

WAIROA DISTRICT COUNCIL



POLICY ON EARTHQUAKE-PRONE BUILDINGS

Adopted 25 May 2006

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1 INTRODUCTION AND BACKGROUND

1.1 Introduction

Section 131 (Refer Appendix B) of the Building Act 2004 requires territorial authorities to adopt a policy on earthquake-prone buildings by **31 May 2006**. This document sets out the policy adopted by Wairoa District Council (herein after referred to as the "Council") in accordance with the requirements of the Building Act 2004 ("the Act").

The policy must state

- Council's approach to performing its functions under the Act
- Council's priorities in performing those functions
- How the policy will apply to heritage buildings.

This Policy sets out Council's response to the policy requirements of the Act in relation to Earthquake-prone buildings (EPB's). The legislation seeks to reduce the level of earthquake risk to the public over time and targets the most vulnerable buildings. Strengthening buildings to improve their ability to withstand earthquake shaking will involve costs to the Council, building owners and community generally.

In developing and adopting its earthquake-prone buildings policy Wairoa District Council has followed the consultative procedure set out in Section 83 of the local Government Act 2002.

1.2 Background

Wairoa is in a zone of relatively high seismicity. Standards New Zealand has issued a document defining hazard factors for locations across the country. Below is a table putting the Hazard factor for Wairoa in context:

Table 1: Earthquake hazard factors

Location	Hazard Factor
Kaitaia	0.13 (lowest level in New Zealand)
Auckland	0.13 (lowest level in New Zealand)
Tokoroa	0.21 (moderate level seismicity)
Christchurch	0.22 (moderate level seismicity)
Gisborne	0.36 (high level of seismicity)
Wairoa	0.37 (high level of seismicity)
Wellington	0.40 (high level of seismicity)
Hamner Springs	0.55 (maximum in New Zealand)

Source: NZS 1170.5:2004 – information in brackets added for clarity

Buildings within the district comprise a range of types and ages reflecting slow development for well over 150 years from un-reinforced masonry buildings to modern steel and concrete buildings.

The 1931 Hawkes Bay Earthquake caused damage to buildings in the Central Business District and destroyed the main town bridge. The buildings that survived that earthquake have been subject to many subsequent earthquakes with little apparent damage.

Buildings erected after the 1931 earthquake are likely to have been constructed under more strict building requirements. Refer Appendix A.

In 1976 more robust controls covering the earthquake safety of buildings were introduced in NZS 4203 *General Structural Design and Design Loadings* (1976). There is no record of Wairoa District Council or its predecessors pursuing a policy of actively identifying and strengthening earthquake-prone buildings.

2. DEFINITIONS

The terms “building” and “dam” are defined in the Building Act 2004

Earthquake-Prone:

The definition of an earthquake-prone building is set out in Section 122 the Act as follows:

“A building is considered earthquake-prone where, having regard to its condition and to the ground on which it is built and because of its construction the building:

- *Will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and*
- *Would be likely to collapse causing injury or death to persons in the building or on any other property; or damage to any other property.”*

The Act also notes that this definition does not apply to buildings used wholly or mainly for residential purposes unless that building comprises 2 or more storeys and contains 3 or more households.

Moderate Earthquake:

Definition provided by Regulation 7 of the Building Regulations (Specified Systems, Change of Use and Earthquake-prone Buildings)

“A moderate earthquake is an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one third as strong as, the earthquake shaking (determined by normal acceleration, velocity and displacement) that would be used to design a new building at the site.”

This definition is significantly more extensive and requires a higher level of structural performance for buildings than that provided by the Building Act 1991. It encompasses all buildings, not simply those constructed of unreinforced masonry or unreinforced concrete.

3. POLICY PRINCIPLES

- 1) The purpose of this Policy is primarily to ensure that Council appropriately discharges its statutory obligations under the Building Act 2004 in relation to buildings in the Wairoa District that are suspected or confirmed as earthquake-prone.
- 2) This Policy shall be consistent with the Community Outcomes set out in the Long Term Council Community Plan and contribute to establishing a **Safe and Secure Community, a Lifetime of Good Health and Wellbeing, and an Environment that is Appreciated, Protected and Sustained for Future Generations**. This policy contributes by protecting people and property from earthquake-prone buildings by requiring these buildings to be made safe.
- 3) There exists a need to balance the benefits to the community in upgrading a building that is earthquake-prone against the ability of the community to meet the costs involved to fund improvements to its building stock.

- 4) Action under the Policy shall focus on dialogue between building owners and Council. Where possible a course of action and timeframe that is mutually agreed will be sought. Formal action should only be taken when further dialogue cannot be achieved or will not advance the situation and there is a clear need for further action to ensure community wellbeing.

4. POLICY]

In the past Council has adopted a passive approach to the management of earthquake-prone buildings (EPB's). Investigation of these buildings structural integrity was at the discretion of building owners, or when Council received an application for building consent.

4.1 OVERALL POLICY APPROACH – REACTIVE APPROACH

Council's policy reflects Council's determination to reduce the earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers and citizens and recognises the resources presently available to the Council.

Under the requirements of the Act, Council will adopt a reactive approach. This would mean the initial evaluation process (IEP) or detailed assessment and any improvement of structural performance would be triggered by an application under the Act for building alteration, change of use, extension of life or subdivision.

4.2 IDENTIFICATION OF EARTHQUAKE-PRONE BUILDINGS

Preliminary Investigation:

Council is to undertake a relatively simple desktop examination of the Council rating database and its building stock to determine which buildings have the potential to be earthquake-prone. This would concentrate on the Central Business District and industrial areas. Building age (constructed prior to 1935) and construction materials will be key indicators in this preliminary survey. These buildings will be labelled as priority buildings.

Compile Register of Potential EPB's:

Assemble a list of likely earthquake-prone buildings according to the results of the database search. Buildings will be added to the list as they become apparent from building consent applications

Buildings will be categorised as follows:

1. **Priority Buildings** – being those constructed prior to 1935;
2. **Other building** – all other buildings

Initial Evaluation Process (IEP):

Buildings identified in preliminary phase will be subject to an IEP. The preliminary investigation is to be followed with a primarily visual inspection of the buildings to assess which buildings could be earthquake-prone.

Observations of the exterior of the building are to be documented along with photographic records, the vulnerable features of the building, the materials, style, construction, condition etc and the ground upon which the building is constructed. For the purposes of this Policy, Council defines earthquake-prone buildings with un-reinforced masonry construction.

Advising Owners:

Where the IEP indicates that a building is likely to be earthquake-prone, building owners will be advised in writing. The advice will contain a request that they contact Council within a set timeframe, of not more than 12 months, to discuss details of any further requirements with regard to the building. The time allowed will be based on the estimated risk.

This phase is to establish dialogue with owners. Building owners will be requested to reduce or remove any danger associated with their building. At this point consideration must be given as to whether surrounding property owners need to be advised of potential risk from an earthquake-prone building.

It may be necessary for building owners to make application for a building consent should remedial work be necessary.

Detailed Assessment:

Council will work with and encourage owners of priority buildings to have detailed assessments carried out on their buildings by an engineer experienced in this field. Evaluations and assessments of buildings, other than the preliminary investigation or primary visual inspection must be undertaken by a Chartered Professional Engineer with experience in structural engineering.

If the detailed assessment indicates that a building is earthquake-prone Council is to issue a notice to reduce or remove the danger

When there has been a moderate earthquake in the District and damage to buildings has been reported, Council will:

- Undertake a primarily visual inspection of all EQP buildings to assess whether any damage has been caused to buildings.
- Require building owners to carry out a detailed assessment of buildings identified as earthquake damaged in the initial evaluation above.
- Require any damaged buildings to be strengthened to comply as nearly as practicable with the provisions of the Building Code.
- Seek advice from the New Zealand Fire Service on making an assessment of dangerous buildings where appropriate, for example on a complex building or on a building that has suffered damage after an earthquake.

4.3 ASSESSMENT CRITERIA

Assessments of potentially earthquake-prone building to be undertaken by an appropriately qualified professional and use the New Zealand Society of Engineers document "Recommendations for the Assessment and Improvement of the Structural Performance of Buildings in Earthquakes". These recommendations are designed to be used in conjunction with AS/NZS 1170 Structural Design Actions, NZS 3101 The design of Concrete Structures, NZS 3404 Steel Structures Standard and other materials standards.

4.4 TAKING ACTION ON EARTHQUAKE-PRONE BUILDINGS

Council will be satisfied a building is earthquake-prone following:

- Receiving a detailed assessment of the building by a Chartered Engineer with experience in structural engineering and;
- Review of the report and consideration of Sections (4) and (122) of the Act by an authorised Council Officer

Once a building is confirmed as being earthquake-prone Council will:

- Record the decision and place it on the property file and advise the building owner in writing.
- Liaise and work with the owners of the building.
- Update Council's register to confirm the building is earthquake-prone and identify the building's status on its property file.
- Identify the building as being earthquake-prone on any Land Information Memorandum (LIM) prepared for that property and Project Information Memorandum (PIM) where appropriate.
- Once deadlines have passed and subject to the result of discussions Council may invoke its powers in accordance with Sections 124,125 and 126 of the Act (Refer Appendix B) or any other section which may be appropriate in the circumstances.
- Serve formal notices on owners of EPB's that are confirmed by the detailed assessment procedures to be earthquake-prone in accordance with the Act. This may require them to remove the danger, strengthen or fix the building as necessary to comply as nearly as practicable with the provisions of the Building code. The procedures for serving notice are set out in Section 125 of the Act Refer Appendix B). The notice should specify the work that needs to be carried out and the time frame in which it is to be completed.
- Ensure buildings identified as being earthquake-prone will be required to be strengthened when a Building Consent application is received for significant upgrading or alteration of the building. The required level of structural improvement is defined as 67% of New Building Standard in compliance with NZS 1900 Chapter 8 1965.

Receiving Building Consent Applications:

Each building consent application for an identified EPB will be assessed on a case-by-case basis. Where consent is for anything other than minor work, Council may, at its discretion, require the building owners to upgrade the earthquake strength of their buildings. Council will not take any action under Section 124 of the Act (Refer Appendix B) in relation to a building unless it is satisfied the building is earthquake-prone.

Once a building consent application activates the EPB Policy, Council will require any necessary upgrading to be undertaken, even if a building owner decides not to undertake the building work set out in the application. Any remedial work required to strengthen the building may be undertaken as part of the building work for which the owner seeks a building consent.

4.5 DEALING WITH BUILDING OWNERS

Council acknowledges that implementation of this Policy will require early and on-going communication with owners of potentially earthquake-prone buildings. This includes:

- Writing to and actively engaging with owners of buildings identified as being potentially earthquake-prone
- Informing these owners of the Policy, its interpretation and implications; and the options available to them with its implementation. Any cost for this detailed assessment of the building will not be shared by Council.
- Working with owners to achieve mutually acceptable outcomes to dealing with the danger, leading to receipt of a formal proposal from owners for strengthening or removal within a defined time-frame.
- Owners who object have the right, as set out in the Act, of applying to the Department of Building and Housing for a determination under Section 177(e) of the Act (Refer Appendix B).

4.6 INTERACTION BETWEEN THIS POLICY AND RELATED SECTIONS OF THE BUILDING ACT 2004

In exercising its powers under the Act in relation to earthquake-prone buildings Council will be guided by the purpose of the Act and the principles of its functions as set out in Section 4. Particular regard will be given to:

- Harmful effects on human health;
- Special cultural, traditional or heritage aspects of a building;
- Protecting other property from physical damage resulting from use of a building and
- Preservation of buildings of significant cultural, historical or heritage value.

When issuing building consents under Sections 112 to 116A of the Act for alteration, change of use, extension of life or subdivision Council will consider the requirements of the Act relating to earthquake-prone buildings. Council will require that any action necessary to reduce or remove the dangerous or insanitary situation be undertaken at the same time as the building work set out in the consent application.

4.6.1 Section 112: Alterations to existing building

Whenever a building consent application is received for significant upgrading or alteration of a building that is identified as being potentially earthquake-prone or could be earthquake prone then, Council will not issue a building consent until the owner has engaged an appropriate expert to investigate and assess the structural integrity of the building. Council must be sure the building is not earthquake-prone and that the building work will not detrimentally affect the buildings' compliance with the Building Code.

If the building is shown to be earthquake-prone and the Council is satisfied with this assessment, Council will invoke its powers under Section 124 of the Act, as appropriate, to require that the building be strengthened to 67% of new building standard in compliance with NZS1900 Chapter 8 1965.

4.6.2 Section 115: Change of Use

Whenever a building consent application is received for change of use of a building that is identified as being potentially earthquake-prone or could be earthquake-prone it will be a requirement of the building consent that the owner make a detailed assessment of the earthquake performance of the building to determine whether or not it is an earthquake-prone building in its existing condition.

If the building is shown to be earthquake-prone then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with every provision of the Building Code that relates to structural performance to that of a new building as is required by Section 115(b)(i)(a). (In this instance the requirement for earthquake-prone buildings would be the same as that for non-earthquake-prone buildings).

4.7 RECORDING THE STATUS OF EARTHQUAKE-PRONE BUILDINGS AND ACCESS TO THIS INFORMATION

Council will keep a register of all EPB's. This is to include details of any assessments, notices issued and any agreements with building owners concerning structural improvements to buildings.

If a building has been assessed as being earthquake-prone its status as such will be recorded on the property file.

In addition the following information will be placed on the LIM for each EPB:

- Statement that the building is on the Council's register of earthquake-prone buildings.
- Date by which strengthening or demolition is required (if known).
- Statement that further details are available from the Council to those who can demonstrate a genuine interest in the property. People, who own, occupy or visit buildings need to know whether those buildings are earthquake-prone. In granting access to information concerning earthquake-prone buildings, Council will conform to the requirements of any relevant legislation by which it may be bound e.g. Privacy Act.

This information is to be also placed on Project Information Memorandum (PIM) where it affects any proposed building work.

Council will assess on a case-by-case basis for the need for earthquake-prone buildings to have an identifying plaque. This could be fixed if the building represents an immediate danger to persons and property but Council believes that having information available at the Council offices is sufficient notice.

5. IMPACT OF POLICY

5.1 Economic

Council has limited resources to carry out a review of its possible stock of earthquake-prone buildings in terms of the cost benefit of strengthening earthquake-prone buildings. Council believes the number of potential earthquake-prone buildings is limited however the cost of structural improvements may have a significant impact on some building owners.

The approach adopted in this Policy is a passive approach in terms of general building stock and reactive in terms of priority buildings. Implementation of the policy will come at low cost to the community. While Council will actively encourage building owners, detailed assessments will be at the discretion of building owners, unless an application is received for building consent. At this time the applicant will be required to undertake a structural assessment, at their cost, in order for Council to determine, and be satisfied that the building is not earthquake-prone.

5.2 Social

Taking action on earthquake-prone buildings is one way in which Council acts to ensure the safety and health of people. Council believes the safety of people is of paramount importance and this policy reflects this.

5.3 Cultural

While this policy seeks to make special provision for heritage buildings and maintaining the character of townships, the primary consideration at all times will be for the safety and health of people and property.

5.4 Environmental

Council considers there is no environmental impact from this policy.

6. HERITAGE BUILDINGS

Council believes it is important that heritage buildings within the District do not pose a risk to the safety of occupants or other buildings and have a good chance of surviving a major earthquake. However, Council does not wish to see the intrinsic heritage value of such buildings adversely affected by structural improvement measures.

Heritage buildings identified in Appendix B of the District Plan Schedule of Heritage Items will be assessed in the same way as other potential EPB's. Council will work actively with building owners and other statutory/interested parties to address and resolve any concerns. Special efforts will be made to meet heritage objectives specified in the District Plan. The requirements of the Historic Places Act and the provision of incentives for owners to upgrade may be considered by Council. In particularly important cases, public consultation will be included.

Council encourages all owners of significant buildings to have them assessed and graded.

7. ADOPTION AND REVIEW OF POLICY

- Section 132 of the Act (Refer Appendix B), states a policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.
- This policy may be amended or replaced only in accordance with the special consultative procedure.
- As soon as practicable after this policy is adopted, or future reviews or amendments are adopted, Council must provide a copy to the Chief Executive of the Department of Building and Housing.
- To ensure the policy remains relevant and appropriate to our district Section 132 of the Act states the policy must be reviewed within 5 years after the policy is adopted.
- This policy does not cease to have effect because it is due for review or being reviewed.

Appendix A:

Overview of Buildings not complying with Current Standards

Suggested Changes to the Earthquake Prone Provisions of the Building Act: March 1998 Background Paper

History

The relevant history of the development of the form of commercial buildings and design standards for earthquake in New Zealand is summarised as follows:

Before 1935:

- Commercial buildings were generally constructed of unreinforced masonry;
- Little or no consideration of earthquake effects

From 1935 until 1965:

- Buildings became increasingly larger (higher)
- Lateral strength provided to a uniform load level;
- Inadequate detailing to enable ductile response.

From 1965 until 1976:

- Buildings were designed for variable lateral load according to seismic zone;
- Design lateral load did not vary with building type and ductility;
- No mandatory detailing to enable ductile response;
- Only general requirements in the terms of the regularity of structural configuration.

Since 1976:

- Buildings have been designed for variable lateral load according to seismic zone;
- Design lateral load varied according to building type and ductility;
- Appropriate detailing required to achieve assumed ductility;
- Guidance as to acceptable structural configurations.

The loadings standard published in 1976 therefore represented a significant improvement in seismic design standards. There were similar advances in seismic codes in California in the mid-1970's. There have been only minor refinements of the fundamental concepts since and so 1976 is referred to as the onset of "modern" or "current" standards for earthquake design.

It must be acknowledged that the principles behind the development of these current standards were applied to a number of buildings designed from the late 1960's and these are likely to perform appreciably better than others of this era.

The other relevant aspect of history is that New Zealand has not experienced a damaging earthquake in any of its metropolitan or provincial centres since the 1931 Napier disaster. The seismicity models that have been developed for New Zealand suggest that this absence of significant urban earthquake activity is unusual.

Appendix B:

Relevant Sections of the Building Act 2004

Part 1, Subpart 1, 3 Purpose

The purpose of this Act is to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings, to ensure that—

- (a) people who use buildings can do so safely and without endangering their health; and*
- (b) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and*
- (c) people who use a building can escape from the building if it is on fire; and*
- (d) buildings are designed, constructed, and able to be used in ways that promote sustainable development.*

Section 12(2)(j)

Role of building consent authority and territorial authority—

- a. Under this Act, a territorial authority—*
 - (j) performs functions relating to dangerous, earthquake prone, or insanitary buildings;*

Section 121(1)

“A building is dangerous for the purposes of this Act if, -

- (a) In the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-*
 - (i) Injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*
 - (ii) Damage to another property; or*
- (b) In the event of a fire, injury or death to any person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.”*

Section 124

Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings—

- (1) If a territorial authority is satisfied that a building is dangerous, earthquake prone, or insanitary, the territorial authority may—*
 - (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe;*
 - (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;*
 - (c) give written notice requiring work to be carried out on the building, within a time stated in the notice (which must not be less than 10 days after the notice is given under Section 125), to—*
 - (i) reduce or remove the danger; or*
 - (ii) prevent the building from remaining insanitary.*

- (4) Any person who fails to comply with a notice given under Subsection (1)(c) is committing an offence and is liable to a fine not exceeding \$200,000.

Section 125

Requirements for notice given under Section 124—

- (1) A notice given under Section 124(1)(c) must—
- (a) be fixed to the building concerned; and
 - (b) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice.
- (2) A copy of the notice must be given to—
- (a) the owner of the building; and
 - (b) an occupier of the building; and
 - (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and
 - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under Section 137 of the Land Transfer Act 1952; and
 - (e) any statutory authority, if the land or building has been classified; and
 - (f) the New Zealand Historic Places Trust, if the building is a heritage building.
- (3) However, the notice, if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (2).

Section 126

Territorial authority may carry out work

- (1) A territorial authority may apply to a District Court for an order authorising the territorial authority to carry out building work if any work required under a notice given by the territorial authority under section 124(1)© is not completed, or not proceeding with reasonable speed, within-
- (a) the time stated in the notice; or
 - (b) any further time that the territorial authority may allow.
- (2) Before the territorial authority applies to a District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so.
- (3) If a territorial authority carries out the building work under the authority of an order made under subsection (1),-
- (a) the owner of the building is liable for the costs of the work; and
 - (b) the territorial authority may recover those costs from the owner; and
 - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.

Section 127

Building work includes demolition of a building any work required or authorised to be done under section 1324(1)© or section 126 may include the demolition of all or part of the building.

Section 128

Prohibition on using dangerous, earthquake-prone or insanitary building

- (1) *If a territorial authority has put up a hoarding or fence in relation to a building or attached a notice warning people not to approach a building under section 124(1), no person may-*
 - (a) *use or occupy the building; or*
 - (b) *permit another person to use or occupy the building.*

Section 129

Measures to avoid immediate danger or to fix insanitary conditions—

- (1) *This Section applies if, because of the state of a building,—*
 - (a) *immediate danger to the safety of people is likely in terms of Section 121 or Section 122 or Section 123; or*
 - (b) *immediate action is necessary to fix insanitary conditions.*
- (2) *The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgment to—*
 - (a) *remove that danger; or*
 - (b) *fix those insanitary conditions.*
- (3) *If the territorial authority takes action under sub Section (2),—*
 - (a) *the owner of the building is liable for the costs of the action; and*
 - (b) *the territorial authority may recover those costs from the owner; and*
 - (c) *the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated.*
- (4) *The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under sub Section (2).*

Section 130

Territorial authority must apply to District Court for confirmation of warrant

- (1) *If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to a District Court for confirmation of the warrant.*
- (2) *On hearing the application, the District Court may –*
 - (a) *confirm the warrant without modification; or*
 - i *the owner does not dispute the entry in to the owner's land; and*
 - ii *confirmation of the warrant by a District Court is not required; and*
 - (b) *Confirm the warrant subject to modification; or*
 - (c) *set the warrant aside.*

(3) *Subsection (1) does not apply if-*

- (a) *the owner of the building concerned notifies the territorial authority that-*
- (b) *the owner pays the costs referred to in section 129(3)(a).*

Section 131

Territorial authority must adopt policy on dangerous, earthquake-prone, and insanitary buildings—

- (1) *A territorial authority must, within 18 months after the commencement of this Section, adopt a policy on dangerous, earthquake-prone, and insanitary buildings within its district.*
- (2) *The policy must state—*
 - (a) *the approach that the territorial authority will take in performing its functions under this Part; and*
 - (b) *the territorial authority's priorities in performing those functions; and*
 - (c) *how the policy will apply to heritage buildings.*

Section 132

Adoption and review of Policy

- (1) *A policy under section 131 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.*
- (2) *A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.*
- (3) *A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.*
- (4) *A territorial authority must complete a review of the policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.*
- (5) *A policy does not cease to have an effect because it is due for review or being reviewed.*

Section 177(e)

Application for determination—

A party may apply to the chief executive for a determination in relation to 1 or more of the following matters:

- e) *the exercise by a territorial authority of its powers under Section 124 or Section 129 (which relate to dangerous, earthquake-prone, and insanitary buildings) or the failure to exercise those powers:*