the purposes of reducing risk to life
- any home furnishings or other home contents.

What if I've already done work at my property?

If you have already begun or completed mitigation works at your property to reduce the future risk to life, you may still be eligible for the grant if you have gone through the risk assessment and are assigned Category 2P. We encourage you to make an application so we can look at what works you have done/are doing in relation to the risk assessment we've completed for your property.

Feasibility of mitigations

As part of your property's risk assessment and categorisation, our engineering experts have identified possible mitigations at your home which are assessed to be **feasible**, based on the engineer's initial investigation.

Feasible means they are:

1. technically possible from an engineering perspective and will reduce the risk to life to a tolerable level
2. they can be delivered within two years
3. the **total cost** is no more than 25 per cent of the CV of your home (inclusive of GST).

Types of mitigations

The work required will be outlined in the technical assessment provided to you as part of your risk categorisation. Each property is going to have different requirements to mitigate the risk for that individual property.

The types of work that could be needed are:

- raising the house
- relocating or rebuilding the dwelling in a new position on the land
- strengthening foundations
- diverting water away from the house
- providing a safe way out of the house during flooding
- stabilising the land, e.g. with a retaining wall.

Calculating the time and cost of mitigations

Like any building project, a detailed scope of the works is required from building professionals to understand the total cost to deliver the works and how long it will take. This scope considers things like planning and design costs, labour, materials and consent costs.

To get to a detailed scope, you will need to engage the relevant experts (such as builders and designers) to provide advice on the best option for your property, and work with you on the plans. They will help you to work out the total cost of the works and how long they'll take.

It is this detailed scope which the council then uses to assess whether the mitigations are actually feasible.

- If the mitigations **are feasible**, the council will provide you with a grant to fund the works.
- If the mitigations **aren't feasible** because they will take more than two years to deliver or they won't reduce the risk to a tolerable level, your property will change to Category 3 and you will be eligible for a voluntary buy-out.
- If the mitigations **aren't feasible** because they will cost more than the maximum Auckland Council will pay, but you want to do the work so you can stay in your home, you may be able to pay the cost difference. This would mean the council will pay the maximum 25 per cent of the CV of your home, and any additional costs will be paid by you.
- If the mitigations **aren't feasible** because they will cost more than the maximum the council will pay, and you don't want to pay the difference, your property will change to Category 3 and you will be eligible for a voluntary buy-out.
- If the mitigations aren't feasible because they will cost more than the maximum the council will pay, and you don't want to pay the difference, and you don't want to consider a buy-out offer, you can choose to opt out. This means the mitigation work will not be done and the intolerable future risk at your property remains. There may be long-term implications for you if you choose to opt out and we recommend you seek independent legal advice before making this decision.

Neighbouring landowners' permission

In some circumstances the mitigations for a property will need to be undertaken on a neighbouring property – whether that property is publicly or privately owned.

Your property will be reassigned as Category 3 unless you can get the neighbouring owner's permission to undertake any mitigations on their land.

Dispute resolution

Auckland Council has a dispute resolution framework for homeowners who wish to dispute certain decisions made by Auckland Council relating to their property.

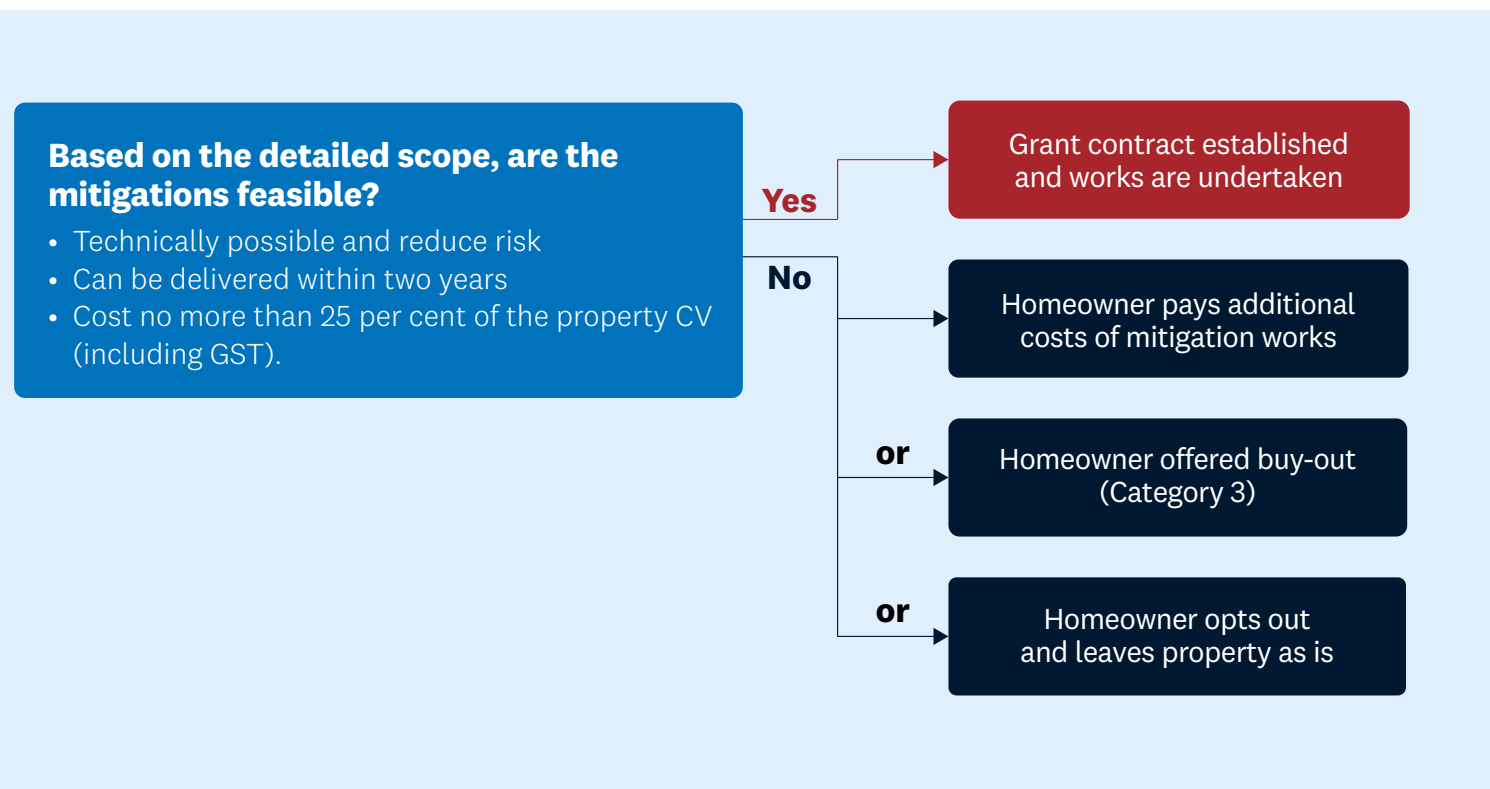
This framework provides dispute options for the following decisions:

- the categorisation of the property as Category 1, 2C, 2P or 3 (categorisation decision)
- the reference valuation contained within the council's offer to buy a property (valuation decision)
- the outcome of an application made under the 'special circumstances' category (special circumstances decision)
- the outcome of decisions relating to insurance proceeds, including EQC proceeds or the outcome of a decision relating to the individual circumstances of an uninsured homeowner (insurance decision).

Note, the dispute resolution process cannot be used to challenge the design or content of the Voluntary Buy-out Support Scheme and the Category 2P Property Risk Mitigation Scheme.

You can find further information about dispute resolution, including how to make an application for a dispute, in **Appendix 4**.

To raise a dispute go to aucklandcouncil.govt.nz/review.



Appendix 1 – Category 2P Property Risk Mitigation Scheme Terms



Auckland Council has agreed to implement a grants scheme to support property owners to voluntarily implement feasible property-level interventions that mitigate the intolerable risk to life to a tolerable level (**Category 2P Property Risk Mitigation Scheme**). The scheme is for Auckland residential properties severely affected by the extreme weather events over Auckland Anniversary Weekend, and Cyclone Gabrielle 2023 (**severe weather events**).

These terms describe the properties eligible for a grant and the process for determining eligibility, applying for a grant, and implementing the works.

1. Introduction

The severe weather events have had a devastating and lasting impact on many communities, families and individuals across Tāmaki Makaurau / Auckland. Flooding and landslides have damaged or destroyed thousands of homes and changed people's lives.

In response to the scale of damage across Auckland and other parts of the North Island, the government announced a locally-led, centrally-supported recovery package, with co-funding to be agreed between the government and affected councils.

Part of the package addresses the removal of risk to severely affected residential properties through voluntary buy-out or feasible interventions to manage the risks. Under the agreement with Government, Auckland Council is responsible for setting the technical assessment criteria and implementation rules. Implementation of this scheme is subject to Crown approval to amend the terms of the co-funding agreement.

2. Policy objectives

Auckland Council's overarching policy objective for Category 2P properties is to support Aucklanders to remove the intolerable risk to life posed by some residential properties due to the severe weather events.

Under the council's Nominated Categorisation Approach, Category 2P properties are:

- not safe for current or future owners to occupy in the long term, and
- the risk to life can be feasibly mitigated to a tolerable level by property-level physical works.

3. Purpose of the scheme

The Category 2P Property Risk Mitigation Scheme applies where homes face an intolerable risk to life due to flooding or landslides, but there are feasible solutions available to reduce that risk to a tolerable level.

Auckland Council will provide two grants to support homeowners to, first, obtain design and consenting advice and, second, implement feasible solutions for an agreed amount. The grants will be up to a maximum value of 25 per cent of the Capital Value (CV) of the property, net of any EQC and insurance payments available for the mitigation work.

4. Scheme outcomes

The Scheme will:

- support homeowners to reduce risk to life to a tolerable level, for properties that were severely affected by the January and February 2023 severe weather events and where there is a feasible risk mitigation intervention
- support whānau and communities to stay in place where it is possible to do so safely
- offer a cost-effective response to storm risk.

5. Criteria

A property is eligible for a grant under the Category 2P Property Risk Mitigation Scheme if it is:

- a residential property with a legally established dwelling¹ on the site impacted by the January and February 2023 severe weather events and deemed intolerable risk to life through the council's risk assessment process
- has an effective mitigation solution that is estimated to cost 25 per cent or less of the Capital Value of the property (inclusive of GST)
- can reasonably be expected to be mitigated within two years under normal circumstances.

Properties that have changed hands since 26 January 2023 are only eligible at Auckland Council's discretion and/or on terms that Auckland Council agrees to².

Properties which have an effective mitigation solution that is estimated to cost more than 25 per cent of the Capital Value of the property may be eligible, at the discretion of Auckland Council. This is subject to the owner satisfying the council that they are willing and able to cover the costs which exceed 25 per cent of CV, including GST.

Participation in the scheme is voluntary.

6. Eligible works/activities

Eligible works will be specific to each property. Feasible options will be determined through the technical assessment part of the council's categorisation process. A final scope of works will define the mitigation improvements that are eligible for grant funding.

Eligible works may include the following types of activities:

- raising the dwelling
- relocating or rebuilding the dwelling in a new position on the property
- strengthening foundations
- diverting water away from the dwelling, including overland flow path diversions
- providing safe egress and/or safe refuge
- works to stabilise land including construction of retaining walls and use of soil nails
- preparation and rectification work related to the mitigation works.

Undertaking private works on another property to reduce risk at the subject property, where the other property owner's agreement is obtained will be subject to the council's approval.

¹ **'Residential properties'** include second-homes, baches and residential rental properties and secondary dwellings on the same site, where they are legally established. If the property is mixed-use (for example, includes commercial or agricultural uses) then only the residential portion is eligible for a grant. Auckland Council will negotiate this. **'Residential properties' does not include any properties owned, managed or administered by the Crown or any of its entities or agencies.**

'Dwelling' means a building, or part of a building (including decks, patios and pergolas) that was, as at 26 January 2023, lawfully established, and is self-contained with the facilities necessary for day-to-day living on an indefinite basis (including somewhere to cook, sleep, live, wash, and use a toilet) and is or could be used by 1 or more persons to live in as their home.

² See guidance in **Note A**.

7. Eligible costs

Grants can be used to pay for:

- agreed costs for eligible works described in section six above
- agreed costs for the homeowner to engage people to carry out eligible activities
- design, consent and project management costs associated with eligible works as agreed in the scope of works
- costs for utility works associated with eligible activities
- agreed costs associated with a residential dwelling which is not the primary residential dwelling on the property but was liveable and could be lawfully occupied as such immediately prior to the severe weather events, including but not limited to granny flats and converted garages.

8. Exclusions/ineligible activities and costs

Grants cannot be used to pay for:

- non-residential properties
- properties that have changed hands after 26 January 2023, except at the discretion of Auckland Council (see **Note A**)
- protection of non-liveable areas of a residential property including but not limited to garages, basements, gardens, driveways, outbuildings, sheds or other ancillary structures, except where works are needed to reduce intolerable risk to the dwelling (e.g. retaining walls)
- undertaking private works on another property to reduce risk at the subject property, unless the other property-owner's agreement is obtained
- costs not related to the agreed scope of works agreement
- costs for eligible works that are covered by insurance
- costs relating to non-construction consumables, home furnishings, other home contents and other non-fixed home items
- costs associated with planning and development approvals where that approval is unrelated to the agreed mitigation works
- accommodation costs for residents while works are under way
- repayment of existing debts
- salary/wages and entitlements for persons not specifically engaged to deliver the agreed works
- costs that require recurrent or ongoing funding such as maintenance costs
- cost overruns. The council contribution is a fixed-value grant and overruns are the responsibility of the homeowner.

9. Process for application

There are four main stages to the implementation of this scheme:

	What happens	What the homeowner needs to do	Outcome at the end
Categorisation	The council notifies the property owner that the property is Category 2P.	Decide whether to opt in to the 2P grants scheme.	Categorisation is listed on the Land Information Memorandum (LIM). Property proceeds to grants scheme or opts out.
Scoping the works	The homeowner and the council agree the solutions for the property. A Design and Consenting Grant is provided. The council reviews the feasibility of the design prior to consenting.	Commission specialists to develop designs and apply for necessary consents. Source quotes for the building work.	The site has a feasible solution designed and consented, ready to proceed to construction.
Awarding the grant	If still feasible, council approves moving to apply for consents. If no longer feasible, property is recategorised as Category 3. If the owner is willing and able to cover the costs above 25% of CV, approval may be provided at council's discretion. Council checks there is no change to the quote following completion of the consenting process, and invites the homeowner to apply for the construction grant.	Provide information to the council. Sign a scope of works and grant contract.	Property owners have financial support from the council to implement risk mitigation solutions of their site, or a buy-out offer to exit the property.
Undertaking the works	The construction works are implemented.	Commission the construction works. Submit invoices to the council for regular progress payments. Provide evidence of project completion.	The risk to life is reduced to a tolerable level.

Categorisation

- (a) Initial assessment as Category 2P by Auckland Council, following the process set out in the Categorisation Approach. Property owners will be supplied with supporting information to help them understand their options.

Scoping the works

(b) Opt-in

Opt-in indication from property owner within three months of Auckland Council confirming Category 2P status to a property owner. Property owner advises Auckland Council they want to opt-in by emailing **2pgrants@aucklandcouncil.govt.nz**

If the property owner does not indicate their intention to opt-in within three months of being told their Category 2P status, the council may reasonably take it that the property owner does not wish to opt-in to the Scheme.

(c) Design and consenting grant

Payment of a contribution to property owners in good faith for professional costs for property owners opting-in to the process. This is intended to assist with costs like works design, quantity surveying, consenting and other related professional/expert services. The amount of the contribution will be at the council's discretion depending on the scale of the works to be scoped, and subject to terms and conditions. Council will require reasonable evidence (e.g. receipts) to show the funds have been spent as intended. Opting-in and accepting the contribution does not mean a property owner has to agree to proceed with the Construction grant process once the scoping stage is complete.

(d) Consents

The homeowner is responsible for applying for all necessary consents, including resource consent, building consent and any engineering planning approvals from network utility operators.

(e) Scoping of works

The property owner obtains a quote for the scope of works and submits the information to the council for evaluation of feasibility.

Awarding the grant

(f) Agreement to proceed with Construction grant

Subject to meeting the feasibility requirements, the council will offer a grant for the agreed sum of the contract works, as at the date of entry into the grant agreement, up to the maximum value of 25 per cent of the CV of the property, including GST. This grant amount will be net of insurance and EQC payments that are related to the specified works. The grant will be subject to terms and conditions.

(g) Acceptance

The property owner has one month within which to accept the grant and sign the contract.

Undertaking the works

(h) Implementation

The property owner's contractors will proceed with the works in accordance with any resource and building consents. Payments will be released on a progressive basis, as milestones are achieved.

(i) Completion

Work will be certified as completed and the grant agreement concluded. The LIM notice that has been applied to the property will be lifted.

10. Terms and conditions for grant recipients

Grant recipients will be required to enter into a contract with Auckland Council prior to receiving funding. This will occur in two phases: a Design and Consenting grant, and a Construction grant that will be released progressively, as milestone payments.

11. Dispute resolution

Auckland Council has established a **dispute resolution process** for categorisation decisions. This process applies to Category 2P properties. If a dispute is raised, the timeframes for opting in to this scheme will be extended accordingly.

12. Deviations

Council reserves the right (in its discretion) to deviate from these Scheme terms if preferable for council and where that is otherwise acceptable to the homeowner.

13. Regulatory role

Nothing in the Scheme affects or limits any of Auckland Council's statutory and regulatory responsibilities. For example, **irrespective of the status of a property in the Storm Recovery programme:**

- (a) Auckland Council is still required to manage property safety placarding and notation of Land Information Memorandums (LIMs).
- (b) None of Auckland Council's powers under the Public Works Act 1981 to acquire properties and undertake public works are limited.
- (c) Standard resource consent and building consent requirements apply to all grant-funded works.

14. Limitations

The funding offered through the Design and Consenting Grant and the Construction Grant is the total amount of funding Auckland Council is making available.

Auckland Council does not guarantee or warrant the works or the completion of the works, and accepts no liability.

Note A - guidance note for 'change of hands'

Examples of 'changes of hands' after 26 January 2023 that would still be eligible:

- **Prior agreements:** Settlement of transactions (sale and purchase agreement, call/put options) that were **entered into before** the severe weather events.
Evidence:
 - Statutory declaration that the transaction was entered into before the severe weather events.
 - Certified copy of original sale and purchase agreement/option agreement dated before the severe weather events.
- **Changes of trustees:** Transfers of ownership to new/replacement trustees of the same trusts.
Evidence:
 - Certified copies of deed of retirement and appointment of trustees and relevant landonline transfer instrument.
- **Relationship property:** Transfers of relationship property.
Evidence:
 - Certified copies of settlement agreement and/or court orders, and relevant landonline transfer instrument.
- **Death of an owner:** For the avoidance of doubt, a transmission of ownership following the death of one owner is not considered a change of hands for the purposes of this Scheme.

Appendix 2 – Categorisation Approach



Categorisation Approach

Auckland Council has agreed with the Government to implement the Government’s categorisation framework (the **Framework**) for Auckland homes severely affected by the events over the Auckland Anniversary Weekend and Cyclone Gabrielle 2023 (**severe weather events**).

This document describes Auckland Council’s nominated categorisation approach (**Categorisation Approach**) for application of the Framework.

Scope

1. Auckland Council’s Categorisation Approach is part of a one-off, limited response to the exceptional circumstances of the severe weather events in 2023, and is not a permanent programme for future disaster relief.
2. The Categorisation Approach will be applied to residential properties³ that have a legally established residential dwelling on them, and were affected by the severe weather events (**Properties in Scope**).
3. Auckland Council will make a Categorisation Decision about Properties in Scope on the basis of the Categorisation Approach set out below.

Overview of Categorisation Approach

4. In applying the Categorisation Approach to Properties in Scope, the council will:
 - a. assess whether there is ‘intolerable risk to life’⁴ from flooding and/or landslides (**risk assessment**) for occupants of residential buildings on the property (not the land)
 - b. assess whether there is a feasible mitigation available to reduce the risk to life associated with the property to a tolerable level (**feasibility assessment**)
 - c. taking into account the risk assessment and feasibility assessment, assign a ‘Category’ to the property (the **Categorisation Decision**).
5. A Categorisation Decision will enable the identification of:
 - a. Category 3 properties eligible for a buy-out under the Scheme Terms
 - b. Category 2 properties, for which there is a feasible mitigation at either a community or property level
 - c. Category 1 properties, for which the risk does not meet the threshold of ‘intolerable risk to life’.

³ ‘Residential properties’ does not include any properties owned, managed or administered by the Crown or any of its entities or agencies.

⁴ For flooding, there is ‘intolerable risk to life’ where there is a high risk to life to vulnerable people in an existing 1 per cent AEP flood event. For landslides, there is ‘intolerable risk to life’ where the Annual Individual Fatality Risk is 1 in 10,000 or greater for the most vulnerable user.

6. Council’s application of the Framework through the Categorisation Approach (and the resulting Categorisation Decision) is a feature of the jointly funded, one-off, limited response to the exceptional circumstances of the severe weather events in 2023. Accordingly, a Categorisation Decision:
 - a. is understood by the council as an ‘administrative tool’ and a prerequisite to allow the council to respond to the severe weather events
 - b. is not considered by Auckland Council to be an enduring state attaching to a property. A Categorisation Decision reflects the risk assessment and feasibility assessment at a particular point in time
 - c. does not have a legislative or regulatory basis.

Government Framework

7. The Government released initial risk categories for assessing the future of flood and landslide affected residential properties on 1 May 2023. The three categories announced by the Government were:
 - a. Low Risk – repair to previous state is all that is required to manage future severe weather event risk. This means that once any flood protection near the property is repaired, the home can be rebuilt at the same site.
 - b. Managed Risk – community or property-level interventions will manage future severe weather event risk. This could include the raising of nearby stop banks, improving drainage or raising the property.
 - c. High Risk – areas in the high-risk category are not safe to live in because of the unacceptable risk of future flooding and loss of life. Homes in these areas should not be rebuilt on their current sites.
8. The descriptions of the Government’s initial categories (which inform the Framework) are as follows:

Category	Definitions	Examples
1	Repair to previous state is all that is required to manage future severe weather event risk.	Minor flood damage to repair but no need for significant redesign/retrofitting.
2C	Community level interventions are effective in managing future severe weather event risk.	Local government repairs and enhances flood protection schemes to adequately manage the risk of future flooding events in the face of climate change effects.
2P	Property level interventions are needed to manage future severe weather event risk, including in tandem with community level interventions.	Property specific measures are necessary e.g., improved drainage, raising houses is necessary. Benefits accrue to property owners but some may face affordability issues.
2A	Potential to fall within 2C/2P but significant further assessment required.	Interventions may be required / possible but insufficient information to provide initial categorisation (these may subsequently move between ‘2’ categories or to categories 1 / 3).
3	Future severe weather event risk cannot be sufficiently mitigated. In some cases some current land uses may remain acceptable, while for others there is an intolerable risk of injury or death.	In the face of enhanced climate risks the property may face unacceptable risk of future flooding. Other property could be subject to unstable land that poses an ongoing risk.

9. The Government Framework refers to floods but also applies to landslides (and so the council reads ‘flood’ as referring to ‘flood or landslide’ throughout).
10. The Government’s Framework is clear that the Voluntary Buy-out Support Scheme for Category 3 properties will be a **voluntary process** and is limited to **residential properties** only. These parameters inform the scope of Auckland Council’s Categorisation Approach.

Context for development of the Categorisation Approach

11. The nature of the damage sustained in Auckland in the severe weather events has informed the development of the Categorisation Approach:
 - a. **Flood damage sustained in severe weather events:** Auckland's topography is a primary driver of flooding characteristics. Auckland's catchments are generally small, steep and drain to the coast. The region has ~94,000 km of overland flow paths (the routes taken by stormwater when flowing over land, including over 16,000km of permanent streams. This means we have more flooding from heavy rain events (pluvial flooding), often with little warning (flash flooding). There are no major rivers in the region meaning there is less flooding from rivers breaching their banks (fluvial flooding) than other regions in NZ.
 - b. **Land instability resulting from the severe weather events:** In Auckland, land instability is often prevalent in the weak soils and rock that are common across the region. Landslides can be triggered by heavy rainfall, earthquakes and human activity such as removal of trees and vegetation, steep cuttings, poorly placed fill, leaking water pipes or a combination of these.
12. In Auckland, advice from technical experts is that individual property assessments are required to support Categorisation Decisions. For landslides, this aligns with the recommendations of the GNS Science guideline 'Landslide Planning Guidance – Reducing Landslide Risk through Land-Use Planning' (in consultation). For flooding this aligns with the standard flood assessment method for on-site assessments of public and private buildings (Auckland Council – Flood Modelling Specifications 2013).
13. The Categorisation Approach will be applied to residential properties and has been designed to assess risk at the property level rather than on an area-wide basis.

Process: Application of the Categorisation Approach

14. The Categorisation Approach will be applied as follows:
 - a. Auckland homeowners with Properties in Scope are invited to 'opt in' by providing information that the council can consider in undertaking an initial desktop assessment.
 - b. To date, Properties in Scope have been identified where a homeowner:
 - i. owns a property in an area that council is aware was highly impacted or suffered significant damage; and/or
 - ii. has received a letter from Auckland Council (sent to all placarded properties) or become aware of the categorisation process through the media; and/or
 - iii. has provided information to council to inform a desktop assessment.
 - c. Work remains ongoing to identify additional Properties in Scope.⁵
 - d. A **desktop triage** is undertaken to determine whether a property has the potential to have 'intolerable risk to life'. This desktop assessment is based on expert judgement using the information provided by the homeowner, along with other relevant information including available datasets, flood model results, hazard maps, and records from the severe weather events.
 - e. For any Property in Scope where the desktop assessment indicates the potential for 'intolerable risk to life' (and for any flooded properties that property owners have indicated they consider may be 'a Category 2 or 3'), the council (or experts engaged by the council) will undertake a **site assessment**.
 - f. The results of the site assessment inform the risk assessment and are reported alongside potential mitigation options, with costings at a concept design level, to inform an assessment of feasibility.
 - g. The results of the risk and options assessments (and the desktop assessment) provide the council with sufficient information to inform the Categorisation Decision (i.e. whether there is an 'intolerable risk to life' associated with the property, and whether the long-term risk can be feasibly mitigated to a 'tolerable' level).

⁵ For example, the Group Recovery Manager issued a statutory notice under the Civil Defence Emergency Management Act 2002 to insurance companies and Toka Tū Ake EQC, requiring them to provide property addresses for significant claims received in relation to the severe weather events. The notice stated that this information was required to assist council in identifying properties under the categorisation framework.

- h. The Categorisation Decision will be made by the Group Recovery Manager, following consideration of the recommendation from technical experts.
- i. The Categorisation Decision and the next steps in the process will be communicated to the property owner by the council's Recovery Office.

Categorisation Approach: Landslide Risk Assessment

15. For landslides, the risk assessment framework anticipates that a building will be 'Category 3' where the Annual Individual Fatality Risk is 1 in 10,000 or greater for the most vulnerable user and there is no feasible mitigation (at a property or community level) to reduce the risk to a tolerable or acceptable level.
16. The Annual Individual Fatality Risk is calculated as follows:

$$R_{(LoL)} = P_{(H)} \times P_{(S:H)} \times P_{(T:S)} \times V_{(D:T)}$$

Where

$R_{(LoL)}$ is the risk (annual probability of loss of life (death) of an individual).

$P_{(H)}$ is the annual probability of the landslide.

$P_{(S:H)}$ is the probability of spatial impact of the landslide impacting a building (location) taking into account the travel direction given the event.

$P_{(T:S)}$ is the temporal spatial probability (e.g. of the building or location being occupied by the individual) given the spatial impact and allowing for the possibility of evacuation given there is warning of the landslide occurrence.

$V_{(D:T)}$ is the vulnerability of the individual (probability of loss of life on the individual given the impact).

17. For properties where there may potentially be 'intolerable risk to life' according to a desktop triage in areas not covered by the GHD report, Auckland Council has contracted geotechnical engineers to undertake on-site geotechnical assessments. Auckland Council has created a template scope of works to guide the quantitative assessment by geotechnical experts of risk to life from landslides. If property owners prefer to organise their own geotechnical report they can do so, with advice available on the council's website (including a downloadable copy of the template for completion by the privately engaged geotechnical engineer, and guidelines on the use of AGS2007 for landslide risk assessment in Auckland).
18. A landslide risk assessment undertaken in accordance with council's template will provide the council with evidence of (amongst other things):
 - a. **Damage assessment:** An assessment of land damage sustained from the Auckland weather events (which will also include any work carried out to repair the land damage, consideration of pre-existing conditions or damage, apportionment of damage if multiple events, and assessment of any sources of off-site risk).
 - b. **Quantitative assessment of the stability of the land** which may affect safe use of the property.
 - c. **Quantitative assessment of risk of loss of life** for users of the property. An 'intolerable risk to life' (in accordance with the AGS2007 guidelines), is an Annual Individual Fatality Risk of 1 in 10,000 or greater for the most vulnerable user.
 - d. **Expert opinion on whether the long-term risk to life can be reduced to a tolerable level** (and advice on the Categorisation Approach required to achieve this, and scope of works to be completed as part of the construction programme, including a cost estimate).
 - e. **An assessment of the unmitigated and mitigated risk** of loss of life.
19. A landslide risk assessment undertaken in accordance with Auckland Council's template provides the council with sufficient information (in addition to the information already held) to inform a recommendation by the technical experts to the Group Recovery Manager.

Categorisation Approach: Flooding Risk Assessment

20. Auckland Council's risk assessment framework for flooding assesses 'intolerable risk to life' associated with residential properties, based on a Danger Rating assigned through the application of 'Flood Danger Risk Assessment'.
21. Flood Danger represents the relative threat posed by flooding to building occupants taking into account the flood hazard inside and outside the building, and evacuation routes.
22. For flooding, the risk assessment framework anticipates that a building will be 'Category 3' where there is a high risk to life to vulnerable people in an existing 1 per cent AEP flood event, and there is no feasible mitigation (at a property or community level) to reduce the risk to a tolerable or acceptable level.
23. Risk assessment for flooding will include:
 - a. **Damage assessment:** an assessment of flood damage sustained from the Auckland weather events.
 - b. **Assessment of Flood Danger** as a combination of:
 - i. **Event likelihood** (in terms of the probability of an event of a given magnitude being equalled or exceeded within a year – the Annual Exceedance Probability, or AEP),
 - ii. **Hazard** (the level of risk to life by flooding),
 - iii. **Exposure** (what is exposed to flood hazard in a given place) and
 - iv. **Vulnerability** (propensity to suffer adverse effects of flooding, based on individual characteristics and external factors).
24. Auckland Council will assess whether there is 'intolerable risk to life' by assigning a Flood Danger Rating to a property in accordance with council's Flood Danger Rating Schema. The Flood Danger Rating represents the threat to life to people inside or outside dwellings on residential property that are exposed to flood hazard.
25. In addition to Flood Danger, the risk assessment framework takes into account the likelihood of an event occurring. Event Likelihood is described by the annual exceedance probability (AEP) of the flood event, which is the probability of the event being equalled or exceeded within a year. As rainfall is the primary driver of flooding in the Auckland region, flood event likelihood can be considered synonymous with rainfall event likelihood.
26. **Expert opinion on options to reduce risk to life to a tolerable level** (and the Categorisation Approach required to achieve this, and scope of works to be completed as part of the construction programme, including a cost estimate).
27. **An assessment of the unmitigated and mitigated risk.** A flooding risk assessment undertaken in accordance with Auckland Council's template, and if necessary an options assessment provides the council with sufficient information (in addition to the information already held) to inform a recommendation by the technical experts to the Group Recovery Manager.

Categorisation Approach: Feasibility Assessment

28. The site assessments undertaken by Auckland Council (or experts engaged by the council) will consider whether there is a property or community level solution available to mitigate the risk to life associated with a property, and the approximate cost of that solution.
29. Whether a **property level mitigation** is feasible will be determined by the council taking into account
 - a. The cost of the mitigation (whether the cost of the mitigation is likely to cost less than 25 per cent of the CV of the property).
 - b. Whether the mitigation can reasonably be expected to be delivered within two years of the Categorisation Decision.
30. Whether a **community level mitigation** is feasible will be determined by the council (and is subject to business case approval and funding under the National Resilience Plan).

Categorisation Approach: Quality Assurance

31. The Government engaged Tonkin & Taylor Ltd to provide a high-level assurance review of the process followed by Auckland Council in establishing the Categorisation Approach (in accordance with the Framework).
32. In terms of the application for the Framework, for the landslide risk assessments Auckland Council has engaged a panel of five experts (the **Geotechnical Advisory Panel**) to review the approaches taken, project scopes and key deliverables. These individuals were chosen to represent the range of skills and experience needed to achieve the required outcomes. The Geotechnical Advisory Panel comprises two Engineering Geologists, a Hydrologist and two Geotechnical Engineers from five independent organisations.
33. In addition to the Geotechnical Advisory Panel, Auckland Council has a dual approach to quality assurance for the landslide risk assessments being undertaken across Auckland. Auckland Council is in the process of engaging two well respected local experts to act as mentors to the suppliers undertaking the field assessment work to help ensure they are providing consistent, well informed reports. Once delivered, each report is then subjected to a robust peer-review process. Council has engaged WSP Australia to undertake the technical peer-review, while our in-house Regulatory Services team will check proposed mitigations for potential consenting requirements.
34. For the Flood risk assessments Auckland Council is in the process of engaging a panel of four experts to review and assure the approach taken. These individuals were chosen to represent a range of skills and experience needed to achieve the required outcomes. The group contains expertise from across New Zealand, including the engineering sector, local government, and a Crown Research Institute.

Dispute resolution

35. Auckland Council has established a **dispute resolution process** for Categorisation Decisions. The dispute resolution process will relate to a Categorisation Decision made in respect of a Property in Scope, and is not an opportunity to contest the Framework or the Categorisation Approach itself.

Special circumstances

36. On the application of a homeowner, the council may in its discretion consider whether to make a Categorisation Decision that departs from the position set out in this Categorisation Approach (a **special circumstances decision**).
37. A special circumstances decision will be made in accordance with the council's Guidance on the application of Special Circumstances, and will have regard to:
 - a. the nature of the 'special circumstances' and the extent of (and any implications of) departure from the Categorisation Approach
 - b. the level of any increased cost to the council resulting from the departure from the Categorisation Approach
 - c. whether departure in an individual case is consistent with the council's overarching policy objective for its Categorisation Approach, which is to permanently remove or reduce the intolerable risk to life posed by some residential properties due to the severe weather events
 - i. whether departure in an individual case is consistent with the further objectives guiding the council's policy approach (i.e. whether departure is effective, affordable, fair and consistent with policy intent, and equitable).

Appendix 3 – Guide to using SmartyGrants



Note:

To apply for a grant you will need to set up a free SmartyGrants account by visiting aucklandcouncil.smartygrants.com.au



Community Grants

1. **Log in** using an existing account or click on **Register** if you have not previously registered or started to fill out a form.

Log In

Email:

Password:

[Forgotten your password?](#)

By clicking **Log In** you agree to Our Community's [Privacy Policy](#) and [Terms of Use](#).

Log In

Register

If you haven't registered or started filling in a form, [register here](#).

2. You can begin your submission by clicking on the **Fill out now** or **Start a submission** buttons. Select the grant you wish to apply for.

Logged in: My Submissions Log Out

Test Round

Fill Out Now | Preview the form | Download preview form

Submissions are now being accepted.

IMPORTANT: Please read information below to assist you in completing your application online.
Before you begin

3. Once you have started your submission, you will see a **New submission** confirmation page as below. You will also receive an email at your registered email address confirming that you have started a new submission.

Click on **Next Page** to continue your application.

New submission

A new submission has been created for you. You can fill it all in now or come back at any time to continue working on it. Please make sure you save your submission regularly; your submission is saved whenever you click 'Save' or you move to another page. Click the Submit button when you're ready to submit.

You may be logged out automatically after 20 minutes if you don't save, which will cause you to lose any unsaved work.

Your submission number is:

Test001-TEST

If you want to contact us about your submission you can quote this number to help us find it quickly.

Next Page →

4. The **Welcome** page is the first page of the application form. Before filling out the information on this page, check that you have selected the correct grant to apply for and if there are any documents you need to prepare before you start.
5. Once you have confirmed that you have selected the correct grant application, and have the information you need to finish the application, click on the **Next Page** button on the top or bottom, (both work), to start filling out the form.

Note: Questions marked with ***** (as those below) are mandatory. You will not be able to submit the form until you answer all the required questions.

Contact Details / Ngā kōrero whakapā

In progress, last saved today, 1:43pm (NZST)

***** indicates a required field.

Applicant

Organisation/Individual name *****

Must match the name on the bank account information supplied

Response required.

Address

Physical Address

Address line 1

Address line 2

Suburb Town/City Postcode

Must be a New Zealand postcode

Response required: Address line 1.
Response required: Suburb.
Response required: Postcode.
Response required: Town/City.

Notes:

- You can return to and update or add information on a specific page by clicking on the page listed under the green **Form Navigation** field. **1** You can also use the next and previous page buttons at the top of the page
- Error messages will disappear once you have completed any missed information.
- Your submission will be saved automatically as you progress. However, you may be logged out after 20 minutes of inactivity. To make sure you don't lose your work, we recommend that you click on the **Save Progress** and **Save and Close** buttons before you proceed to the next page or before closing the form.
- Clicking on Save and Close **does not** submit your application.

6. Review and Submit. This is the final page of the application. Here you can review all the information you have supplied, although you will not be able to change or add to it from this page.

Error messages:

a. Some changes to your application are required before it can be submitted. Check the highlighted items and fix them before the application is submitted. 2

If you see this error message, you'll see that the **Submit 3** button will be greyed out and you will not be able to submit your application until you go back and answer any missed '*' questions.

b. Response required. 4

If you see this message it means you have not answered a mandatory question. Click on **Go to page 5** and enter the page number to return to there and complete the information that has been missed.

Funding summary

Confirmed or approved as at the time of filling out this application.

Total Expenditure Amount \$0.00
This number/amount is calculated. Total of table one

Total income amount \$0.00
This number/amount is calculated. Total of table two

Total other funding sources \$0.00
This number/amount is calculated. Total of table three

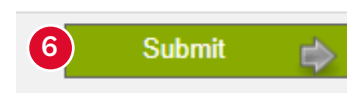
How much are you/your organisation contributing? (Excludes income from "Table three") * \$
Must be a whole dollar amount (no cents). Must be a dollar amount e.g. \$1,227.81

4 Response required.
Go to page 5

7. Once you have answered all the required questions, the **Submit** button **6** will activate. You can now click on it and submit your application.

8. If you have successfully submitted your application, you will see a message confirming that your submission has been received **7**. If you don't see this message, it means your application hasn't been submitted and we haven't received it. You will need to go back and check the information you have provided and then resubmit the application.

You will also receive an email at your registered email address confirming your submission has been received.



Logged in: Amber Deng (amber.deng@aucklandcouncil.govt.nz) My Submissions Log Out

Current Rounds

Thank you, your submission has been received. 7
Submission Number: Test001-TEST

A copy of your submission has been sent to your email address. You can also return and log in to [this site](#) at any time to view or download your submission. If you have any questions please contact us directly.



A SmartyFile account allows you to:

- Login to SmartyFile and any sites powered by [SmartyGrants](#).
- Collaborate with other team members on SmartyGrants submissions.

Further help is available at

<https://applicanthelp.smartygrants.com.au/help-guide-for-applicants/>

What happens next?

The Grants manager will now review your application, and they may send you further questions.

Please hold on to any receipts, bank statements or other ways of showing what the funding has been spent on.

Appendix 4 – A guide to disputing Recovery Office decisions



This guide is to help property owners who disagree with certain decisions about their property category, property valuation or their special circumstances.

You can only dispute some specific decisions, and you need to follow the process below to have the decision(s) reviewed.

Property owners can dispute:

- the property category assigned to the property
- the market valuation (as at 26 January 2023) we provided for the buy-out offer
- the result of an application to consider special circumstances
- the decision about an uninsured homeowner's individual circumstances.

How to raise a dispute

If you want to dispute your property category, you must send us the dispute application form **within three months** from receiving the property category. This allows you to thoroughly consider the category we have given your property, and to seek independent advice about it.

To raise a dispute, please complete the application form available online at aucklandcouncil.govt.nz/review and email it to recoveryreview@aucklandcouncil.govt.nz

There is no set time for completing a dispute because every dispute is different. We will respond to your application as soon as possible.

If you want to dispute your property's valuation, discuss this with your assigned property advisor. You need to raise a dispute with them **within one month** of receiving the market valuation.

How we manage disputes

Property category

When you raise a category dispute, the council will complete an internal technical review about the decision and provide a response as soon as possible. If you are still unhappy with the outcome, you can ask for a further external review by an independent expert. The independent expert's decision is final.

Property valuation

If you are unhappy with the market valuation (as at 26 January 2023) you can provide another valuation from a registered valuer for Auckland Council to consider.

If the council declines to change the valuation, you have one month to apply to have the valuation dispute determined by an independent valuer. You must choose a valuer from council's panel of experts, and this will depend on their availability. The independent valuer's decision is final.

Dispute Resolution Framework and application forms

You can find the full Dispute Resolution Framework and application forms at aucklandcouncil.govt.nz/review.

The framework is also included in the Category 3 Homeowner Handbook.

Do you still have questions?

You can find a full set of recovery questions and answers in the recovery section on the Our Auckland website ourauckland.aucklandcouncil.govt.nz/recovery.

You can also send questions about the disputes process to us at recoveryoffice@aucklandcouncil.govt.nz.

Appendix 5 – Information on resource consents and building consents, and when you need one

Resource consent (under the Resource Management Act)



A resource consent is written approval from council to carry out a project that has an impact on the environment, or that could affect other people. A resource consent is only required where rules and standards under the Auckland Unitary Plan, Hauraki Gulf Island District Plan, or a National Environmental Standard cannot be met.

Written approval from any potentially affected neighbours will greatly assist the processing of a resource consent. A resource consent may come with conditions that help manage the effects of your project.

For example, if you remove trees or vegetation to build your house, you may have a resource consent condition that requires you to plant some native trees after building is finished.

Examples of situations where you may need to apply for a resource consent are:

- building or alterations to a house that infringes bulk and location controls (eg. yard or height in relation to boundary)
- lifting an existing house in a flood plain
- structure or works within or diverting an overland flow path
- changes to buildings in a Special Character Area or Historic Heritage area
- retaining walls, soil nails or other structures on land subject to instability, within Significant Ecological Areas or in coastal areas
- earthworks
- taking or damming of water
- discharging contaminants into water, soil or air
- changes to onsite wastewater systems for houses or sites not connected to public wastewater lines
- using or occupying coastal space.

Building consent (under the Building Act)

A building consent is written approval from council to carry out specific building work on a specific site, that must comply with current regulations. It ensures that the proposed work is safe, durable and doesn't endanger the health and safety of anyone using the building.

A building consent is granted if council is satisfied on reasonable grounds that the building code provisions would be met if the work is properly completed in accordance with the plans and specifications in the application.

Building work such as building a house, lifting an existing house, alterations and additions to existing buildings and the construction of significant retaining walls are some of the kinds of building work that will require building consent.

Building work that is considered low risk may not need consent under the Building Act. See [building.govt.nz](https://www.building.govt.nz) for more information on building work that does not require a building consent.

For building work that does need a consent, but that is minor and low risk, council can consider a building consent exemption. Information on requesting an exemption can be found at aucklandcouncil.govt.nz/building-and-consents/consent-exemptions.

How to apply for a consent

You can find 10-step guides on the [building consent process](#) and the [resource consent process](#) on the Auckland Council website.



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