



# **Building (Building Code: Energy Efficiency of Temperature, Humidity, and Ventilation Systems) Amendment Regulations 2008**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 7th day of April 2008

Present:

His Excellency the Governor-General in Council

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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## **Regulations**

- 1 Title**

These regulations are the Building (Building Code: Energy Efficiency of Temperature, Humidity, and Ventilation Systems) Amendment Regulations 2008.
- 2 Commencement**

These regulations come into force on 1 February 2009.
- 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 definition inserted in clause A2 of Schedule 1**

Clause A2 of Schedule 1 is amended by inserting in its appropriate alphabetical order the definition set out in Part 1 of the Schedule of these regulations.
- 5 New clause H1.2(a) of Schedule 1 substituted**

Clause H1.2(a) of Schedule 1 and the related limit on application are revoked and the paragraph and limit on application set out in Part 2 of the Schedule of these regulations substituted.
- 6 New clause H1.3.6 of Schedule 1 added**

Clause H1 of Schedule 1 is amended by adding the performance requirement and related limit on application set out in Part 3 of the Schedule of these regulations.

- 7 Saving: building work not affected by amendments**  
The building code set out in Schedule 1 of the principal regulations applies as if these regulations had not been made to building work covered by an application—
- (a) for a building consent or a certificate of acceptance; and
  - (b) made before the close of 31 January 2009.

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**Schedule**  
**Amendments to Schedule 1**

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Part 1

New definition inserted in clause A2

**HVAC system**, for the purposes of performance H1.3.6 and in relation to a *building*, means a mechanical, electrical, or other system for modifying air temperature, modifying air humidity, providing ventilation, or doing all or any of those things, in a space within the *building*

Part 2

New clause H1.2(a) substituted

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|---|---|
| <ul style="list-style-type: none"> <li>(a) modifying temperature, modifying humidity, providing ventilation, or doing all or any of those things; or</li> </ul> | <p>Requirement H1.2(a) does not apply to <i>assembly service buildings, industrial buildings, outbuildings, or ancillary buildings</i>.</p> |
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Part 3

New clause H1.3.6 added

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|--|--|
| <p><b>H1.3.6</b> <i>HVAC systems</i> must be located, constructed, and installed to—</p> <ul style="list-style-type: none"> <li>(a) limit energy use, consistent with the <i>intended use</i> of space; and</li> </ul> | <p>Performance H1.3.6 applies only to <i>commercial buildings</i>.</p> |
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Part 3—*continued*

- (b) enable them to be maintained to ensure their use of energy remains limited, consistent with the *intended use* of space.

Diane Morcom,  
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 1 February 2009, amend the building code set out in *Schedule 1* of the Building Regulations 1992. The amendments impose new functional and performance requirements relating to the use of energy to modify temperature, modify humidity, or provide ventilation. The objective of the new requirements is to facilitate efficient use of energy.

*Regulation 5 and Part 2 of the Schedule* substitute a new functional requirement (*new clause H1.2(a)*) and related limit on application. *New clause H1.2(a)* requires buildings to be constructed to achieve a degree of energy efficiency that facilitates efficient use of energy when that energy is used for all or any specified purposes. Those purposes are not only those currently specified in clause H1.2(a) (modifying temperature and modifying humidity), but also a new one (providing ventilation). The new related limit on application no longer mentions, and therefore ensures that *new clause H1.2(a)* applies to, plant and equipment provided for those purposes.

*Regulation 6 and Part 3 of the Schedule* add a new performance requirement (*new clause H1.3.6*) and related limit on application. *New clause H1.3.6* relates to HVAC (that is, heating, ventilation, and air

conditioning) systems. It requires those systems to be located, constructed, and installed to—

- limit energy use, consistent with the intended use of space; and
- enable them to be maintained to ensure their use of energy remains limited, consistent with the intended use of space.

*Regulation 4 and Part 1 of the Schedule* amend clause A2 so that it defines HVAC system, for the purposes of *new clause H1.3.6* and in relation to a building, as a mechanical, electrical, or other system for modifying air temperature, modifying air humidity, providing ventilation, or doing all or any of those things, in a space within the building.

The related limit on application ensures that *new clause H1.3.6* applies only to commercial buildings.

*Regulation 7* is a savings provision for building work that requires a building consent and is covered by an application, made before the close of 31 January 2009, for a building consent or certificate of acceptance. The building code continues to apply to that building work as if these regulations had not been made.

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

Date of notification in *Gazette*: 10 April 2008.

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

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