

Building Owners/Occupiers Guide to and Responsibilities for a “Change Of Use” Relating to Buildings



Owner's Responsibility

The owner must notify the Territorial Authority prior to any change of use under Section 114 of the Building Act 2004. (It is an offence under the Act not to notify the Territorial Authority.)

What is a Change of Use?

A change of use is defined in the Regulations as changing all or part of building from one of the purpose groups listed below to another, but only if the requirements for compliance with the Building Code in the new use are additional to or more onerous than in the old use. (The additional or more onerous requirements typically relate to safety and other features relating to the occupants and or other property, e.g. the need for additional sanitary facilities, mechanical ventilation, alarms, backflow prevention or fire separations) Council recommends you get independent advice to determine if your project falls into this category.

USE	SPACES OR DWELLINGS	EXAMPLES
Uses Related to Crowd Activities		
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, daycare centres, gymnasias, 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, nightclubs, 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 Merchandise)	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		
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 (Sleeping Single 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

<p>WL (Working Low)</p>	<p>spaces used for working, business, or storage – low fire load</p>	<p>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, 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</p>
<p>WM (Working Medium)</p>	<p>spaces used for working, business, or storage –medium fire loads and slow, medium, or fast fire growth rates</p>	<p>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)</p>
<p>WH (Working High)</p>	<p>spaces used for working, business, or storage – high fire load and slow, medium, or fast fire growth rates</p>	<p>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)</p>





<p>WF (Working Fast)</p>	<p>spaces used for working, business, or storage – medium or high fire load and ultra fast fire growth rates</p>	<p>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</p>
<p>Uses Related to Intermittent Activities</p>		
<p>IA (Intermittent Low)</p>	<p>spaces for intermittent occupation or providing intermittently used support functions – low fire load</p>	<p>car parks, garages, carports, enclosed corridors, unstaffed kitchens or laundries, lift shafts, locker rooms, linen rooms, open balconies, stairways (within the open path), toilets and amenities, and service rooms incorporating</p>
<p>ID (Intermittent Medium)</p>	<p>spaces for intermittent occupation or providing intermittently used support functions – medium fire load</p>	<p>maintenance workshops and service rooms incorporating machinery or equipment using solid-fuel, gas, or petroleum products as an energy source</p>

What Happens after Notification?

If satisfied that the building in its new use will meet, as nearly as is reasonably practicable with the Building Code in all respects for:

-  a household unit;

and, in any other case, comply as is reasonably practicable with every provision of the Code that relates to:

-  the means of escape from fire protection of other property
-  Sanitary facilities
-  Structural and fire-rating performance
-  Access and facilities for the disabled

Council's earthquake prone building policy becomes applicable for all buildings except household units where there is a change of use.

Any alteration to the building to comply with these requirements will require a building consent.

The Territorial Authority is required under the Act to give written permission for the change of use if no building consent is required.

Changing a Non Habitable Building (e.g. garage) to a Habitable

If the change of use includes a new household unit where one did not exist before then the building must comply with all aspects of the Building Code as near as reasonably practicable.

The following information must be provided to demonstrate compliance with the building code.

1. Certify that there is a damp proof membrane under the slab or use of a suitable water proof topping to be specified.
2. Finished floor level in relation to ground (requires 225mm to natural ground or 150mm to a paved surface).

3. Insulation to both walls (including joinery) and roof space.
 4. Appropriate underlay to both roof and wall cladding.
 5. Structural considerations
 - Trusses at max 1200mm centres
 - Bracing to walls (calculated as if there is no existing bracing).
 6. Windows and door openings to comply with E2AS1 as near as reasonably practicable (e.g. air seals and flashings etc).
- N.B. proprietary garages are usually constructed to NZS 4203 where habitable buildings are constructed to NZS 3604.



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