

Reprint
as at 16 December 2019



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 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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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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.
- 3A Transitional, savings, and related provisions**
- The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 3A: inserted, on 16 December 2019, by regulation 4 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 (LI 2019/267).

Specified systems

Heading: inserted, on 1 July 2017, by regulation 4 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

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.

Change the use

Heading: inserted, on 1 July 2017, by regulation 5 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

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.

Earthquake-prone buildings: general

Heading: inserted, on 1 July 2017, by regulation 6 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

7 Moderate earthquake and ultimate capacity defined

For the purposes of section 133AB of the Act (meaning of earthquake-prone building),—

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 if it were designed on 1 July 2017

ultimate capacity means the probable capacity to withstand earthquake actions and maintain gravity load support assessed by reference to the building as a whole and its individual elements or parts.

Regulation 7: replaced, on 1 July 2017, by regulation 7 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

Regulation 7: replaced, on 1 July 2017, by regulation 45 of the Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22).

8 Categories of earthquake ratings

For the purpose of section 133AL of the Act, the categories of earthquake ratings are—

Category

0% to less than 20%

20% to less than 34%

Examples

A territorial authority determines that an earthquake-prone building (**B1**) has an earthquake rating of 10%. B1's earthquake rating category is 0% to less than 20%.

The territorial authority determines that another earthquake-prone building (**B2**) has an earthquake rating of 25%. B2's earthquake rating category is 20% to less than 34%.

The territorial authority determines that a third earthquake-prone building (**B3**) has an earthquake rating of between 19% and 22%. B3's earthquake rating category is 0% to less than 20% (see section 133AL(3) of the Act).

Regulation 8: inserted, on 1 July 2017, by regulation 8 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

9 Forms of EPB notice

- (1) This regulation prescribes, for the purpose of section 133AL of the Act, the forms of EPB notice to be issued for earthquake-prone buildings.
- (2) For each earthquake-prone building described in the first column of the following table, the EPB notice must—
 - (a) be in the form set out in Schedule 3 (black text on white); and
 - (b) have a border (with a uniform width of between 12.5 mm and 15 mm (**uniform width**)) that uses the colour and design set out opposite to it in the second column; and
 - (c) be international standard size A4.

Description of earthquake-prone building	EPB notice (border)
Building or part in earthquake rating category of 0% to less than 20%	Orange and black diagonal lines (each line of uniform width and running bottom left to top right)
Building or part in earthquake rating category of 20% to less than 34%	Black and white diagonal lines (each line of uniform width and running bottom left to top right)

Building or part to which clause 2 of
Schedule 1AA of the Act (which is a
transitional provision) applies (earthquake
rating unknown) Solid orange

Examples

See examples under regulation 8. For each building, the territorial authority issues an EPB notice that is in the form set out in Schedule 3 and,—

- for B1 and B3, has a border of orange and black diagonal lines:
- for B2, has a border of black and white diagonal lines.

For a fourth building (**B4**), the territorial authority is proceeding under section 133AK(4) of the Act as if it had determined B4 to be earthquake prone (because the owner of B4 has not provided an engineering assessment). No previous notice under section 124 of the Act has been given in relation to B4. The territorial authority issues an EPB notice in the form set out in Schedule 3 with a border of orange and black diagonal lines (see section 133AL(4) of the Act).

The owner of another building (**B5**) was given a notice before 1 July 2017, under section 124 of the Act, requiring work to be carried out on B5 to remove the danger associated with B5 being earthquake prone. B5 is a building to which subpart 6A of Part 2 of the Act applies. The territorial authority has not determined the earthquake rating of B5. The territorial authority issues an EPB notice in the form set out in Schedule 3 with a solid orange border.

After a time, the owner of B5 chooses to send the territorial authority an engineering assessment of the building (see section 133AQ of the Act). The territorial authority considers the engineering assessment and determines that B5 is still earthquake prone and has an earthquake rating of 20%. The earthquake rating category is now known: 20% to less than 34%. The territorial authority reissues the EPB notice in the form set out in Schedule 3 with a border of black and white diagonal lines.

Regulation 9: inserted, on 1 July 2017, by regulation 8 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

Earthquake-prone buildings subject to EPB notices

Heading: inserted, on 1 July 2017, by regulation 8 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

10 Exemption from requirement to carry out seismic work: required building characteristics

- (1) This regulation sets out the characteristics that a building or a part of a building must have for a territorial authority to grant an exemption, under section 133AN of the Act, from the requirement to carry out seismic work on the building or part.
- (2) The territorial authority must be satisfied that the building or the part of the building has all of the following characteristics:

Intensity of occupation and passage: nil to low or low to moderate (current)

- (a) the intensity of occupation and passage in and near the building or part meets the definition in Schedule 4 of—
 - (i) nil to low intensity; or
 - (ii) low to moderate intensity; and

Intensity of occupation and passage: nil to low or low to moderate (expected)

- (b) the intensity of occupation and passage in and near the building or part is likely, for the foreseeable future, to meet the definition in Schedule 4 of—
 - (i) nil to low intensity; or
 - (ii) low to moderate intensity; and

Collapse of building or part in moderate earthquake unlikely to have certain impacts

- (c) either—
 - (i) the collapse of the building or part in a moderate earthquake is unlikely to result in the death of, or injury to, more than a low number of persons in or near the building or on any other property because of the way in which the building or part is expected to collapse in a moderate earthquake; or
 - (ii) the following is true in respect of the building or part:
 - (A) paragraphs (a)(i) and (b)(i) apply to it (which means that the intensity of occupation and passage in and near the building or part is, and for the foreseeable future is likely to be, nil to low intensity); and
 - (B) if the building or part is adjacent to, adjoining, or nearby any other building or property, it is likely that the intensity of occupation and passage in and near the other building, or in, on, or near the other property is, and in the foreseeable future will be, nil to low intensity (in the case of property, with all necessary amendments); and
- (d) either—
 - (i) the collapse of the building or part in a moderate earthquake is unlikely to result in more than minor damage to any other property because of the way in which the building or part is expected to collapse in a moderate earthquake; or
 - (ii) the building or part is not, and is not likely in the foreseeable future to be, adjacent to, adjoining, or nearby any other building or property (excluding land); and

- (e) no strategic transport route would be impeded if the building or part collapsed in a moderate earthquake—
 - (i) because of the way in which the building or part is expected to collapse in a moderate earthquake; or
 - (ii) because of the building's or part's lack of proximity to strategic transport routes; and

Not needed for use in emergency
- (f) the building or part is not likely to be needed for use for emergency services.

(3) In this regulation,—

emergency services means the provision of any of the following in an emergency:

- (a) emergency shelter:
- (b) emergency centre:
- (c) emergency medical services:
- (d) emergency response services (for example, policing, fire, ambulance, and rescue services)

nil to low intensity and **low to moderate intensity** are defined in Schedule 4

strategic transport routes means all transport routes of strategic importance (in terms of an emergency response), if any, that the territorial authority has identified by the special consultative procedure in section 83 of the Local Government Act 2002 if initiated for the purpose of section 133AE(1)(f) of the Act.

Regulation 10: inserted, on 1 July 2017, by regulation 8 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

11 Alteration of building: what amounts to substantial alteration

- (1) For the purposes of section 133AT(2)(c) of the Act, an alteration of a building or a part of a building that is subject to an EPB notice is a **substantial alteration** if the territorial authority is satisfied that—

$$(x + y) > (z \div 4)$$

and

$$(x + y) > \$150,000$$

where—

- x is the estimated value of the building work to which the current application relates, other than work that the territorial authority is satisfied is seismic work
- y is the aggregate of the estimated value of the building work to which all recent building consents relate, other than work that the territorial authority is satisfied is seismic work

z is the total building value of the building.

- (2) In variable z, the **total building value** of the building is,—
- (a) if—
- (i) the building is on land comprised in 1 rating unit; and
 - (ii) all of the improvements on the land comprise or relate to the building; and
 - (iii) the value of improvements can be ascertained from the last calculated rateable value,—
- the value of the improvements referred to in subparagraph (iii); or
- (b) if paragraph (a) does not apply, and if—
- (i) the owner, with supporting evidence, proposes an amount as a reasonable estimate of the added value that the building gives to the land on which it is built; and
 - (ii) the territorial authority accepts that amount, for the purpose of this regulation, as a reasonable estimate of that added value,—
- the amount proposed and accepted; or
- (c) if neither paragraph (a) nor (b) applies, the number 4.

- (3) In this regulation,—

current application means the application referred to in section 133AT(1) of the Act

estimated value means,—

- (a) in variable x, the estimated value (as defined in section 7 of the Act) at the date on which the current application is made; and
- (b) in variable y, in respect of each recent building consent,—
 - (i) the estimated value (as defined in section 7 of the Act) at the time that the consent was applied for; or
 - (ii) if the applicant notified the territorial authority of any change in the estimated value of the building work, the changed estimated value

improvements has the meaning set out in section 2 of the Rating Valuations Act 1998

rateable value means the rateable value of land under section 13(3) of the Local Government (Rating) Act 2002

rating unit means a rating unit for the purposes of the Rating Valuations Act 1998

recent building consent means a building consent—

- (a) for building work to or in connection with the building; and

- (b) granted in the 2 years immediately before the date on which the current application is made; but
- (c) excluding a building consent that has lapsed at the date on which the current application is made

value of improvements has the meaning set out in section 2 of the Rating Valuations Act 1998.

Regulation 11: inserted, on 1 July 2017, by regulation 8 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

Regulation 11(1): amended, on 16 December 2019, by regulation 5 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 (LI 2019/267).

Schedule 1AA

Transitional, savings, and related provisions

r 3A

Schedule 1AA: inserted, on 16 December 2019, by regulation 6 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 (LI 2019/267).

Part 1

Provision relating to Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019

Schedule 1AA Part 1: inserted, on 16 December 2019, by regulation 6 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 (LI 2019/267).

1 Transitional provision relating to alteration of earthquake-prone buildings

- (1) In this clause,—

EPB application means an application in relation to which section 133AT of the Act applies

relevant EPB consent means a building consent for which an EPB application is made before 16 December 2019.

- (2) Regulation 11, as in force immediately before 16 December 2019, continues to apply, as if the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 had not been made, to the grant of a relevant EPB consent on or after 16 December 2019.

Schedule 1AA clause 1: inserted, on 16 December 2019, by regulation 6 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 (LI 2019/267).

Schedule 1 Specified systems

r 4

- 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.
- 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).

Schedule 2

Uses of all or parts of buildings

r 6

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
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	detached dwellings where people live as a single household or fam-	dwellings or houses separated from each other by distance

Uses related to sleeping activities

<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
(Sleeping Single Home)	ily, 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	

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 packing of horticultural products, places for wet meat processing, banks, hair-dressing 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.

Schedule 3

Form

r 9(2)(a)

Schedule 3: inserted, on 1 July 2017, by regulation 9 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

EPB notice

Section 133AL, Building Act 2004

Earthquake-prone building

Notice under section 133AL of the Building Act 2004

Select the statement that applies.

Earthquake rating is [insert earthquake rating]

or

Earthquake rating has not been determined

†[Name of territorial authority] has previously issued a written notice under section 124(2)(c)(i) of the Building Act 2004.

†Delete if inapplicable.

Select the statement that applies.

This notice is for the building situated at [address], [legal description of land where building is located].

or

This notice is for the following part of the building situated at [address], [legal description of land where building is located]: [specify the part, eg, by description and location within building].

Select the statement that applies.

The building/part of the building* has been determined by [name of territorial authority] to be earthquake prone.

or

[Name of territorial authority] has not determined if the building/part of the building* is earthquake prone (because the owner has not provided an engineering assessment), but is proceeding as if it had determined the building/part of the building* to be earthquake prone.

*Select one.

Select the statement that applies.

The building/part of the building* is a priority building (as defined in section 133AE of the Building Act 2004).

or

The building/part of the building* is not a priority building (as defined in section 133AE of the Building Act 2004).

*Select one.

The owner of the building/part of the building* is required to carry out building work to ensure that the building/part of the building* is no longer earthquake prone (**seismic work**). The owner is required to complete seismic work by [*date*].

*Select one.

The owner of the building/part of the building* may apply to [*name of territorial authority*], under section 133AN of the Building Act 2004, for an exemption from the requirement to carry out seismic work. The building/part of the building* must have certain characteristics to be granted an exemption (*see also* the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005).

*Select one.

Delete the following statement if inapplicable.

The building/part of the building* is a heritage building to which section 133AO of the Building Act 2004 applies. The owner may apply to [*name of territorial authority*] under section 133AO of the Building Act 2004 for an extension of time to complete seismic work.

*Select one.

In the event that [*name of territorial authority*] determines or is satisfied, in accordance with section 133AQ of the Building Act 2004, that the building/part of the building* is not earthquake prone, the owner is not required to complete seismic work.

*Select one.

Signature:

Position:

On behalf of: [*name of territorial authority*]

Date:

Schedule 4

Seismic work exemption: definitions relevant to intensity of occupation and passage in and near earthquake-prone building

r 10(2)(a), (b), (3)

Schedule 4: inserted, on 1 July 2017, by regulation 9 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136).

Meaning of nil to low intensity and of low to moderate intensity

Nil to low intensity means, in relation to the intensity of occupation and passage in and near a building or part, that occupation and passage is (in each case as defined in the second column)—

- (a) nil; or
- (b) always low numbers for short durations (but may be frequent); or
- (c) infrequent and always low in number, but sometimes more than short durations; or
- (d) infrequent, but sometimes more than low in number, always for short durations.

Further definitions relevant to intensity

Nil to low intensity

Nil means no person is ever present in or near the building or part (for any length of time).

Always low numbers for short durations (but may be frequent) means—

- (a) the number of persons present in or near the building or part at any time is always a low number; and
- (b) no person who is present in or near the building or part ever remains present for more than a short duration.

Infrequent and always low in number, but sometimes more than short durations means—

- (a) the building or part has persons present in or near it only infrequently; and
- (b) the number of persons present in or near the building or part at any time is always a low number; but
- (c) sometimes (or always), 1 or more persons who are present in or near the building or part remain present for more than a short duration.

Infrequent, but sometimes more than low in number, always for short durations means—

- (a) the building or part has persons present in or near it only infrequently; and
- (b) the number of persons present in or near the building or part at a time is not always (or is never) a low number; and
- (c) no person who is in or near the building or part ever remains present for more than a short duration.

**Meaning of nil to low intensity and of
low to moderate intensity**

Low to moderate intensity means, in relation to the intensity of occupation and passage in and near a building or part, that occupation and passage is (in each case as defined in the second column)—

- (a) frequent, always low in number, sometimes for more than short durations (but in very low numbers); or
- (b) infrequent, sometimes more than low in number, sometimes for more than short durations; or
- (c) frequently more than low in number (but always for short durations).

Further definitions relevant to intensity*Low to moderate intensity*

Frequent, always low in number, sometimes for more than short durations (but in very low numbers) means—

- (a) frequently, the building or part has persons present in or near it; and
- (b) the number of persons present in or near the building or part at any time is always a low number; and
- (c) sometimes (or always), persons who are in or near the building or part remain present for more than a short duration (**persons A**), but the number of persons A present at a time is always 1 or a number close to 1.

Infrequent, sometimes more than low in number, sometimes for more than short durations means—

- (a) the building or part has persons present in or near it only infrequently; but
- (b) the number of persons present in or near the building or part at a time is not always (or is never) a low number; and
- (c) sometimes (or always) 1 or more persons who are in or near the building or part remain present for more than a short duration.

Frequently more than low in number (but always for short durations) means—

- (a) frequently, the number of persons present in or near the building or part at a time is more than a low number (a **higher number**); but
- (b) the duration of time that a higher number remains present in or near the building or part is only ever short; and
- (c) no person who is in or near the building or part ever remains present for more than a short duration.

Rebecca Kitteridge,
Acting for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2019 (LI 2019/267)

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (LI 2017/136)

Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22)

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