



Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 21st day of February 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 114(1) and 402(1)(o), (p), and (zc) of the Building Act 2004, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building Issues, makes the following regulations.

Contents

1	Title	7	Earthquake-prone buildings: moderate earthquake defined
2	Commencement		
3	Interpretation		
4	Systems or features prescribed as specified systems		Schedule 1
5	Change the use: what it means		Specified systems
6	Uses of buildings for purposes of regulation 5		Schedule 2
			Uses of all or parts of buildings

Regulations

1 Title

These regulations are the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005.

2 Commencement

These regulations come into force on 31 March 2005.

3 Interpretation

- (1) In these regulations, **Act** means the Building Act 2004.
- (2) Terms or expressions used and not defined in these regulations but defined in the Act have, in these regulations, the same meanings as they have in the Act.

4 Systems or features prescribed as specified systems

The systems or features specified in Schedule 1 are specified systems for the purposes of the Act.

5 Change the use: what it means

For the purposes of sections 114 and 115 of the Act, **change the use**, in relation to a building, means to change the use (determined in accordance with regulation 6) of all or a part of the building from one use (the **old use**) to another (the **new use**) and with the result that the requirements for compliance with the building code in relation to the new use are additional to, or more onerous than, the requirements for compliance with the building code in relation to the old use.

6 Uses of buildings for purposes of regulation 5

- (1) For the purposes of regulation 5, every building or part of a building has a use specified in the table in Schedule 2.
- (2) A building or part of a building has a use in column 1 of the table if (taking into account the primary group for whom it was constructed, and no other users of the building or part) the building or part is only or mainly a space, or it is a dwelling, of the kind described opposite that use in column 2 of the table.

7 Earthquake-prone buildings: moderate earthquake defined

For the purposes of section 122 (meaning of earthquake-prone building) of the Act, **moderate earthquake** means, in relation to a building, 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 measures of acceleration, velocity, and displacement) that would be used to design a new building at that site.

Schedule 1
Specified systems

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- 1 Automatic systems for fire suppression (for example, sprinkler systems).
- 2 Automatic or manual emergency warning systems for fire or other dangers (other than a warning system for fire that is entirely within a household unit and serves only that unit).
- 3 Electromagnetic or automatic doors or windows (for example, ones that close on fire alarm activation).
- 4 Emergency lighting systems.
- 5 Escape route pressurisation systems.
- 6 Riser mains for use by fire services.
- 7 Automatic back-flow preventers connected to a potable water supply.
- 8 Lifts, escalators, travelators, or other systems for moving people or goods within buildings.
- 9 Mechanical ventilation or air conditioning systems.

- 10 Building maintenance units providing access to exterior and interior walls of buildings.
 - 11 Laboratory fume cupboards.
 - 12 Audio loops or other assistive listening systems.
 - 13 Smoke control systems.
 - 14 Emergency power systems for, or signs relating to, a system or feature specified in any of clauses 1 to 13.
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Schedule 2 Uses of all or parts of buildings

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Uses related to crowd activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
CS (Crowd Small)	enclosed spaces (without kitchens or cooking facilities) where 100 or fewer people gather for participating in activities	cinemas (with qualifying spaces), art galleries, auditoria, bowling alleys, churches, clubs (non-residential), community halls, court rooms, dance halls, day-care centres, gymnasia, lecture halls, museums, eating places (excluding kitchens), taverns, enclosed grandstands, indoor swimming pools
CL (Crowd Large)	enclosed spaces (with or without kitchens or cooking facilities) where more than 100 people gather for participating in activities, but also enclosed spaces with kitchens or cooking facilities and where 100 or fewer people gather for participating in activities	cinemas (with qualifying spaces), schools, colleges, and tertiary institutions, libraries, night-clubs, restaurants and eating places with cooking facilities, theatre stages, opera houses, television studios (with audience)
CO (Crowd Open)	spaces (other than those below a grandstand) for viewing open air activities	open grandstands, roofed but unenclosed grandstands, or uncovered fixed seating
CM (Crowd Medium)	spaces for displaying or selling retail goods, wares, or merchandise	exhibition halls, retail shops, supermarkets, or other stores with bulk storage or display

Uses related to sleeping activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
SC (Sleeping Care)	spaces in which people are provided with special care or treatment required because of age, or mental or physical limitations	hospitals, or care institutions for the aged, children, or people with disabilities

Uses related to sleeping activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
SD (Sleeping Detention)	spaces in which people are detained or physically restrained	care institutions for the aged or children and with physical restraint or detention, hospitals with physical restraint or with detention quarters, detention quarters in police stations, prisons
SA (Sleeping Accommodation)	spaces providing transient accommodation, or where limited assistance or care is provided for people	motels, hotels, hostels, boarding houses, clubs (residential), boarding schools, dormitories, halls, wharehousi
SR (Sleeping Residential)	attached and multi-unit residential dwellings, including household units attached to spaces or dwellings with the same or other uses, such as caretakers' flats, and residential accommodation above a shop	multi-unit dwellings, flats, or apartments
SH (Sleeping Single Home)	detached dwellings where people live as a single household or family, including attached self-contained spaces such as granny flats when occupied by a member of the same family, and garages (whether detached or part of the same building) if primarily for storage of the occupants' vehicles, tools, and garden implements	dwellings or houses separated from each other by distance

Uses related to working, business, or storage activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
WL (Working Low)	spaces used for working, business, or storage—low fire load ¹	places for manufacturing, processing, or storage of non-combustible materials or materials having a slow heat release rate, cool stores, covered cattle yards, wineries, places for grading, storage, or

Uses related to working, business, or storage activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
		packing of horticultural products, places for wet meat processing, banks, hairdressing shops, beauty parlours, places for provision of personal or professional services, dental offices, laundries (self-service), medical offices, business or other offices, police stations (without detention quarters), radio stations, television studios (no audience), places for small tool and appliance rental and service, telephone exchanges, places for dry meat processing
WM (Working Medium)	spaces used for working, business, or storage—medium fire load ¹ and slow, medium, or fast fire growth rates	places for manufacturing and processing of combustible materials not listed in the rows relating to WL, WH, or WF, including bulk storage up to 3 m high (excluding foamed plastics) ²
WH (Working High)	spaces used for working, business, or storage—high fire load ¹ and slow, medium, or fast fire growth rates	chemical manufacturing or processing plants, distilleries, feed mills, flour mills, lacquer factories, mattress factories, rubber processing plants, spray painting operations, places for plastics manufacturing, or bulk storage of combustible materials over 3 m high (excluding foamed plastics) ²
WF (Working Fast)	spaces used for working, business, or storage—medium or high fire load ¹ and ultra fast fire growth rates	areas involving significant quantities of highly combustible and flammable or explosive materials which because of their inherent characteristics constitute a special fire hazard, including bulk plants for flammable liquids or gases, bulk storage warehouses for flammable substances, and places for bulk storage of foamed plastics ²

Uses related to intermittent activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
IA (Intermittent Low)	spaces for intermittent occupation or providing intermittently used support functions—low fire load ¹	car parks, garages, carports, enclosed corridors, unstaffed kitchens or laundries, lift shafts, locker rooms, linen rooms, open balconies, stairways (within the open path) ³ , toilets and amenities, and service rooms incorporating machinery or equipment not using solid-fuel, gas, or petroleum products as an energy source
ID (Intermittent Medium)	spaces for intermittent occupation or providing intermittently used support functions—medium fire load ¹	maintenance workshops and service rooms ⁴ incorporating machinery or equipment using solid-fuel, gas, or petroleum products as an energy source

Definitions of terms in table

- ¹ **Fire load** has the meaning given to it by clause A2 of the building code.
- ² **Foamed plastics** means combustible foamed plastic polymeric materials of low density (classified as cellular polymers) manufactured by creating a multitude of fine voids distributed more or less uniformly throughout the product (for example, latex foams, polyethylene foams, polyvinyl chloride foams, expanded or extruded polystyrene foams, polyurethane foams, and polychloropene foams).
- ³ **Open path** has the meaning given to it by clause A2 of the building code.
- ⁴ **Service rooms** means spaces designed to accommodate any of the following:
 - (a) boiler or plant equipment:
 - (b) furnaces, incinerators, or refuse:
 - (c) caretaking or cleaning equipment:
 - (d) airconditioning, heating, plumbing, or electrical equipment:
 - (e) pipes:
 - (f) lift or escalator machine rooms:
 - (g) similar equipment, items, features, rooms, or services.

Rebecca Kitteridge,
Acting 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 31 March 2005,—

- declare certain systems or features to be **specified systems** for the purposes of the Building Act 2004 (the **Act**) (under which a compliance schedule and annual building warrant of fitness is required for buildings with specified systems); and
- describe **change the use** for the purposes of sections 114 and 115 of the Act (under which the owner of a building must give written notice to the territorial authority, and certain provisions about compliance with the building code apply, if the owner proposes to change the use of the building); and
- define **moderate earthquake** for the purposes of section 122 (meaning of earthquake-prone building) of the Act (under which territorial authorities have special powers in respect of, and must adopt policies on, earthquake-prone buildings).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 24 February 2005.

These regulations are administered in the Department of Building and Housing.
