

Date: Tuesday 25 February 2025
Time: 10.00 am
Venue: Ground Floor – Hawiti Building
6-8 Munroe Lane
Albany

Hibiscus and Bays Local Board

OPEN MINUTE ITEM ATTACHMENTS

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Draft Storm Affected Land Use Policy

File No.: CP2025/02648

Te take mō te pūrongo Purpose of the report

1. To invite the views and preferences of the local board on the proposed policy and implementation approach.

Whakarāpopototanga matua Executive summary

2. Auckland Council will be purchasing around 1200 residential properties that have been assessed as having an intolerable risk to life (Category 3). The Auckland Crown Funding Agreement specifies that, when the council takes ownership of the properties, it also assumes all responsibilities, costs and revenues associated with the properties.
3. The management of properties includes three key components: interim maintenance and risk management, the house removal programme, and the storm affected land use programme to determine appropriate future uses.
4. Once dwellings are cleared, sites are remediated to a safe and tidy state, for entry into the storm affected land use programme. The draft policy and implementation approach for storm affected land use is attached as Attachment A to the agenda report, for consideration and feedback. This builds on the interim guidelines for future use of land, agreed by the Governing Body in May 2024 (GB/2024/55), and is informed by analysis of properties that are now in council ownership.
5. The policy identifies that land will be either divested to another party, transferred within the Auckland Council Group to meet an identified service need, or held by the council where the land is assessed as being highly hazardous.
6. Initial analysis suggests that around 50 per cent of the properties could be safely divested and return some revenue to the council to help fund the storm recovery programme, in accordance with resolution TICCC/2024/146(k).
7. A complex cases team is being established to work through the solutions for a small number of Category 3 properties with complicating factors that may constrain the council's decision-making abilities. These include properties held in unit title and some cross-lease properties, and properties where risks could potentially be mitigated, and dwellings retained.
8. The Draft Storm Affected Land Use Policy was endorsed-in-principle by the Transport, Resilience and Infrastructure Committee on 13 February 2025 (TICCC/2025/12(d)).
9. The Governing Body, through the Policy and Planning Committee, will be considering the Draft Storm Affected Land Use Policy for adoption on 13 March 2025.
10. Local boards were briefed on 3 February 2025 (Attachment B to the agenda report), and now have the opportunity to provide feedback if they wish to do so, by 5.00 pm on Thursday 27 February 2025.

Ngā tūtohunga Recommendation/s

That the Hibiscus and Bays Local Board:

- a) tuku / provide feedback on the Draft Storm Affected Land Use Policy.

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Ngā tāpirihanga Attachments

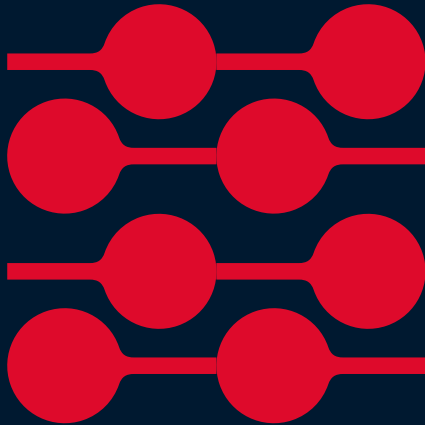
No.	Title	Page
A	Draft Storm Affected Land Use Policy	
B	Recovery Office Briefing for local boards	

Ngā kaihaina Signatories

Authors	Kat Ashmead - Senior Advisor Operations and Policy
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Item 20.1

Attachment A



DRAFT Storm affected land use



Policy and implementation
approach

3 February 2025, Version 1.0

aucklandcouncil.govt.nz



Item 20.1

Attachment A

2 Draft Storm Affected Land Use Policy and Implementation Approach

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Mihi / Acknowledgement

Mātua rā ngā mihi me ngā tangi ki ō tātou mate huhua, tae atu ki ē rā i riro rā i a Parawhenuamea, i ngā waipuke nui o mua ake nei. Ko te aunga o te moe ki a rātou kua wehe atu; ko te tau o te mauri ki ngā whānau ka mahue mai.

E rere nei te aroha ki te tini o ngā hapori kua raruraru i ngā wheako mai i ngā waipuke, ā, ko mihi anō ka rere ki ngā ringa raupā kua āwhina atu i aua hapori rā i te wā o te hē ā mohoa nei, i te wā o te whakaoranga.

E kore e maroke te puna o te whakamānawa ki ō mātou kaitiaki, ki ngā mana whenua e ārahi nei i a mātou ki te whai kia haumanutia te taiao, e manaaki nei hoki i ē rā e noho ana ki waenga i ō rātou nā rohe. Mā rakerake ana te kitea o te wāhi ki ngā mana whenua me te Māori hei ārahi i ētahi āhuatanga o te whakaoranga.

Koinei ā mātou mihi atu me te tūmanako anō, mā te mahi tahi e tutuki ai ngā wawata hei ngā tau e tū mai nei.

Firstly, we pay homage to and mourn the many who have departed, especially those who were lost as a result of the recent severe flooding. May they rest in peace; may those remaining find comfort.

We express our heartfelt condolences to those who suffered during the floods, and we also praise the hard working people who have helped others in their time of need and continue to do so during the recovery.

We will always be indebted to our kaitiaki (guardians), to the mana whenua (local indigenous peoples) who guide us in restoring the natural environment as well as provide care for those who live within their regions. It is clear to see the place mana whenua and Māori have in leading some of the recovery areas.

We make these acknowledgements in the hope that by working together the future aspirations will be realised.

Definitions

We use some terms a lot in this policy and implementation approach, and it's important to be clear about the distinctions between them:

Cluster: means a combination of more than one storm affected property that has the potential to deliver a range of redevelopment outcomes including housing, open space, infrastructure, etc.

Dwelling: means the residential building on the property. A dwelling is a building, or part of a building (including decks, patios and pergolas) that was, as of 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 one or more persons to live in as their home. This could include houses, townhouses, units and flats.

Habitable space: describes the areas of a home that are lived in – for example living room, bedroom or kitchen. Under Clause A2 of the New Zealand Building Code, 'habitable space' is a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

Land: means the land that remains within the property boundaries once dwellings are removed.

Non-service land: means land owned by Auckland Council that does not have a current Auckland Council Group service use.

Property: means both the land and the dwelling as they were purchased by Auckland Council, and as recorded on the record of title.

Redevelopment: means new construction of housing, infrastructure, or other uses replacing existing development. Redevelopment may be within existing site boundaries, through amalgamation of multiple sites, or in combination with wider neighbourhood redevelopment potential (e.g. Crown led redevelopment). Redevelopment may deliver a combination of housing, open space,

infrastructure, commercial, community and utilities subject to existing regulations.

Residual land: describes land that is not required for Auckland Council Group services and has not been sold within a reasonable timeframe. Residual land remains available for divestment but may not be actively marketed.

Risk mitigation: means changes can be made to the property so that the future intolerable risk to life from extreme weather events is reduced. This includes initiatives from the Making Space for Water programme such as creating natural stream features to improve water flow and upgrading bridges and culverts to handle more water.

Service need: means that the Auckland Council Group has identified a need for a particular service in this area (e.g. park, infrastructure or other community facility).

Storm affected: means that a risk assessment found that residential housing situations on that property posed an intolerable risk to life at the time of the 2023 North Island Weather Events.

Site: is the area of land described in the certificate of title. For land subdivided under the Unit Titles Act 2010, the cross lease system or stratum subdivision, 'site' means the whole of the land subject to the unit development, cross lease or stratum subdivision.

Horopaki / Context

We need to decide what to do with storm affected properties

The 2023 Auckland Anniversary Weekend floods and Cyclone Gabrielle brought extreme rainfall, wind and storm surges to the Auckland region.¹ The resulting floods and landslides have had a devastating and long-lasting impact on many communities and individuals across Tāmaki Makaurau.

Some homes experienced such severe flooding or landslide damage that they have been assessed as posing an ‘intolerable risk to life’ for residents. Impacted homeowners and residents have experienced significant disruption, emotional trauma and financial costs.

In October 2023, Auckland Council and the Crown established the Category 3 Voluntary Buy-out Support Scheme, to support Aucklanders to voluntarily relocate from residential housing situations on properties that pose an intolerable risk to their lives.²

As a result, Auckland Council is in the process of purchasing more than a thousand storm affected Category 3 properties across the region. The properties are being held by the council as ‘non-service land’³ in a dedicated asset class until decisions can be made about their future. The purchase of storm affected properties represents a

departure from the council’s usual approach to land acquisition for a service need (e.g. parks or infrastructure). The council has purchased the land to manage an identified risk, rather than to provide a service.

Now, we need to find safe and sensible options for the newly purchased properties, working within the present constraints of the hazards to minimise risk. Although the existing dwellings were unsafe for occupation, there is potential to do something useful with much of the land. This includes supporting community regeneration and helping to offset the cost of the storm affected land programme. In some cases, the dwellings could be remediated and land redeveloped. And, in other cases, the land is too hazardous to allow future use.

We recognise that there is strong community interest in the future of the properties, and are mindful of the previous owners, many of whom still feel strong connections to their past homes.

This policy and implementation approach will guide the process for land use decisions on a site-by-site basis, including decisions on whether properties should be retained or divested. The guidance has been developed with input from relevant council departments.

Why is the council planning to sell some storm affected land? If the land has an intolerable risk to life, shouldn’t the council hold it in perpetuity?

Intolerable risk to life was identified through a risk assessment of the existing dwelling on a property. Once the dwelling is removed, there may be options to redevelop the site in a different way and build new housing that doesn’t have the same levels of risk. Even where there is no option to redevelop the property, it may be that neighbours can do a better job of looking after the land than the council can with its limited maintenance budgets. Where we do sell land, we’ll ensure that it is sold with conditions appropriate to manage the level of risk.

¹ The Auckland Anniversary Weekend flooding (27 January – 1 February 2023) was rapidly followed by Cyclone Gabrielle (13-14 February 2023). Collectively, these two events are described as the 2023 North Island Weather Events.

² Where risks could be mitigated and the home made safe, homeowners were instead eligible for the Category 2P Grant Scheme.

³ See *Definitions*.

Te tikanga / Purpose of the policy

This policy and implementation approach has been developed to make sure that the storm affected properties purchased by Auckland Council are managed responsibly, efficiently, and effectively.

The policy sets the outcome we seek to achieve, and the principles we will apply. The implementation approach details the process we will use to identify appropriate uses for the properties and pathways to their final use.

- **Responsibly** means acting in a way that is consistent with the original purpose of acquiring the land. This includes acting in accordance with any legal obligations in relation to the properties and the community and acting with good judgement.
- **Efficiently** means considering the costs and benefits of decisions and achieving value for money.
- **Effectively** means managing the properties in a way that appropriately manages risk and, where possible, produces positive social, economic, environmental and cultural outcomes for Auckland Council and Aucklanders.

Te whānuitanga / Scope

This policy and implementation approach applies to properties that have been purchased by Auckland Council as part of the North Island Weather Events (2023) – Auckland Crown Funding Agreement, signed by Auckland Council and the Crown on 6 October 2023. It applies until such time as

properties are allocated to a service use within the council group or divested to third parties.

The council may, from time to time, apply the guidance to other storm affected properties in its property portfolio, at its discretion.

Ngā putanga / The outcome we want to achieve

Storm affected properties purchased by the council will be repurposed to the best use possible that takes account of identified risks. This includes public use where there is value in retaining the land for an identified service need and private use where value can be returned to the council and Aucklanders.

Land use options, subject to risk assessment, can include (but are not limited to):

- a. Divestment to a third party with appropriate conditions for:
 - i. redevelopment where risks can be adequately mitigated
 - ii. private green space where there is no redevelopment potential
 - iii. remediation where risks to the existing dwelling can be mitigated.
- b. Use for the **Making Space for Water programme and other council group service needs** where business cases, service requirements and funding can be confirmed.

- c. Retention for high hazard management where flood and land instability mean there is no viable use for the site other than hazard management activities.

In some situations, there may be a feasible solution for the dwelling as well as the land. These are generally more complex situations and will be handled on a case-by-case basis.

Weighting of options will recognise the importance of community regeneration and resilience, to deliver improved outcomes for local communities (e.g. increased housing stock and reduced flood risk).

The process to evaluate a property's potential and make decisions about appropriate and best land uses are outlined in the Implementation Approach.

Ngā mātāpono matua / Principles

Guiding how we will work

As we work to identify appropriate uses for storm affected properties, we will:

1. Manage risk associated with storm affected land.
2. Make best use of storm affected land, recognising identified risks, costs and benefits.
3. Be prudent with ratepayers' money.
4. Make use of existing council processes.
5. Include opportunities for partnerships with mana whenua on land uses.
6. Include communities, mana whenua and mataawaka in the process to determine land uses where appropriate.
7. Ensure decisions are transparent and fair.

The guiding approach to each principle is set out below.

Manage risk associated with storm affected land

The decision-making process for storm affected land must continue to uphold the objective of the storm recovery process – *to support Aucklanders to voluntarily relocate from residential housing situations on properties that pose an intolerable risk to their lives from flooding and landslides.*

Risk assessments consistent with categorisation will be applied to each property and will inform the potential land uses. All decisions on the use of storm affected land will take a precautionary approach and will ensure that land management is consistent across the region.

Divesting properties for redevelopment will only occur where the new development can avoid or mitigate the identified hazards. Risks will be communicated to buyers with necessary conditions of sale to ensure appropriate long-term management.

Auckland Council's understanding of risk is always under active review. The decisions made under this policy will consider the latest information, including the forthcoming Natural Hazards Plan Change to the Auckland Unitary Plan, and updates to flood and land instability hazard mapping.

Make the best use of storm affected land, recognising identified risks

This means prioritising use of the land to provide the best value to Aucklanders, either through the council or private ownership. Value to Aucklanders can be achieved through:

- provision of a service that provides public benefits (e.g. parks, water and transport infrastructure)
- enabling private use that contributes to community regeneration and wellbeing (e.g. housing, commercial use)
- selling properties and returning funds to the council to help offset the cost of the storm affected land programme.

Given the hazards associated with the land, decisions on the best use of land will need to be made on a case-by-case basis, considering risk management, legal considerations, financial implications and potential benefits to communities.

There may be opportunities for temporary, transitional use of land while final land-use decisions are being made. Transitional uses are addressed in the companion policy: *Storm Affected Land – transitional land use policy (draft).*

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Be prudent with ratepayers' money

The Local Government Act 2002 states that a council must act prudently and in a manner that promotes the current and future interests of its community. In the context of this guidance, this includes:

- Making the best use of assets
- Minimising consequential costs to council
- Managing operating expenditure, e.g. maintenance
- Reducing the asset base, where possible, where the council does not need properties for strategic service uses. (Land disposal/ value add opportunities)

The process seeks to maximise the value or use of the property. This includes limiting the expenditure on investigating the redevelopment potential of property to a level that is consistent with the return expected from divestment. Decisions to retain or divest the property will factor in the long-term operational costs of retaining the land.

In accordance with resolutions from the Governing Body and the Transport, Resilience and Infrastructure Committee⁴, we will continue to look for cost savings and revenue opportunities that meet the council's and community's best interests.

Make use of existing council processes

Auckland Council has people and processes in place to manage property policy, acquisition, holdings and divestment. Decisions about storm affected land should be managed, as far as possible, using existing council processes. This includes:

- Maintenance of acquired land
- Land use decisions
- Mana whenua partnerships
- Community engagement processes
- Land disposal processes including assessing value add opportunities

⁴ GB/2023/202, TICCC/2024/146

- Meeting the requirements of the Unitary Plan and Building Code for any potential development or re-use of land.

Where existing processes are identified as insufficient or inadequate for the management of storm affected land, we will consider developing additional measures.

Include opportunities for partnerships with mana whenua on land uses

The Tāmaki Makaurau Recovery Plan sets out to ensure that mana whenua and Māori are active partners and participants in the community-led recovery of Tāmaki Makaurau.

Mana whenua are actively engaged in local-led recovery planning. Iwi recovery planning is directly led by mana whenua, focusing on exercising kaitiakitanga in their rohe to address the impacts of the severe weather events and respond to climate disruption.

We will ensure that established processes for mana whenua engagement are upheld, such as identifying sites of cultural significance as an early step in land assessment and divestment process.

Include communities, mana whenua and mataawaka in the process to determine land uses where appropriate

As part of its responsibilities under the Local Government Act, Auckland Council has established processes for community inclusion. These will be applied as appropriate. A key mechanism will be the local recovery planning process, coordinated by the Recovery Office for storm affected communities.

People can communicate their land use ideas or their interest in properties to the Recovery Office. Staff will note the request in the Acquired Land Request Register and the include the request as part of the future land use assessment.

Ensure decisions are transparent and fair

Decisions about the use of storm affected land should be made fairly and transparently, in a documented, consistent and defensible manner. Decisions will give due consideration to available options and will be based on supporting evidence.

Roles and responsibilities

Auckland Council is responsible for the delivery of this policy. This includes funding and resources for implementation. Coordination is carried out by the council's Recovery Office and the operational delivery of the process is by the respective parts of the Auckland Council Group. This policy does not replace Auckland Council's existing roles and responsibilities.

The Governing Body will be responsible for decision-making⁵ regarding:

- allocation of storm affected land to regional network provision including parks, stormwater, transport, and water infrastructure
- disposal of land that can contribute to offsetting the costs of the Voluntary Buy-out Support Scheme
- management of high hazard and interim residual land not allocated to a service use.

Local boards will be responsible for decision-making regarding:

- communicating the views and preferences of the local board regarding the future use of storm affected land in their rohe
- any storm affected land that the Governing Body makes available for an identified and funded service need.

Given the number of decisions required, most Governing Body decisions will be made by staff under existing delegations. Staff will determine the best land use option for each property or group of properties and make recommendations to the Chief Executive or delegated officer.

Decisions made will then be reported to the Governing Body or appropriate committee. The Storm Recovery Political Advisory Group will be consulted in decisions where there are particularly challenging choices or public interest is high.

Once all land acquisition is complete, local boards will have an opportunity to review the complete list of Category 3 properties acquired within their area. They will be invited to identify any views and preferences regarding the future use of the land, and any properties that may meet identified local service needs.

Staff will, under delegation from the Governing Body, take local board views and preferences into account during decision-making, and local boards will become decision-makers for land when it is made available for an identified and funded service need and moved from non-service to service property. For this to occur, local boards will need to demonstrate a commitment to the additional operating expenditure budget required for ongoing maintenance.

⁵ This approach is informed by section 17 (2) (b) of the Local Government (Auckland Council) Act 2009, which allows for regional decision-making where the impact of a decision

extends across more than one local board, decisions need to be integrated with other Governing Body decisions, or the benefits of a regional approach outweigh benefits of a local approach.

Related documents

The following documents support the policy approach and implementation approach (but not limited to):

- [Tāmaki Makaurau Recovery Plan](#)
- [The Auckland Unitary Plan](#)
- [Wellbeing Recovery Plan](#)
- [Interim guidance for decisions on land acquired by Auckland Council as a result of the 2023 severe weather events](#)
- [The Auckland Plan 2050](#)
- [Long-Term Plan 2024-2034](#)
- [Thriving Communities Strategy](#)
- [Kia Ora Tāmaki Makaurau framework](#)
- [Auckland Urban Ngahere \(Forest\) Strategy](#)
- [Parks and Open Space Acquisition Policy](#)
- Local Board Plans
- Open Space Network Plans
- Local Area Plans

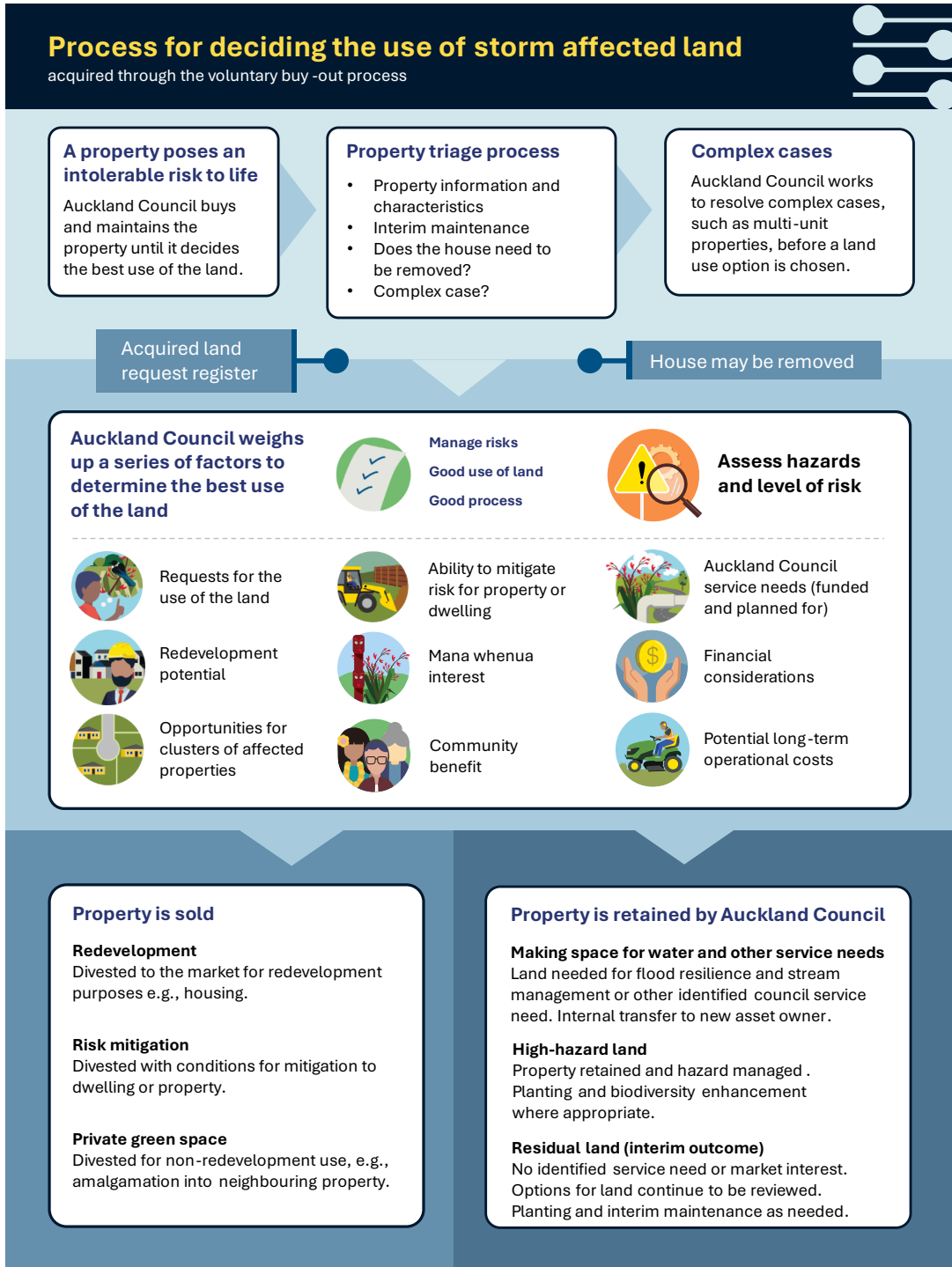
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12 Draft Storm Affected Land Use Policy and Implementation Approach

Te mahere whakatinana / Implementation approach

With more than one thousand properties entering council ownership as ‘non-service land’, we need robust and efficient processes to evaluate sites, identify their most appropriate use and move them to their best use (whether council- or privately-owned).

This implementation approach guides the process for land use decisions on a site-by-site basis, meeting the policy’s expectations that storm affected properties are repurposed to the best use possible that takes account of identified risks. The process is set out in the image below, and is described in the following pages.



Entry into the programme

Property triage

Once purchased, the property enters a triage process to identify:

- Interim maintenance requirements, to be managed by Parks and Community Facilities.
- Any features that will move the property into the complex cases pathway (see page 20). This could include situations where the property is held in cross-lease or unit title, where there are listed heritage features, or factors that mean we cannot proceed directly to house removal.
- Other factors that need to be considered during the house removal and land use assessment stages.

Storm affected land request register

The Storm Affected Land Request Register notes interest from people wanting to acquire Category 3 land or offering land use ideas for specific sites (both permanent uses and transitional uses).

The feasibility of requests is initially considered in the property triage and may result in moving the property into the complex cases pathway. In some cases, the request will result in prioritising the transfer or divestment of a specific property, for example where there is an identified need for an infrastructure project. Where needed, the Storm Recovery Political Advisory Group will be consulted prior to the decision.

If a person registers their interest in purchasing a property, this will be considered in the land use assessment.

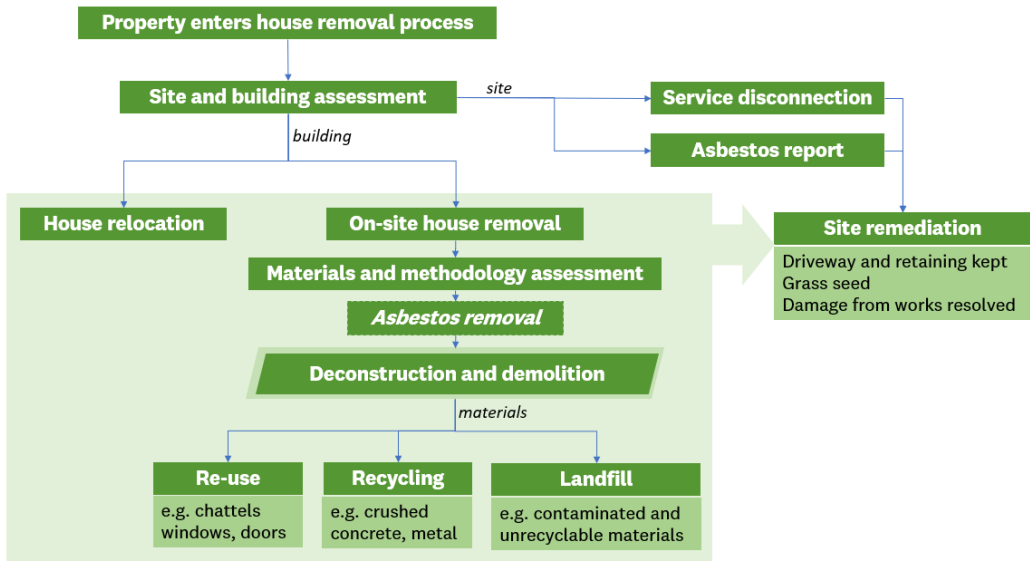
Interim maintenance

Interim property maintenance will be carried out to ensure that Auckland Council is a 'good neighbour' and performs basic maintenance where it is needed, until a land use decision can be made. Not all sites will need to be maintained. Service levels may differ from site to site. The priority will be mowing, garden maintenance, weed spraying and boarding up broken windows on properties that are more visible from roads and footpaths, and properties where there is potential to relocate the dwelling (minimising any loss of value in the building). Members of the public can notify the council of maintenance needs on storm affected land by using the 'report a problem' website or Recovery Office contact email addresses.

House removal

Once triaged, if there are no complicating factors, the property enters the house removal process as shown below. A site and building assessment will be carried out to find the most cost-effective and efficient method for removal, either house relocation or on-site house removal through a combination of deconstruction and demolition. Services will be disconnected, and properties will be remediated for safe management until a land use decision can be made.

Item 20.1



Attachment A

DRAFT

Assessment of land use potential

Staff across the Auckland Council Group will work together to consider a range of risks and potential uses to determine the best use of the property, looking at the opportunities and constraints present on each site, and recognising the importance of community regeneration and resilience options.

Assessing future land use options is an iterative process. Some assessments and pathways will be straightforward. Others will be more complex. Properties may need to be assessed several times before a land use decision can be made. Given the variety of property types, it is important that our processes adapt to suit the characteristics of each property.

Once the assessment is complete, the options analysis will be documented to inform the land use recommendation and decision.

Risk assessment

Risk assessment of the redevelopment potential of properties is consistent with the assessment undertaken in the property categorisation process.⁶ This helps to avoid people being in situations of intolerable risk due to flooding and land instability.⁷

The assessment evaluates the whole land parcel rather than just the dwelling. It could be that without the residential dwelling in place, other mitigation options become available. It also considers a range of future use options, where risk thresholds may be higher. Options range from replanting (environmental use), parks or infrastructure (asset use), or commercial or residential redevelopment (property use).

If the assessment indicates redevelopment potential, further investigation will be undertaken in the next steps of the process.

Natural Hazards Plan Change

Staff are progressing work on a change to the AUP to manage significant effects of natural hazards. Work is progressing on risk settings - what is tolerable for different natural hazards, in different contexts.

Risk settings will drive the changes proposed to the AUP which currently includes rules for land development where any of the following are present: flooding, land instability, coastal erosion, and coastal inundation and wildfires.

⁶ 2024 Auckland Council, *New Zealand Category 3 voluntary buy-out support scheme - homeowner handbook*. Updated September 2024, pp. 20-21.

⁷ Other hazards will be considered through regular processes, such as resource consents.

Redevelopment potential

Redevelopment potential will be assessed on a site-specific basis looking at the whole property (rather than the existing dwelling). The assessment will consider whether there is any scope to locate activity on other parts of the site, or whether there are options to re-engineer the land to mitigate risk. Where there are clusters of storm affected properties, staff will also look at the possibility of amalgamating sites for redevelopment.

Staff will consider operative zoning and relevant Auckland Unitary Plan (AUP) provisions when assessing land use options to support divestment decision-making. If any relevant plan changes have been notified at the time of the assessments, those plan changes will also be considered.

Storm affected land will go through a two-stage process before being confirmed for divestment.

1. Multicriteria analysis including to confirm:
 - a. That the land is not required to be retained for council service need or community mitigation projects.
 - b. What remediation work (if any) is required and the associated estimated cost.
 - c. The property is suitable for divestment.
2. Property specific review. This review includes:
 - a. Standard due diligence (zoning, legal interests, utilities).
 - b. Whether there is a market for redevelopment or if it is only suitable to be offered for private green space.
 - c. Consideration of what encumbrances need to be placed on the land to ensure there is no future intolerable risk to life (legal, planning).
 - d. Valuation advice to consider the cost of remediation, encumbrances, whether the land is developable or only suitable as private green space.

Service needs assessment

Staff will analyse properties for their potential to meet an identified council group service need for Auckland Transport, Healthy Waters and Flood Resilience, Parks and Community Facilities, and Watercare. This analysis is based on existing policies and plans, including the Open Space Acquisition Policy, adopted local board plans and the Making Space for Water programme. Funding for any identified service will need to be met through existing funding processes – there is no additional funding to support use of storm affected land.

Where a service need has been identified, there is likely to be a benefit to using properties already owned by the council, saving the need to purchase other land. This needs to be considered against the return that may be possible through divestment to a third party.

Clustered property investigations

There may be larger-scale opportunities to support community regeneration where a number of storm affected properties are clustered together. This includes opportunities to provide improved flood resilience, amenities and housing.

These clusters will be held up to one year to consider addressing multiple business needs e.g. redevelopment potential, infrastructure need, and Auckland Council service need. This will give the council time to consider the best use of the land where overlapping benefits or outcomes have been identified and undertake processes such as master planning and testing the market for potential development partnerships.

If the opportunity is shown to not be feasible, the land will be re-assessed for other uses.

Local board interest

Staff will provide advice to local boards regarding any properties that may meet identified needs within the local board area, this may include considering swapping the use of a current service property (e.g. park) if greater community outcomes can be achieved. Local boards will also have the opportunity to review the complete list of properties acquired within their area and note any preferences or requests for use of that land. Local boards will only become decision-makers for land that is approved by the Governing Body to move from non-service to service property to meet an identified local service need. Local boards will need to commit operating expenditure budget to remediation and long-term operational costs for this to occur.

Mana Whenua interest

Mana whenua will have the opportunity to review the complete list of properties acquired within their rohe and communicate their land use preferences and interest in specific properties. These will be noted in the Acquired Land Request Register and considered in the assessment phase. Any divestments to mana whenua will be undertaken through existing processes.

Auckland Council will continue to engage with mana whenua through established relationships and forums such as the Interim Mana Whenua Forum. Regular updates from the Recovery Office will provide opportunities for feedback on progress with the Storm Affected Land programme.

Community/third party interest

Community groups, mataawaka, businesses, the Crown, and private individuals can communicate

their land use ideas or interest in specific properties to the Recovery Office. These will be noted in the Acquired Land Request Register and the feasibility of the request will be considered.

Decisions about land use will be aligned to adopted policy and plans, where community views have been reflected.

Where there is a particularly high-level of community interest, decisions about land use may be informed by community engagement. Where appropriate, local communities will be invited to input through existing engagement processes on specific properties.

This policy does not replace existing obligations for community engagement or consultation.

Financial considerations

Assessing the relative costs and benefits is an important part of the land use assessment. This includes:

- Making the best use of assets - the process seeks to maximise the value or use of the property.
- Reducing the asset base where the council does not need properties for strategic service uses.
- Factoring in the ongoing operational maintenance costs of retaining the land.
- Balancing the cost of site investigations with the likely returns.
- Prioritising Auckland Council Group strategic service use of properties where it can be shown to avoid future land acquisition cost.

Complex cases pathway

Properties that are identified as a complex case in the property triage will be managed through a separate process, recognising that there are more factors and/or stakeholders that need to be involved in any decision about the future of the land.

A complex cases team is being established to work through the solutions for these properties. Where possible, complex issues will be resolved quickly and moved to the house removal and/or future land use assessment pathways.

Complex cases include situations where the property:	
<ul style="list-style-type: none"> Is part of a unit title or cross-lease development 	<p>Cross lease and unit title properties require additional layers of engagement with neighbours and body corporates to agree the pathway for storm affected dwellings and ensure that Auckland Council is acting as a 'good neighbour' while it owns the property. (Where the council purchases all the dwellings on a site – these can progress to future land use assessments as soon as all purchases are complete.)</p> <p>Decisions about the future of a property become more complex where there are multi-unit dwellings with shared party walls or 'upstairs-downstairs' configurations. In these cases, an option for storm affected dwellings owned by the council may be to implement 'make safe' solutions other than removal. For example, converting the dwelling into space for storage or garaging for use by other unit owners. In some cases, there may be a risk mitigation option available, or a site may be suitable for redevelopment. In all cases the council would work with the other owners (or as part of the body corporate) to reach a decision.</p>
<ul style="list-style-type: none"> Has a request logged in the Acquired Land Request Register 	<p>Depending on the nature of the request, this could require a quick check to ensure registered requests can be addressed within the future land use assessment or with an arrangement for transitional use. If the request is beyond what can be managed through the land use assessment, the property will remain in the complex cases pathway for resolution.</p>
<ul style="list-style-type: none"> Is a scheduled historic heritage place 	<p>These properties may require a resource consent for house removal or may require further engagement with mana whenua and heritage agencies to understand any constraints.</p>
<ul style="list-style-type: none"> Has potential to mitigate risk to the dwelling 	<p>There may be situations where it is possible to mitigate the risk to the existing dwelling(s). For example, where a category 2P risk mitigation costs more than 25% of CV or where a dwelling could be significantly modified, for example removing flooded basement spaces to create a home with a smaller footprint.</p>

Future land use decisions and outcomes

We expect that the land use analysis will identify properties as being appropriate for one of six outcomes: three where the property is sold (divestment outcomes) and three where the property is retained by Auckland Council (retention outcomes). Each outcome will require a different implementation pathway as described below, using existing council processes as much as possible.

Divestment Outcomes

Redevelopment

Where land can be redeveloped, the council will divest the site. One of the following existing processes will be applied, depending on the property:

1. Straight sales on the open market.
 - a. The land can be developed as the market sees best within the regulatory framework.
 - b. Sites in the first instance are presented to mana whenua to purchase on commercial terms.
2. Straight sales through a direct or limited contestable process for land that is only suitable for private green space.
 - a. The party is likely to be an adjacent landowner.
 - b. The land must have limited or no value on the open market.
3. Sales with more complex development opportunities. This will mostly apply to clustered or larger properties, and properties where the council shares ownership with other parties.
 - a. Development outcomes may be specified by Auckland Council.
 - b. To be sold by way of a contestable open market process unless there is an appropriate direct or limited contestable opportunity
 - c. Where practical, bids to include a weighting in the evaluation criteria to support Māori by helping to facilitate and/or leverage investment in Māori outcomes.

Auckland Council will generally not undertake any physical works on properties for redevelopment purposes. There is also no obligation to 'fix' the land before it is divested. Information on the state of the land will be disclosed to all prospective buyers.

While Auckland Council will carry out its own due diligence to support the sales strategy, individuals deciding whether to acquire land made available through divestment will need to carry out their own due diligence assessments. This should include consideration of any legal instruments registered to the title and all relevant planning provisions to determine whether a resource consent will be required. Any resource consents required will be subject to the council's standard procedures in terms of lodgement, processing and fees. Auckland Council does not guarantee the outcome of the consent process.

Site-specific interests will be noted on the record of title as appropriate.

Private green space

Where there is no option to redevelop the property or use it for a council service, it may be that neighbours can do a better job of looking after the land than the council can. This will most likely be land that is only suitable for private green space such as increased garden space or replanting for ecological outcomes, and likely to be of greatest interest to neighbours. In rural settings, some properties may have value as grazing sites.

Individuals deciding whether to acquire land made available through divestment will need to carry out their own due diligence assessments. Site-specific interests will be noted on the record of title to exclude hazardous activity and use as appropriate. Any resource consents required will be subject to the council's standard procedures in terms of lodgement, processing and fees. Auckland Council does not guarantee the outcome of the consent process.

The process for divestment for private green space outcomes will consider whether to follow an open-market or closed tender process for the offer, depending on the likely range of interest for the property.

Risk mitigation for the existing dwelling

In some cases, managed under the complex cases workstream, there will be potential to mitigate risk for an existing dwelling. This includes freestanding houses and multi-unit buildings.

Examples could include situations where:

- a property-level mitigation had been identified during the categorisation process, but was not feasible as it cost more than 25% of the property CV. The property could be divested with the condition that the risk mitigation work is completed.
- the council has purchased a small number of units within a multi-unit building where the best option is to make the units 'safe' by converting the units to non-habitable space.
- only the lower level of a property has intolerable risk and could be converted to non-habitable space. For example, basement bedrooms converted into storage.
- the property purchased is a cross-lease or unit title and the council will work with the other owners or the body corporate to determine the best outcome for the site.

