

Determination 2025/042

An authority's decision to issue a notice to fix for a mixed-use building

83 Hutt Road, Pipitea, Wellington

Summary

This determination considers whether a change of use occurred as a result of building work to increase the number of bedrooms for an existing residential unit in a mixed-use building. The determination discusses the features and arrangements of the unit and the authority's decision to then issue a notice to fix. It also discusses whether the unit is classified as a 'detached dwelling' under Building Code Cause A1 *Classified Uses*.



Figure 1: The property viewed from the road

In this determination, unless otherwise stated, references to “sections” are to sections of the Building Act 2004 (“the Act”) and references to “clauses” are to clauses in Schedule 1 (“the Building Code”) of the Building Regulations 1992.

The Act and the Building Code are available at www.legislation.govt.nz. Information about the legislation, as well as past determinations, compliance documents (eg Acceptable Solutions) and guidance issued by the Ministry, is available at www.building.govt.nz.

1. The matter to be determined

- 1.1. This is a determination made under due authorisation by me, Andrew Eames, Principal Advisor Determinations, for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment (“the Ministry”).¹
- 1.2. The parties to the determination are:
 - 1.2.1. Wellington Commercial Investments No1 Limited, the owner of the house (“the owner”), who applied for this determination.
 - 1.2.2. Wellington City Council (“the authority”), carrying out its duties as a territorial authority or building consent authority.
- 1.3. The first matter to be determined, in terms of section 177(1)(b) and 3(e) of the Act, is the authority's decision to issue a notice to fix dated 18 March 2024 for a contravention of section 114 of the Act (“the notice to fix”). The determination will consider whether, for the purposes of the Act, there has been a ‘change of use’ of the unit concerned at the date that the first notice to fix was issued.
- 1.4. The second matter to be determined, in terms of section 177(1)(a) of the Act, is whether, at the date the owner applied for the determination, being 6 December 2024, the unit concerned was classified as a ‘detached dwelling’ under Clause A1 *Classified uses* for the purposes of complying with the Building Code.
- 1.5. This determination does not consider a second notice to fix (also issued 18 March 2024) issued by the authority and the contravention of section 116B described in that notice.

2. The background

- 2.1. The unit concerned is an existing two-storey structure that includes a mezzanine level situated above the first floor. The unit shares structural elements, including the masonry veneer façade and party walls, with an adjoining property to the south, which is occupied by a rental car business, forming a building across the two properties.

¹ The Building Act 2004, section 185(1)(a) provides the Chief Executive of the Ministry with the power to make determinations.

- 2.2. Historically, the unit was used for industrial purposes, including as a furniture warehouse.
- 2.3. On 22 July 1994, the authority granted a building consent² to convert the first floor and mezzanine into a residential unit comprising three bedrooms. The ground floor remained in industrial use. As recently as December 2018, signage on the building shows that the ground floor of the unit was being used as a laser cutting and engraving workshop.³
- 2.4. The current owner purchased the property on 26 February 2021.
- 2.5. On 1 July 2022, the authority granted an amendment to the 1994 building consent. The amendment included the conversion of the ground floor from its industrial use to use as a garage for the residential unit above as well as two additional bedrooms.
- 2.6. On 13 July 2022, the authority granted a building consent⁴ for the construction of additional bathrooms. Alongside the work described in the building consents, further alterations were carried out to add several bedrooms to the unit, taking the total number of bedrooms to 17.
- 2.7. On 27 November 2023, the owner applied for a building consent⁵ which was described by the authority as including alterations to existing fireplaces and the ventilation system, as well as “internal Schedule 1 partitions for habitable spaces”.
- 2.8. On 5 December 2023, the authority opened an investigation into the tenancy arrangements for the unit and whether a change of use had occurred. On 12 December 2023 the authority notified the owner that the investigation had been closed as it had “been demonstrated that [the unit was] currently being utilised as its specific building use” of sleeping single home, as set out in Schedule 2 of the Building (Specified Systems, Change the use, and Earthquake-prone Buildings) Regulations 2005 (“Schedule 2”).
- 2.9. However, in January 2024, the authority reopened its investigation into whether a change of use had occurred. It cited determination 2023/034⁶ and an online advertisement for the unit, which described it as an “apartment complex” and listed individual rooms for rent, as the reasons why the investigation was reopened. As part of its investigation the authority carried out a site inspection on 25 January 2024.

² The authority’s reference number for the building consent is service request 6145.

³ *Google Street View* (accessed 16 June 2025) Google <<https://maps.app.goo.gl/ZkuJfCeyRtHn4XmD7>>.

⁴ The authority’s reference number for the building consent is service request 517942.

⁵ The authority’s reference number for the building consent is service request 541028.

⁶ Determination 2023/034 *An authority’s decision to issue a notice to fix for a change of use of a building* (15 November 2023).

2.10. On 18 March 2024, the authority issued two notices to fix, accompanied by a cover letter. In their cover letter, the authority outlined why they believed a change of use had occurred:

Due to the addition of 12 bedrooms, the minimum number of occupants at 83 Hutt Road will be 17 people, which exceeds the requirements of Building Code A1, 2.0.2 which specifies it applies to either a group of people living as a single household or a boarding house accommodating fewer than 6 people.

Further to above, a Trademe advert was listed on 11 February 2023 for 83 Hutt Road advertising individual rooms for rent ranging from \$250 - \$395 per week and the ground floor garage listed as being available for rent.

During our site visit the following was observed:

1. The interior of the property has been independently decorated by the property owner, none of the furniture or artwork within the communal areas has been supplied by the residents.
2. Prior to [the authority's] investigation, all bedrooms had exterior key locks, this is documented in the Trademe advert photos. (Where applicable these have since been removed).
3. There is no fixed rental price, the rent fluctuates and is based off the number of rooms occupied.
4. Vacant rooms do not contribute to the rent unless occupied. Usually when an "entire" property is rented, the household unit is responsible for covering the fixed rental price.
5. The use of the garage is not limited to the residents of 83 Hutt Road and rented separately or used as storage by non-residents. It is noted the only separation between the garage and residential area is a single door.
6. It was clarified during the visit that current residents are not consulted before rooms are filled, this differs to how a family or group of people living as a household unit is formed or operates.
7. During our visit there was a general disconnect with the residents and communal spaces. There is a single three-seater couch in the lounge, a five-seater table in the dining area and three bar stools in the kitchen. The communal areas are unable to entertain all 17 occupants at one time.

2.11. The notice to fix alleged a contravention of section 114:

Non-Compliance with Building Act 2004.

On 25 January 2024 at 1:00PM the above property was inspected by [the authority's] officers. It has been observed that the building has undergone a change of building use from Sleeping Single Home (SH) to Sleeping Accommodation (SA) without notice to the [authority]. It has been determined that the requirements of Section 114 of the Building Act 2004 have not been complied with.

2.12. The notice to fix stated the following remedies and timeframe:

To remedy the contravention or non-compliance you must:

Non-Compliance with Building Act 2004.

Notify [the authority] in writing of a Change of use and demonstrate compliance with the New Zealand Building Code within 165 Days of the date of this notice.

Or

Revert the building back to Sleeping Single Home (SH) in accordance with SR6145 as shown in approved amended plans.

The following inspections are required with respect to the remedial work: any inspection required to comply with this notice.

This notice must be complied with by Friday 30 August 2024.

3. The building work

3.1. Table 1 describes the layout and features of the unit before and after the building work carried out across 2022 and 2023.

Table 1: Building layout comparison for the unit

Floor	Before alterations	After alterations
Ground Floor	An entry lobby and stairs providing access to the upper floors.	An entry lobby and stairs providing access to the upper floors.
	Storage and parking areas.	Storage and parking areas. A converted storage area containing three single bedrooms.
	A kitchenette.	A kitchenette.
	A toilet containing two cubicles.	A toilet containing two cubicles.
	A workshop/garage area.	The workshop/garage area is recorded as being used in conjunction with the residential unit.
First Floor	An open-plan living area including one lounge and an open plan lounge, dining area, and kitchen.	A reduced open-plan living area including an open plan lounge, dining area, and kitchen.
	Two double bedrooms.	Nine double bedrooms. One single bedroom.
	Four storage rooms.	Three storage rooms. One study room.
	Five bathrooms.	Five bathrooms.
	A laundry.	A laundry.
	Three double bedrooms.	Three double bedrooms.

Mezzanine Floor	Two studies.	One single bedroom.
	One bathroom.	One study. One bathroom.

4. Submissions

The authority

- 4.1. Regarding the notice to fix, the authority submits that it was appropriate to issue one as a change of use had occurred without the authority being notified. In forming this view the authority noted the following factors, in summary:
 - 4.1.1. In 2022, the unit contained five bedrooms. By 2023, this number had increased to seventeen bedrooms, which would be “exceptionally large” for a single household.
 - 4.1.2. Online rental listings described the unit as an “apartment complex”, with individual rooms advertised and priced separately. The online rental listings also referred to carparks as being available to rent.
 - 4.1.3. Though subsequently removed by the owner, the authority considers the prior presence of locks to be indicative of individualised occupancy arrangements.
 - 4.1.4. The authority considers the communal areas to be insufficient large enough to accommodate all occupants simultaneously and therefore inconsistent with the expectations of a single household or family living arrangement.
 - 4.1.5. The tenancy arrangements include a ‘head tenant’ who is the sole person on the tenancy agreement, collects rent, and flatmate agreements with other occupants. Other occupants are not involved in selecting new tenants and because they are not on the tenancy agreement they could leave with little consequence after short-term stays.
 - 4.1.6. The overall rental income depends on the number of occupied rooms, with each occupant paying rent only for their own room. The authority compares this to the rental of a “household property” where rental income is based on rental of a property as a whole.
 - 4.1.7. At the time the notice to fix was issued, the landlord was organising and paying for cleaning services.
- 4.2. On the basis of the above factors, and in comparing the unit to determination 2023/034, the authority submits that the building use under Schedule 2 for the unit is no longer a single household, as outlined in the definition for sleeping single

home. Rather, the unit's use more comparable to a commercial accommodation arrangement and therefore falls within the definition of sleeping accommodation.

- 4.3. Regarding the unit's classified use, the authority submits that the residential unit does not meet the definition of a 'detached dwelling' under Clause A1, paragraph 2.0.2. The authority referred to some of the factors listed in paragraph 4.2, but primarily submits that the unit is more akin to a boarding house "focused on commercial aspects, rather than the use of a building as a home" with a potential occupancy exceeding the fewer than 6 allowed for under subclause 2.0.2 of Clause A1.

The owner

- 4.5. The owner submits that the authority has not provided sufficient evidence to establish that the building use for the unit is sleeping accommodation and therefore the authority should uplift the notice to fix.
- 4.6. The owner made several submissions on factors similar to those outlined by the authority, and as summarised in paragraph 4. In summary:
- 4.6.1. The addition of 12 bedrooms does not mean the unit is no longer a detached dwelling, as "there is no limit to a single household ... if it is not a boarding house" under Clause A1. Furthermore, given the size of the unit, the number of occupants is "not significant".
- 4.6.2. The online listing was a standard online listing for "flatmates wanted" and not in the same format as listings for boarding houses.
- 4.6.3. The owner submits that the locks on the doors were removed prior to the authority's inspection in January 2024 and therefore should not have been a factor in the issuing of the notice to fix. Furthermore, the lack of locks on the bedroom doors means the unit is unlike a boarding house, where locks would be expected.
- 4.6.4. The owner states that the current occupants of the unit knew each other prior to moving in. Additional occupants have since moved in as well, and they are "family friends". The owner submits that the occupants self-manage and resolve disputes internally, without the involvement of the owner, or the "head tenant" acting on the owner's behalf.
- 4.6.5. Regarding the "head tenant" selecting new occupants without the involvement of other occupants, the owner stated that "the head tenant knows the existing [occupants] well and makes decisions on potential occupants based on what is best for the household".
- 4.6.6. The owner submits that different occupants paying different amounts of rent based on their room does not mean that the unit is being rented room

by room. Furthermore, “it would be an unnecessary onerous financial burden on any head tenant to take responsibility for a full fixed rental of a 17 room flat prior to full occupancy”. They also stated that they could “fix the overall building rent” if necessary.

- 4.6.7. The owner stated that the occupants pay for the cleaning services for the unit.
- 4.7. The owner made further submissions regarding the nature of the tenancy arrangements:
- 4.7.1. The owner states that the tenancy arrangement comprises a single head tenant who holds a fixed-term tenancy agreement for the entire premises. A bond is lodged on behalf of the head tenant “for the whole property” with Tenancy Services, and other occupants enter into separate flatmate agreements with the head tenant.
- 4.7.2. The owner stated that, in relation to the flatmate agreements, “individual bond amounts have been lodged with Tenancy Services” and that the agreements are for a minimum period of six months and are not for the exclusive use of specific bedrooms.
- 4.8. The owner also made a comparison to the building described in determination 2023/034. Some of their points are already outlined in paragraphs 4.6 and 4.7, with their comparison also noting factors such as: there being no video surveillance in the unit; the occupants’ ability to use the unit with few restrictions for example; no limits on heater use or shower times; and that there are no charges for visitors staying at the unit. They conclude that because the unit differed from the building in determination 2023/034 its building use is therefore sleeping single home under Schedule 2.
- 4.9. Regarding the classified use of the unit the owner submits that because the unit is a single household, the authority is incorrect in applying a limit of six occupants. This limit would only apply if the unit were a boarding house, which the owner submits is not the case. To support their view, the owner referred to information provided on the Tenancy Services website regarding boarding houses under the Residential Tenancies Act 1986⁷.

5. Discussion

The matter regarding the notice to fix

- 5.1. The first matter to be determined is in relation to the notice to fix, dated 18 March 2024, for a contravention of section 114.

⁷ *Boarding houses* (accessed 11 August 2025) Tenancy Services <<https://www.tenancy.govt.nz/starting-a-tenancy/boarding-houses/>>.

- 5.2. Notices to fix are governed by sections 163 to 168 of the Act. Section 164(1)(a) provides for an authority to issue a notice to fix if it considers, on reasonable grounds that a specified person is contravening or failing to comply with the Act or its regulations.
- 5.3. I have previously discussed the legislative framework for changes of use in Determination 2025/006⁸. In summary: section 114(2)(a) requires that an owner notify the territorial authority of a proposed change of use.
- 5.4. 'Change of use' is defined in regulations 5 and 6 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 ("the Change of Use regulations"). There are two criteria which I must assess:
- 5.4.1. Firstly, whether all or part of a building has changed from one building use to another (as set out Schedule 2).
- 5.4.2. Secondly, whether any new use gives rise to additional or more onerous Building Code requirements. In order to make this second assessment I must consider the classified use (as set out in Clause A1) for both the old and new use(es).

Building use

- 5.5. Excerpts of Schedule 2, defining and giving examples for the building uses discussed in this section can be found in Appendix A.

Prior to the 2022–2023 alterations

- 5.6. Prior to the alterations, the ground floor of the unit was used as a manufacturing workshop. Manufacturing activities such as this fall within the "uses related to working, business, or storage activities" category.
- 5.7. This category contains the working low, working medium, working high and working fast building uses.
- 5.8. The applicable building use depends on the fire load and fire growth rates. Specific fire load and growth rate data were not provided, so the exact building use within the working category could not be determined.
- 5.9. The parties do not dispute that the first and mezzanine floors of the unit were occupied as a single household dwelling prior to the alterations. As noted in paragraph 2.1, the unit concerned is part of a building across two properties, with the neighbouring part of the building containing a rental car business. As a

⁸ Determination 2025/006 *The decision to issue a notice to fix for a change of use of a building* 5 February 2025 at 4.1-4.7.

household unit attached to spaces with the same or other uses, the first and mezzanine floors fell within the sleeping residential use group.

After the 2022–2023 alterations

5.10. Sleeping single home, sleeping residential, and sleeping accommodation building uses are discussed in Determination 2025/006, noting that the concept of a ‘household unit’ underpins the former two building uses, while the definition for sleeping accommodation building use refers to ‘transient accommodation’ and ‘limited assistance or care’⁹. I have weighed similar factors here and considered the items laid out in the background and submissions and have arrived at some conclusions:

5.10.1. As a result of the alterations the unit now has a capacity of 29 occupants based on the number of beds shown on the plans. This number points to challenges in maintaining a sufficient connection between all occupants to act as a single household.

5.10.2. The unit has a combined lounge, dining, and kitchen area. Considering the number of occupants above, this communal area is not large enough to adequately accommodate the occupants socialising together as a single household. This means there will be a reduced level of social cohesion¹⁰.

5.10.3. The existing length of tenancy agreements outlined by the owner, where most of the occupants have resided for 12 months or more, indicates some level of ongoing connection amongst the occupants. However, both parties have noted that the head tenant makes decisions on new occupants without the input of other occupants. This reduces that degree to which all occupants have agreed to reside together as a single household.

5.10.4. While the owner made other submissions around the nature of the tenancy arrangements, I have not been provided the tenancy agreement(s) for the unit. I note that the owner submits that there are “individual bonds” lodged on behalf of each of the occupants as well as a bond for the whole unit on behalf of the head tenant. I am therefore of the view that the owner is charging bond and rent on a per-room/occupant basis. This is in comparison to tenancy arrangements whereby bond and rent is for a unit or building as a whole, with the occupants self-managing individual payments towards that overall amount. I consider the arrangements for the unit in question to be more comparable to a commercial arrangement for accommodation than for a single household.

⁹ Determination 2025/006 at 4.9–4.21 and specifically 4.19.

¹⁰ A shared sense of belonging and connection.

5.10.5. Additionally, the owner organises cleaning of the unit to be carried out on behalf of the residents. I consider this to be indicative of limited assistance and care from the owner.

5.11. After weighing the various factors and arguments, I find considering the cumulative effect of the size of the occupancy, the limited opportunity for social cohesion, the lesser degree to which there is agreement to reside together as a single household, commercial style tenancy arrangements, and the provision of limited support and care I find this to be a sleeping accommodation use under Schedule 2.

5.12. I note the owner's submissions in relation to whether the unit is specifically a boarding house or not¹¹. While a boarding house is given as an example of a sleeping accommodation building use in Schedule 2, it is only one such example, and therefore this specific distinction is not determinative in of itself of the building use.

Outcome

5.13. The ground floor of the unit changed from a building use in the working category to sleeping accommodation building use.

5.14. The first and mezzanine floors of the unit changed from a sleeping residential to a sleeping accommodation building use.

5.15. As the building use has changed from one use to another, the first criterion for a change of use has been met.

Classified use

5.16. Excerpts of Clause A1 of the Building Code, giving definitions and examples for the classified uses discussed in this section can be found in Appendix B.

5.17. Determination 2025/006 discusses classified uses, noting how the classified use of a building, or part of a building, is established as well as the interpretation of 'intended use'¹².

5.18. For this determination, the relevant classified uses are 'industrial' as well as the 'housing' and 'communal residential' categories.

5.19. The classified uses for the unit, prior to the 2022-2023 alterations were:

¹¹ Their use of that term was in regards the definition in s66B of the Residential Tenancies Act, not the Building Act 2004.

¹² Determination 2025/006 at 4.34-4.37.

- 5.19.1. The ground floor was used for laser cutting and engraving. This floor was an industrial classified as it was a space where goods were produced from natural or converted resources.
- 5.19.2. The first and mezzanine floors were within the housing category of classified uses. These floors were used as a single household or family involving self-care and service.
- 5.20. I consider that the classified uses for the residential areas of the unit after the alterations is community service. As identified in paragraph 5.10 limited assistance and care is provided to the occupants, the unit does not operate as a single household or family, and the tenancy arrangements are more comparable to the examples of commercial accommodation given in the definition for community service.

Outcome

- 5.21. The bedroom area on the ground floor changed from an industrial to community service classified use. Additional Building Code performance requirements, such as clause E1.3.2 or E3.3.1, now apply.
- 5.22. The first and mezzanine floors changed from a housing category classified use to community service. Additional Building Code performance requirements, such as D1.3.3(i) and F6.2, now apply.
- 5.23. As additional or more onerous requirements for compliance with the Building Code apply, the second criterion has been met, and a change of use has occurred.

Form and content of the notice to fix

- 5.24. I have found that a change of use had occurred, and the owner did not notify the authority of this change of use in accordance with section 114(2)(a). Therefore, there were grounds to issue a notice to fix under section 164.
- 5.25. Section 165 outlines the form and content requirements for a notice to fix. A notice to fix must be in the prescribed form¹³, sufficiently describe the particulars of the contravention so that the recipient is “fairly and fully informed”¹⁴, specify a reasonable timeframe for compliance, and may require applications for a certificate of acceptance or a building consent (or amendments to an existing consent) depending on the nature of the non-compliance. It must also require the responsible authority to be contacted upon completion of the work.

¹³ Form 13 of the Building (Forms) Regulations 2004.

¹⁴ See *Andrew Housing Ltd v Southland District Council* [1996] 1 NZLR 589 (which related to a ‘notice to rectify’ in the Building Act 1991, the equivalent of a notice to fix in the current Act,); *Marlborough District Council v Bilsborough* [2020] NZDC 9962 at [106]-[107]; and *Determination 2024/029 An authority’s decisions to issue a series of notices to fix* (27 May 2024) at [4.2]-[4.3].

- 5.26. The notice to fix describes a contravention of section 114, though its description only notes the use changing in relation to the building uses set out in Schedule 2. It does not mention the second criterion in relation to additional or more onerous Building Code requirements or outline a change in classified use which might lead to this criterion being met. I consider that the description of the contravention does not fully inform the owner how section 114 has been contravened.
- 5.27. The cover letter attached to the notice to fix also alleged a contravention of 115, however this is not listed on the notice as a contravention, creating the possibility for confusion on what contraventions have occurred and are required to be remedied.
- 5.28. The remedy requires:
- 5.28.1. notification of a change of use, in line with section 114 and demonstration of “compliance with the New Zealand Building Code” within 165 days of the date of issue, or
 - 5.28.2. reversion of the use of the building back to the sleeping single home use with reference to the 2022 building consent amendment. I note that, as established in paragraph 5.9, the relevant building use prior to the 2022-2023 alterations was sleeping residential.
- 5.29. The first remedy appears to be in relation to section 115, which sets out that an owner can only change the use of a building if a territorial authority notifies the owner that the compliance requirements set out in that section have been met. However, “compliance with the New Zealand Building Code” is not a valid remedy for a contravention of 115, as this is not the level of compliance required by either section 115(a) or (b).
- 5.30. As the notice to fix did not sufficiently describe the particulars of the contravention and included remedies that were not valid, the notice to fix did not meet the requirements of section 165.

The matter regarding the classified use

- 5.31. The second matter to be determined is in relation to the classified use of the unit at the time the application for a determination was made.
- 5.32. The features of the building discussed in paragraph 5.20 did not materially change between the issuing of the notice to fix and the application for a determination. I therefore conclude that the classified use under Clause A1 at the time of application was community service.

6. Decision

- 6.1. Regarding the notice to fix, there were grounds to issue a notice to fix for a contravention of section 114. However, the notice to fix did not meet the requirements of section 165 and, in accordance with section 188, I reverse the authority's decision to issue the notice to fix.
- 6.2. Regarding the classified use of the unit at the time the application for a determination, 6 December 2024, I find that the unit did not have a classified use of detached dwelling as set out in Building Code Clause A1 – *Classified uses*.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 29 August 2025.

Andrew Eames

Principal Advisor Determinations

Appendix A: relevant excerpts from Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005

Uses related to sleeping activities		
<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
SA (Sleeping Care)	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, wharehau
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		
<i>Use</i>	<i>Spaces or dwellings</i>	<i>Examples</i>
WL (Working Low)	spaces used for working, business, or storage—low fire load	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
WM (Working Medium)	spaces used for working, business, or storage—medium fire load 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)
WH (Working High)	spaces used for working, business, or storage—high fire load 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)
WF (Working Fast)	spaces used for working, business, or storage—medium or high fire load 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

Appendix B: excerpt from Building Code Clause A1 – *Classified uses*

1.0 Explanation

- 1.0.1 For the purposes of this building code buildings are classified according to type, under seven categories.
- 1.0.2 A building with a given classified use may have one or more intended uses as defined in the Act.

2.0 Housing

- 2.0.1 Applies to buildings or use where there is self care and service (internal management). There are three types:
- 2.0.2 Detached dwellings
Applies to a building or use where a group of people live as a single household or family.
Examples: a holiday cottage, boarding house accommodating fewer than 6 people, dwelling or hut.
- 2.0.3 Multi-unit dwelling
Applies to a building or use which contains more than one separate household or family.
Examples: an attached dwelling, flat or multi-unit apartment.
- 2.0.4 Group dwelling
Applies to a building or use where groups of people live as one large extended family.
Examples: within a commune or marae.

3.0 Communal residential

- 3.0.1 Applies to buildings or use where assistance or care is extended to the principal users. There are two types:
- 3.0.2 Community service
Applies to a residential building or use where limited assistance or care is extended to the principal users. Examples: a boarding house, hall of residence, holiday cabin, backcountry hut, hostel, hotel, motel, nurses' home, retirement village, time-share accommodation, a work camp, or camping ground.

6.0 Industrial

- 6.0.1 Applies to a building or use where people use material and physical effort to:
- (a) extract or convert natural resources,
 - (b) produce goods or energy from natural or converted resources,
 - (c) repair goods, or
 - (d) store goods (ensuing from the industrial process).
- Examples: an agricultural building, agricultural processing facility, aircraft hangar, factory, power station, sewage treatment works, warehouse or utility.