



# Building (Designation of Building Work Licence Classes) Order 2007

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 21st day of May 2007

Present:

His Excellency the Governor-General in Council

Pursuant to sections 285 and 291 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 order.

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## Order

- 1 Title**  
This order is the Building (Designation of Building Work Licence Classes) Order 2007.
- 2 Commencement**  
This order comes into force on 21 June 2007.
- 3 Interpretation**
- (1) In this order, unless the context otherwise requires,—
- Act** means the Building Act 2004
- active building services** has the meaning given to it by clause 4
- ancillary building** means a building classified under clause A1 of the building code as under the category of ancillary (for example, a bridge, derrick, fence, free-standing outdoor fireplace, jetty, mast, path, platform, pylon, retaining wall, tank, tunnel, or dam)
- AS/NZS 1170.0:2002** means the Joint Australian and New Zealand standard on *Structural design actions—General Principles*
- category 1 building, category 2 building, and category 3 building** have the meanings given to them by the Schedule
- LBP** means a licensed building practitioner
- NZS 3604:1999** means the New Zealand standard on *Timber framed buildings* as amended by the following:
- (a) NZS 3604:1999A1: Amendment 1; and
- (b) NZS 3604:1999A2: Amendment 2
- NZS 4229:1999** means the New Zealand standard on *Concrete masonry buildings not requiring specific engineering design* as amended by NZS 4229:1999A1: Amendment 1

**outbuilding** means a building classified under clause A1 of the building code as under the category of outbuildings (for example, a carport, farm building, garage, greenhouse, machinery room, private swimming pool, public toilet, or shed)

**standard** has the meaning given to it by section 2 of the Standards Act 1988.

- (2) Terms or expressions used and not defined in this order but defined in the Act have, in this order, the same meanings as they have in the Act.

#### **4 Active building services defined and illustrated**

- (1) **Active building services**, in relation to a building, means services that are in or for the building and that, on receipt of an input signal (whether electrical, electronic, hydraulic, pneumatic, or otherwise), contribute to the proper functioning of the building by providing a response (whether electrical, electro-mechanical, hydraulic, mechanical, pneumatic, or otherwise) to that signal.
- (2) Examples of active building services therefore include—
- (a) emergency lighting systems; and
  - (b) emergency warning systems for fire or other dangers; and
  - (c) lifts, escalators, travelators, or other systems for moving people or goods within buildings; and
  - (d) magnetic devices to hold doors open; and
  - (e) sprinkler systems or other systems for fire suppression; and
  - (f) systems for communicating spoken information intended to facilitate evacuation; and
  - (g) ventilation or air conditioning systems.

#### *Designation of building work licence classes*

#### **5 Classes of licences designated and building work that holders are licensed to carry out or supervise**

This order designates the classes of licences specified in rows 1 to 13 of the following table, and an LBP who holds a licence of a class specified in one of those rows is licensed to carry out or supervise building work of the type specified in that row:

<b>Row</b>	<b>Class of licence</b>	<b>Type of building work</b>
<i>General licence classes</i>		
1	Design licence—class 1	Design work for any building that is a category 1 building
2	Design licence—class 2	Design work for any building that is— (a) a category 1 building; or (b) a category 2 building
3	Design licence—class 3	Design work for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
4	Site licence—class 1	Co-ordination or oversight of some or all of the construction or alteration of any building that is a category 1 building
5	Site licence—class 2	Co-ordination or oversight of some or all of the construction or alteration of any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
6	Site licence—class 3	Management of some or all of the construction or alteration of any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
<i>Trade licence classes</i>		
7	Carpentry licence	Carpentry for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
8	Roofing licence	Assembly or installation of roofs, or roofing materials, for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
9	External plastering licence	Application of external solid plaster, or proprietary plaster systems, to any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
10	Bricklaying and blocklaying licence	Laying or erection of bricks or blocks for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building

Row	Class of licence	Type of building work
<i>Specialist licence classes</i>		
11	Concrete structure licence	Co-ordination or oversight of some or all of the construction or alteration of 1 or more concrete structures in or for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
12	Steel structure licence	Co-ordination or oversight of some or all of the construction or alteration of 1 or more steel structures in or for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
13	Building services licence	Co-ordination or oversight of some or all of the construction of active building services in or for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building

*Automatic licensing of certain professions*

- 6 Registered architects and chartered professional engineers treated as if they hold design licence—class 3**
- The following people are, under section 291(2) of the Act, treated as if they hold a design licence—class 3 unless their registration, licence, or other recognition under the following Acts is suspended or cancelled:
- (a) registered architects under the Registered Architects Act 2005; and
  - (b) chartered professional engineers under the Chartered Professional Engineers of New Zealand Act 2002.
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cl 3(1)

## Schedule Categorisation of buildings

### Part 1—Category 1 buildings

A **category 1 building** is a building—

- (1) that is neither an ancillary building nor an outbuilding; and
- (2) that is a new structure that complies with, or is an existing building that complies with the scope limitations of, NZS 3604:1999, or NZS 4229:1999, or both (and for the purposes of this clause the following must be treated as complying with those standards:
  - (a) foundations, lintels, and roof structures, if they are specifically designed, or proprietary; and
  - (b) conservatories, porches, pergolas, and similar low-risk structures, if they are specifically designed); and
- (3) whose building envelope (whether the building is a new structure or an existing building) has a total risk score (calculated under Part 4) that does not exceed 12 for any external elevation; and
- (4) whose use (determined, whether the building is a new structure or an existing building, in accordance with regulation 6 and Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005) is either SH (sleeping single home) or SR (sleeping residential); and
- (5) that, if the building's use (as so determined) is SR, contains no more than 2 household units that—
  - (a) are adjacent on a horizontal plane; and
  - (b) share (that is, are on opposite sides of) a single common wall; and
- (6) that is not, and does not form part of, a place registered as a historic place on the register established and maintained under section 22 of the Historic Places Act 1993.

## Part 2—Category 2 buildings

A **category 2 building** is a building that is—

- (1) neither an ancillary building nor an outbuilding; and
- (2) neither a category 1 building nor a category 3 building.

## Part 3—Category 3 buildings

A **category 3 building** is a building that is neither an ancillary building nor an outbuilding, and that is not a category 1 building, but that is all or any of the following:

- (1) a building whose importance level (determined in accordance with table 3.2 (importance levels for building types—New Zealand structures) of AS/NZS 1170.0:2002), is one of the following importance levels (each of which is described in general terms as follows):
  - (a) importance level 3 (structures that as a whole may contain people in crowds or contents of high value to the community or pose risks to people in crowds); or
  - (b) importance level 4 (structures with special post-disaster functions); or
  - (c) importance level 5 (special structures):
- (2) a building that is, or forms part of, a place registered as a category 1 historic place on the register established and maintained under section 22 of the Historic Places Act 1993;
- (3) a building that exceeds the occupancy load limits (in numbers of people) determined under Part 5 because either or both of the following situations exists:
  - (a) the actual or intended occupancy of any of the spaces in a single storey of the building exceeds, or will exceed, the occupancy load limit (a number of people) determined under Part 5 for that space:
  - (b) the actual or intended occupancy of all of the spaces in a single storey of the building exceeds, or will exceed, the occupancy load limit (a number of people) determined under Part 5 for all of those spaces.

## Part 4—Total risk score

- (1) A total risk score for an external elevation on the building envelope of a building is calculated by using the calculation table in clause (2) and completing the following steps:
- for each specified risk factor, use the definitions of risk table in clause (3) to decide whether the risk severity is low, medium, high, or very high, and enter the applicable score; and
  - copy the applicable score for each risk factor to the column whose heading is “Subtotals for each risk factor”; and
  - add all the scores copied into that column to arrive at the total risk score for the external elevation.
- (2) The calculation table is as follows:

Elevation	Calculation table				Subtotals for each risk factor
	Risk severity				
Risk factor	Low	Medium	High	Very high	
Wind zone	0	0	1	2	
Number of storeys	0	1	2	4	
Roof/elevation intersection design	0	1	3	5	
Eaves width	0	1	2	5	
Envelope complexity	0	1	3	6	
Deck design	0	2	4	6	
					<b>Total risk score:</b>

- (3) The definitions of risk table is as follows:

Definitions of risk table		
Wind zone	Low risk	Low wind zone as described by NZS 3604:1999
	Medium risk	Medium wind zone as described by NZS 3604:1999
	High risk	High wind zone as described by NZS 3604:1999
	Very high risk	Very high wind zone as described by NZS 3604:1999
Number of storeys	Low risk	One storey
	Medium risk	Two storeys in part
	High risk	Two storeys
	Very high risk	More than 2 storeys
Roof/elevation intersection design	Low risk	Roof-to-elevation intersection fully protected (for example, hip and gable roof with eaves)
	Medium risk	Roof-to-elevation intersection partly exposed (for example, hip and gable roof with no eaves)
	High risk	Roof-to-elevation intersection fully exposed (for example, parapets, enclosed balustrades, or eaves at greater than 90° to vertical with soffit lining)



Part 4—Total risk score—*continued*

## Definitions of risk table

	<b>Very high risk</b>	Roof elements finishing within the boundaries formed by the external elevations (for example, lower ends of aprons, chimneys, dormers, etc)
<b>Eaves width</b> <sup>(1) (2)</sup>	<b>Low risk</b>	Greater than 600 mm for single storey
	<b>Medium risk</b>	451–500 mm for single storey, or greater than 600 mm for 2 storey
	<b>High risk</b>	101–450 mm for single storey, or 451–500 mm for 2 storey, or greater than 600 mm above 2 storey
	<b>Very high risk</b>	0–100 mm for single storey, or 0–450 mm for 2 storey, or less than 600 mm above 2 storey
<b>Envelope complexity</b>	<b>Low risk</b>	Simple rectangular, L, T, or boomerang shape, with single cladding type
	<b>Medium risk</b>	Moderately complex, angular, or curved shapes (for example, Y or arrowhead) with no more than 2 cladding types
	<b>High risk</b>	Complex, angular, or curved shapes (for example, Y or arrowhead) with multiple cladding types
	<b>Very high risk</b>	As for High risk, but with junctions not covered in the rows of this table relating to Roof/elevation intersection design and Deck design (for example, box windows, pergolas, or multi-storey re-entrant shapes)
<b>Deck design</b> <sup>(3)</sup>	<b>Low risk</b>	None, timber slat deck or porch at ground-floor level
	<b>Medium risk</b>	Fully covered in plan by roof, or timber slat deck attached at first- or second-floor level
	<b>High risk</b>	Enclosed deck exposed in plan or cantilevered at first-floor level
	<b>Very high risk</b>	Enclosed deck exposed in plan or cantilevered at second-floor level or above

**Notes**

- (1) Eaves width measured horizontally from external face of wall cladding to outer edge of overhang, including gutters and fascias.
- (2) Balustrades and parapets count as 0 mm eaves.
- (3) **Deck**—
  - (a) means an open platform (which may be known as a balcony)—
    - (i) projecting from an exterior wall of a building; and
    - (ii) supported by framing; and
    - (iii) that may be over enclosed internal spaces, or may be open underneath; and
  - (b) includes an enclosed deck (that is, a deck (which may be known as a balcony)—
    - (i) over an interior or exterior space; and
    - (ii) that has an impermeable upper surface; and
    - (iii) that is closed on the underside.

## Part 5—Occupancy load limits

- (1) The **occupancy load limit** (*see* clause (3)(a) of Part 3) for any of the spaces in a single storey of a building is the number (of people) referred to in paragraph (d), and is determined by completing the following steps:
  - (a) determine the use of the space; and
  - (b) identify, in the table in clause (5), the column whose heading is, or includes, that use; and
  - (c) determine the escape height for the storey; and
  - (d) identify the number in that column of that table and that is opposite to that escape height.
  
- (2) The **occupancy load limit** (*see* clause (3)(b) of Part 3) for all of the spaces in a single storey of a building is the number (of people) referred to in paragraph (c), and is determined by completing the following steps:
  - (a) determine the escape height for the storey; and
  - (b) identify, in the table in clause (5), the column whose heading is “total”; and
  - (c) identify the number in that column that is opposite to that escape height.
  
- (3) In Part 3 and this Part, unless the context otherwise requires,—

**escape height**, in relation to a storey of a building, means the height between the floor level of that storey and the floor level of whichever of the required exits for that storey is the greatest vertical distance above or below that level

**floor** does not include a mezzanine floor or a rooftop area

**required exits**, in relation to a storey of a building, means all of the exits required by or under the Act for that storey

**storey**, in relation to a building, means a portion of the building between the upper surface of a floor (**floor A**) in the building and—

  - (a) the upper surface of the next above floor in the building; or
  - (b) if there is no next above floor in the building, the lower surface of the ceiling or roof above floor A

Part 5—Occupancy load limits—*continued*

**use**, in relation to a space in a single storey of a building, means the use of that space determined (whether the building is a new structure or an existing building) in accordance with regulation 6 and Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005.

- (4) A mezzanine floor in a building must for the purposes of Part 3 and this Part be treated (despite clause (3)) both—
- as if it were a floor in the building whose upper surface is the lower limit of a storey of the building; and
  - as part of the next below floor in the building.
- (5) The table referred to in clauses (1), (2), (6), and (7) is as follows:

Escape height	SH		WL WM	CS CL		WH		Total
	IA ID	SA SR		CO CM	SC SD	WF		
< 1 m	no limit	50	500	500	0	0	500	
1m to < 4 m	no limit	25	250	250	0	0	250	
4 m to < 10 m	no limit	25	100	0	0	0	100	
10 m or > 10 m	0	0	0	0	0	0	0	

- (6) The acronyms in the column headings of the table in clause (5) denote the following uses:
- CL—Crowd Large:
  - CM—Crowd Medium:
  - CO—Crowd Open:
  - CS—Crowd Small:
  - IA—Intermittent Low:
  - ID—Intermittent Medium:
  - SA—Sleeping Accommodation:
  - SC—Sleeping Care:

Part 5—Occupancy load limits—*continued*

- (i) SD—Sleeping Detention:
  - (j) SH—Sleeping Single Home:
  - (k) SR—Sleeping Residential:
  - (l) WF—Working Fast:
  - (m) WH—Working High:
  - (n) WL—Working Low:
  - (o) WM—Working Medium.
- (7) Despite clauses (1) to (5), the numbers in the column headed WH/WF in the table in clause (5) apply to a space in a storey of a building for the purposes of the limit specified in clause (1) only if the space's floor area exceeds 20 m<sup>2</sup>.

Rebecca Kitteridge,  
for Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 21 June 2007, is made under the Building Act 2004 (the **Act**). The order—

- designates 13 building work licence classes for licensed building practitioners under the Act; and
- specifies the types of building work that licensed building practitioners who hold licences of those classes are licensed to carry out or supervise; and
- specifies people who, under section 291(2) of the Act, are treated as if they hold a licence of a specified class.

Rules relating to licensed building practitioners are, under sections 353 to 362 of the Act, prepared by the chief executive of the Department of Building and Housing, and then approved by the Building Practitioners Board and the Minister for Building and Construction. Rules of that kind will contain the following minimum standards:

- minimum standards of competence (including standards relating to knowledge and skills) that must be met for each class of licence; and

- minimum standards for demonstrating current competence for each class of licence that must be met for continued licensing, and for the frequency at which assessments of current competence must be carried out.

Section 84 of the Act requires all restricted building work to be carried out or supervised by a licensed building practitioner whose licence authorises him or her to carry out or supervise the work. However, section 84 and other provisions of the Act that relate to restricted building work are yet to come into force. Before their commencement, there is no kind of building work—

- that may be lawfully carried out or supervised by a licensed building practitioner only; or
- that cannot lawfully be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise building work of a certain type only.

Licensing does, however, still have some consequences under the Act before the commencement of the restricted building work provisions. For example, the register of building practitioners established and maintained under section 298 of the Act enables members of the public to choose a suitable building practitioner from a list of licensed building practitioners. Licensed building practitioners may also, under subpart 2 of Part 4 of the Act, be the subject of complaints to, and disciplinary penalties imposed by, the Building Practitioners Board. In addition, a person commits an offence under section 314 of the Act if the person—

- holds himself or herself out as a person who is licensed to carry out or supervise building work, or building work of a certain type, while not being so licensed; or
- is a licensed building practitioner and fails on a request for the purpose to produce for inspection by the requester material that is, or is a copy of, evidence of the issue of a licence, as required by section 289 of the Act; or
- is an applicant for a licence, or a licensed building practitioner, and fails to give written notice of a change in circumstances, in accordance with section 302 of the Act.

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

Date of notification in *Gazette*: 24 May 2007.

This order is administered by the Department of Building and Housing.

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