

**Reprint  
as at 12 January 2006**



**Building (Specified Systems,  
Change the Use, and  
Earthquake-prone Buildings)  
Regulations 2005**  
(SR 2005/32)

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

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Department of Building and Housing.**

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advice and with the consent of the Executive Council and on the recommendation of the Minister for Building Issues, makes the following regulations.

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### 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.

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- 14 Emergency power systems for, or signs relating to, a system or feature specified in any of clauses 1 to 13.
- 15 Any or all of the following systems and features, so long as they form part of a building's means of escape from fire, and so long as those means also contain any or all of the systems or features specified in clauses 1 to 6, 9, and 13:
- (a) systems for communicating spoken information intended to facilitate evacuation; and
  - (b) final exits (as defined by clause A2 of the building code); and
  - (c) fire separations (as so defined); and
  - (d) signs for communicating information intended to facilitate evacuation; and
  - (e) smoke separations (as so defined).

Clause 15: added, on 12 January 2006, by regulation 3 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2005 (SR 2005/338).

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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<br>(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<br>(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<br>(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<br>(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<br>(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 |

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Schedule 2

**Uses related to sleeping activities**

| <i>Use</i>                        | <i>Spaces or dwellings</i>  | <i>Examples</i>   |
|-----------------------------------|---|---|
| SD<br>(Sleeping<br>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<br>(Sleeping<br>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<br>(Sleeping<br>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<br>(Sleeping Single<br>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<br>(Working Low) | spaces used for working, business, or storage—low fire load <sup>1</sup> | 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 packing of horticultural products, places for wet meat processing, banks, |

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**Uses related to working, business, or storage activities**

| <i>Use</i>             | <i>Spaces or dwellings</i>  | <i>Examples</i>   |
|------------------------|---|---|
|                        |   | 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<br>(Working Medium) | spaces used for working, business, or storage—medium fire load <sup>1</sup> 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) <sup>2</sup>   |
| WH<br>(Working High)   | spaces used for working, business, or storage—high fire load <sup>1</sup> 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) <sup>2</sup>  |
| WF<br>(Working Fast)   | spaces used for working, business, or storage—medium or high fire load <sup>1</sup> 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 <sup>2</sup>   |



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**Uses related to intermittent activities**

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

**Definitions of terms in table**

- <sup>1</sup> **Fire load** has the meaning given to it by clause A2 of the building code.
- <sup>2</sup> **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).
- <sup>3</sup> **Open path** has the meaning given to it by clause A2 of the building code.
- <sup>4</sup> **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.

**Building (Specified Systems, Change the  
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Regulations 2005**

Reprinted as at  
12 January 2006

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 24 February 2005.

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## Notes

### 1 *General*

This is a reprint of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. The reprint incorporates all the amendments to the regulations as at 12 January 2006, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

#### **4     *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

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- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5 *List of amendments incorporated in this reprint (most recent first)***

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings)  
Amendment Regulations 2005 (SR 2005/338)

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