



**THE BUILDING REGULATIONS 1992, AMENDMENT NO. 1**

---

CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 21st day of November 1994

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Building Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

---

ANALYSIS

- |   |  |
|---|--|
| <ol style="list-style-type: none"><li>1. Title and commencement</li><li>2. Project information memorandum</li><li>3. Amending building code: Interpretation</li><li>4. Amending building code: Surface Water</li><li>5. Amending building code: Safety from Falling</li><li>6. Amending building code: Construction and Demolition Hazards</li><li>7. Amending building code: Lighting for Emergency</li><li>8. Amending building code: Warning Systems</li></ol> | <ol style="list-style-type: none"><li>9. Amending building code: Food Preparation and Prevention of Contamination</li><li>10. Amending building code: Interior Environment</li><li>11. Amending building code: Water Supplies</li><li>12. Amending building code: Industrial Liquid Waste</li><li>13. Amending building code: Solid Waste</li><li>14. Amending Second Schedule: Forms Schedule</li></ol> |
|---|--|
-

## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Building Regulations 1992, Amendment No. 1, and shall be read together with and deemed part of the Building Regulations 1992\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Project information memorandum**—(1) Regulation 5 (1) of the principal regulations is hereby amended by omitting the words “or such longer period (if any) prescribed under any other Act in relation to an applicable authorisation or requirement under that other Act”.

(2) Regulation 5 (2) of the principal regulations is hereby amended by omitting the words “advises the applicant that it”.

**3. Amending building code: Interpretation**—(1) Clause A2 of the First Schedule to the principal regulations is hereby amended—

(a) By revoking paragraph (b) of subclause (1) of the definition of the term “building”, and substituting the following paragraph:

“(b) Cranes, including any cranes as defined in any regulations in force under the Health and Safety in Employment Act 1992; or”:

(b) By revoking paragraph (d) of the said subclause (1), and substituting the following paragraph:

“(d) Any description of vessel, boat, ferry, or craft used in navigation, whether or not it has any means of propulsion, and regardless of that means; nor does it include—

“(i) A barge, lighter, or other like vessel:

“(ii) A hovercraft or other thing deriving full or partial support in the atmosphere from the reactions of air against the surface of the water over which it operates:

“(iii) A submarine or other thing used in navigation while totally submerged; or”:

(c) By inserting, after paragraph (e) of the said subclause (1), the following paragraph:

“(ea) Aircraft, including any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth; or”:

(d) By inserting in subclause (2) of the said definition, after the words “purposes of”, the words “Part IX of this Act,”:

(e) By omitting from subclause (3) of the said definition the words “subsection (2) of this section”, and substituting the words “subclause (2) of this definition”:

(f) By omitting from subclause (4) of the said definition the words “subsection (3) of this section”, and substituting the words “subclause (3) of this definition”.

(2) The said clause A2 is hereby amended—

(a) By omitting from the definition of the term “building performance index” the words “constant internal temperature”, and substituting the words “constant internal temperature”:

(b) By omitting from the definition of the term “building performance index” the words “degree-day”, and substituting the words “degree-day”:

- (c) By omitting from paragraph (c) of the definition of the term “building performance index” the expression “Kwh”, and substituting the expression “kWh”:
- (d) By inserting, after the definition of the term “contaminant”, the following definition:  
**“Degree-day** The number of centigrade degrees by which a given base temperature is greater than the mean outdoor temperature, measured daily: the degree-day total for a period is derived by summing these values over the period. For the purposes of the building code the base temperature shall be 15°C.”:
- (e) By omitting from the definition of the term “water supply system” the words “intended tube”, and substituting the words “intended to be”:
- (f) By omitting from the definition of “water supply system” the words “with a *building*”, and substituting the words “within a *building*”.

**4. Amending building code: Surface Water**—Clause E1.3.1 of the First Schedule to the principal regulations is hereby amended by omitting the words “*Surface water*”, and substituting the words “Except as otherwise required under the Resource Management Act 1991 for the protection of other property, *surface water*”.

**5. Amending building code: Safety from Falling**—(1) Clause F4.3.3 of the First Schedule to the principal regulations is hereby amended by omitting the words “be constructed with a barrier to restrict access to the pool or the immediate pool area, by children under 6 years of age”, and substituting the words “have barriers provided”.

(2) Clause F4.3.4 of the First Schedule to the principal regulations is hereby amended—

- (a) By revoking paragraph (f), and substituting the following paragraph:  
 “(f) In the case of a swimming pool, restrict the access of children under 6 years of age to the pool or the immediate pool area.”
- (b) By inserting in the second column, opposite paragraph (f), the words “Performance F4.3.4 (f) shall not apply to any pool exempted under section 5 of the Fencing of Swimming Pools Act 1987.”
- (c) By adding the following paragraph:  
 “(g) Restrict the passage of children under 6 years of age when provided to guard a change of level in areas likely to be frequented by them.”

(3) Clause F4.3.5 of the First Schedule to the principal regulations is hereby amended by revoking paragraph (a), and substituting the following paragraph:

- “(a) All gates and doors fitted with latching devices not readily operated by children, and constructed to automatically close and latch when released from any stationary position 150mm or more from the closed and secured position, but excluding sliding and sliding-folding doors that give access to the immediate pool surround from a building that forms part of the barrier, and”.

**6. Amending building code: Construction and Demolition Hazards**—Clause F5 of the First Schedule to the principal regulations is hereby amended by omitting the expression “**F5**” immediately under the heading “**FUNCTIONAL REQUIREMENT**”, and substituting the expression “**F5.2**”.

**7. Amending building code: Lighting for Emergency**—(1) The First Schedule to the principal regulations is hereby amended by omitting from the second column, opposite clause, F6.2, the word “*Ancillary*”, and substituting the word “*Ancillary*”.

(2) Clause F6.3.1 of the First Schedule to the principal regulations is hereby amended by adding the words “or 30 minutes, whichever is the greater”.

**8. Amending building code: Warning Systems**—The First Schedule to the principal regulations is hereby amended by omitting from the second column, opposite clause F7.3, the word “*Ancillary*”, and substituting the word “*Ancillary*”.

**9. Amending building code: Food Preparation and Prevention of Contamination**—Clause G3 of the First Schedule to the principal regulations is hereby amended by omitting the expression “**G3.2.2**” where it secondly occurs under the heading “**FUNCTIONAL REQUIREMENT**”, and substituting the expression “**G3.2.3**”.

**10. Amending building code: Interior Environment**—The First Schedule to the principal regulations is hereby amended by omitting from the second column, opposite clause G5.2.1 (b), the expression “*old people’s homes*”, and substituting the expression “*old people’s homes*”.

**11. Amending building code: Water Supplies**—Clause G12.3.7 of the First Schedule to the principal regulations is hereby amended by omitting the word “*legionalla*”, and substituting the word “*legionella*”.

**12. Amending building code: Industrial Liquid Waste**—Clause G14.3.2. (d) of the First Schedule to the principal regulations is hereby amended by omitting the words “by a resource consent given”.

**13. Amending building code: Solid Waste**—Clause G15.3.2 (f) of the First Schedule to the principal regulations is hereby amended by omitting the word “*safety*”, and substituting the word “*safely*”.

**14. Amending Second Schedule: Forms**—(1) Form 2 in the Second Schedule to the principal regulations is hereby amended—

(a) By inserting, after the entry “No..... attached ”, the following entry:

“Not yet issued ”:

(b) By omitting the entry “ Notification that other authorisations must be obtained before a building consent will be issued”:

(c) By omitting the entry “Details of authorisations which must be obtained before a building consent will be issued”, and substituting the following entry:

“Notification of any other authorisations which must be obtained before the proposed building work may be undertaken”.

(2) Form 3 in the Second Schedule to the principal regulations is hereby amended—

(a) By omitting from part D the words “Registered plumber”, and substituting the word “Craftsman plumber”:

(b) By omitting from part D the words “Registered gasfitter”, and substituting the words “Craftsman gasfitter”.

(3) The Second Schedule to the principal regulations is hereby amended by inserting, after form 4, form 4A set out in the Schedule to these regulations.



Reg. 14 (3)

**SCHEDULE**  
**NEW FORM 4A**  
**FORM 4A**  
**RESTRICTIONS ON IMPLEMENTING BUILDING CONSENT**  
*Section 35 (1A), Building Act 1991*

Certificate issued by .....Council  
Building work authorised by Building Consent No. ....  
in respect of building work at [*Project location as given in the building consent*]:

Street address [*If any*]: .....  
.....

Legal description: .....  
.....

is also required to have the following authorisation under the Resource Management Act 1991:

.....

Until that authorisation has been obtained [*Cross the applicable box*]:

- No building work to which the above building consent relates may be undertaken
- Building work to which the above building consent relates may be undertaken only to the extent specified in the attached ..... pages headed "Building Work to which Building Consent No. .... Relates and which May be Undertaken Before Authorisation under the Resource Management Act has been Obtained".

Failure to observe the restrictions of this certificate may result in enforcement proceedings under the Resource Management Act 1991.

Signed for and on behalf of the Council:

Name: .....

Position: ..... Date:    /    /

**MARIE SHROFF,**  
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 amend the Building Regulations 1992. In addition to correcting various printing errors, these regulations—

- (a) Clarify the requirements for project information memoranda in relation to authorisations under Acts other than the Building Act 1991;
- (b) Update the definition of the term “building” to take account of the amendments to the definition of that term in the Building Act 1991 by section 3 of the Building Amendment Act 1993;
- (c) Introduce a definition of the term “degree-day”;
- (d) Take account of sections 68 (2A) and 76 (2A) of the Resource Management Act 1991 (as inserted by sections 37 and 40 of the Resource Management Amendment Act 1993);
- (e) Clarify the provisions for barriers surrounding swimming pools;
- (f) Clarify the provisions for self-closing and self-latching gates and doors giving access to swimming pools;
- (g) Clarify the provision as to the discharge of liquid wastes in relation to the Resource Management Act 1991;
- (h) Correct certain terms to correspond to the Plumbers, Gasfitters, and Drainlayers Act 1976;
- (i) Prescribe a new form 4A in accordance with section 35 (1A) of the Building Act 1991 (as inserted by section 11 of the Building Amendment Act 1993).

---

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 24 November 1994.  
These regulations are administered in the Department of Internal Affairs.