

Building Amendment Regulations 2007

Preamble

At Wellington this 21st day of May 2007

Pursuant to section 400 of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister (as defined by section 7 of that Act) made, as required by section 403(2) of that Act, after he or she became satisfied that the chief executive (as so defined) has consulted in accordance with section 403(3) and (4) of that Act, makes the following regulations.

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- 1 Title**
These regulations are the Building Amendment Regulations 2007.
- 2 Commencement**
These regulations come into force on 21 June 2007.

3 Principal regulations amended

These regulations amend the Building Regulations 1992, regulation 3 and Schedule 1 of which continue in force in accordance with—

- (a) section 415(2)(a) of the Building Act 2004; and
- (b) regulation 8(2)(a) of the Building (Forms) Regulations 2004.

4 New clause E2 of Schedule 1 substituted

Schedule 1 is amended by revoking clause E2 and substituting the following clause:

Clause E2—External moisture

Provisions

Limits on application

Objective

E2.1 The objective of this provision is to safeguard people from illness or injury that could result from external moisture entering the *building*.

Functional requirement

E2.2 *Buildings* must be constructed to provide *adequate* resistance to penetration by, and the accumulation of, moisture from the outside.

Requirement E2.2 does not apply to *buildings* (for example, certain bus shelters, and certain *buildings* used for horticulture or for equipment for washing motor vehicles automatically) if moisture from the outside penetrating them, or accumulating within them, or both, is unlikely to impair significantly all or any

of their *amenity*, durability, and stability.

Performance

E2.3.1 Roofs must shed precipitated moisture. In locations subject to snowfalls, roofs must also shed melted snow.

E2.3.2 Roofs and exterior walls must prevent the penetration of water that could cause undue dampness, damage to *building elements*, or both.

E2.3.3 Walls, floors, and structural elements in contact with, or in close proximity to, the ground must not absorb or transmit moisture in quantities that could cause undue dampness, damage to *building elements*, or both.

E2.3.4 *Building elements* susceptible to damage must be protected from the adverse effects of moisture entering the space below suspended floors.

E2.3.5 *Concealed spaces* and cavities in *buildings* must be constructed in a way that prevents external moisture being accumulated or transferred and causing condensation, fungal growth, or the degradation of *building elements*.

E2.3.6 Excess moisture present at the completion of *construction* must be capable of being dissipated without permanent damage to *building elements*.

E2.3.7 *Building elements* must be constructed in a way that makes due allowance for the following:

- (a) the consequences of failure:
- (b) the effects of uncertainties resulting from *construction* or from the sequence in which different aspects of *construction* occur:
- (c) variation in the properties of materials and in the characteristics of the site.

5 New clause F4.3.4(h) of Schedule 1 added

Clause F4.3.4 of Schedule 1 is amended by adding the following paragraph and limit on application:

(h) Be constructed so that they are not readily able to be used as seats. Performance F4.3.4(h) does not apply to *Housing*.

6 New clause F6 of Schedule 1 substituted

(1) Schedule 1 is amended by revoking clause F6 and substituting the following clause:

Clause F6—Visibility in escape routes

Provisions

Limits on application

Objective

F6.1 The objective of this provision is to help safeguard people from injury in *escape routes* during failure of the main lighting.

Functional requirement

F6.2 *Specified features* in *escape routes* must be made *reasonably visible* by lighting systems, other systems, or both, during failure of the main lighting.

Requirement F6.2 does not apply to *Detached Dwellings, household units* within *Multi-unit Dwellings, Outbuildings, or Ancillary buildings*.

Performance

F6.3.1 *Specified features* in *escape routes* must, when the systems for visibility are at their design level, be *reasonably visible*.

Performance F6.3.1 does not apply to *specified features* in the initial 20 metres of an *escape route* if the risk of injury, or impediment to movement of people, due to the *specified features* not being visible is low for example, because people are familiar with the *escape route*, the *escape route* is level, and people do not require assistance to escape).

F6.3.2 The systems for visibility must operate to the following percentages of their design levels within the following times after failure of the main lighting:

(a) 80% in 0.5 seconds in locations (examples of which are given by performance F6.3.3) where there is a high risk of injury due to delay in operation of the systems for visibility; and

(b) 10% in 0.5 seconds, and 80% in 30 seconds, in stairs and in locations that are unfamiliar to users; and

(c) 10% in 20 seconds, and 80% in 60 seconds, in all other locations.

F6.3.3 Examples of locations (referred to in performance F6.3.2(a)) where there is a high risk of injury due to delay in operation of the systems for visibility include:

(a) areas where dangerous machinery is installed:

(b) areas where hazardous processes take place:

(c) clinical areas of hospitals:

(d) prisons and other *buildings* in which people are detained:

(e) any part of an *escape route* designed for use at any time by more than 250 people.

F6.3.4 The systems for visibility must operate continuously in *buildings* or parts of *buildings* in the following risk groups for the following periods after failure of the main lighting:

(a) *risk group A*, until restoration of the main lighting system:

(b) *risk group B*, 90 minutes:

(c) *risk group C*, 30 minutes.

F6.3.5 Despite performance

F6.3.4, if a *building* or part of a *building* falls into both *risk group A* and *risk group B*, the systems for visibility must operate for whichever is the longer of the periods specified in performance F6.3.4(a) and (b).

F6.3.6 Signs to indicate escape routes must be provided as required by Clause F8 “Signs”.

- (2) Clause A2 of Schedule 1 is consequentially amended by inserting the following definitions in their appropriate alphabetical order:

reasonably visible, in relation to a *specified feature*, and for the purposes of Clause F6, means that the *specified feature* is visible to a person who—

- (a) is 10 metres from it, or the greatest distance from it that it is possible to go in the open space surrounding it, whichever is the lesser; and
- (b) has sight that is not defective, or is corrected (for example, by an optical appliance).

risk group A, for the purposes of performance F6.3.4 and performance F6.3.5, means *buildings*—

- (a) whose occupants are required to remain in the *building* until the main lighting system is restored; or
- (b) whose *evacuation time* is longer than 90 minutes.

risk group B, for the purposes of performance F6.3.4 and performance F6.3.5, means *buildings*—

- (a) whose *evacuation time* is 30 minutes or longer but not longer than 90 minutes; or
- (b) whose occupant load is more than 1 000.

risk group C, for the purposes of performance F6.3.4, means *buildings* not in *risk group A* or *risk group B*.

specified features, for the purposes of Clause F6, means the following

- (a) *building elements* that may act as obstructions:
 - (b) safety features required under clauses of this code other than Clause F6 (for example, *handrails* required under Clause D1):
 - (c) changes in direction:
 - (d) stairs and ramps:
 - (e) escape doors:
 - (f) entries to a *safe place*.
- (3) Clause C2.3.3 of Schedule 1 is consequentially amended by revoking paragraph (f) and substituting the following paragraph:
- (f) Provided with systems for visibility during failure of the main lighting, as required by Clause F6 “Visibility in escape routes”, and
- (4) Clause F8.3.3 of Schedule 1 is consequentially amended by revoking paragraph (b) and substituting the following paragraph:
- (b) Remain visible during failure of the main lighting for the period required by performance F6.3.4 and performance F6.3.5.
- (5) Schedule 1 is consequentially amended by revoking the limit on application related to clause G8.3 and substituting the following limit on application:

Performance G8.3 does not apply during a failure of the main lighting, when the requirements in Clause F6 “Visibility in escape routes” apply.

- 7 New clauses G13.2 and G13.3.4 of Schedule 1 substituted**
- (1) Schedule 1 is amended by revoking clause G13.2 and substituting the following clause:
- G13.2** *Buildings* in which *sanitary fixtures* and *sanitary appliances* using water-borne waste disposal are installed must be provided with—
- (a) an *adequate* plumbing and drainage system to carry *foul water* to appropriate outfalls; and
- (b) if no *sewer* is available, an *adequate* system for the storage, treatment, and disposal of *foul water*.
- (2) Schedule 1 is amended by revoking clause G13.3.4 and substituting the following clause:

G13.3.4 If no *sewer* is available, facilities for the storage, treatment, and disposal of *foul water* must be constructed—

(a) with *adequate* capacity for the volume of foul water and the frequency of disposal; and

(b) with *adequate* vehicle access for collection if required; and

(c) to avoid the likelihood of contamination of any potable water supplies in compliance with Clause G12 “Water supplies”; and

(d) to avoid the likelihood of contamination of soils, ground water, and waterways except as permitted under the Resource Management Act 1991; and

(e) from materials that are impervious both to the *foul water* for which disposal is required, and to water; and

(f) to avoid the likelihood of blockage and leakage; and

(g) to avoid the likelihood of foul air and gases accumulating within or entering into *buildings*; and

(h) to avoid the likelihood of unauthorised access by people; and

(i) to permit easy cleaning and maintenance; and

(j) to avoid the likelihood of damage from superimposed loads or normal ground movement; and

(k) if those facilities are buried underground, to resist hydrostatic uplift pressures.

8 New clause G14.3.2 of Schedule 1 substituted

Schedule 1 is amended by revoking clause G14.3.2 and substituting the following clause:

G14.3.2 Facilities for the storage, treatment, and disposal of industrial liquid waste must be constructed—

(a) with *adequate* capacity for the volume of waste and the frequency of disposal; and

(b) with *adequate* vehicle access for collection if required; and

(c) to avoid the likelihood of contamination of any potable water supplies in compliance with Clause G12 “Water supplies”; and

(d) to avoid the likelihood of contamination of soils, ground water, and waterways except as permitted under the Resource Management Act 1991; and

(e) from materials that are impervious both to the waste for which disposal is required, and to water; and

(f) to avoid the likelihood of blockage and leakage; and

(g) to avoid the likelihood of foul air and gases accumulating within or entering into *buildings*; and

(h) to avoid the likelihood of unauthorised access by people; and

(i) to permit easy cleaning and maintenance; and

(j) to avoid the likelihood of damage from superimposed loads or normal ground movement; and

(k) if those facilities are buried underground, to resist hydrostatic uplift pressures.

Rebecca Kitteridge,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 21 June 2007, amend the Building Code set out in Schedule 1 of the Building Regulations 1992. The amendments substitute or add the following new clauses, for the following purposes:

- new clause E2, to make weathertightness requirements clearer, and promote building innovation:
- new clause F4.3.4(h), to prevent barriers (other than those in buildings classified as housing) from being constructed so that they are readily able to be used as seats:
- new clause F6, to require systems for visibility in escape routes during failure of the main lighting, to permit them to be systems other than lighting systems (for example, way-finding systems), and to specify more detailed performance requirements for them:
- new clauses G13.2 and G13.3.4, to clarify existing requirements, and impose new ones, for the provision and construction of a system for the storage, treatment, and disposal of foul water if no sewer is available:
- new clause G14.3.2, to impose new requirements relating to the construction of facilities for the storage, treatment, and disposal of industrial liquid waste.

The amendments do not arise from the report on the review of the Building Code required by section 451 of the Building Act 2004.

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