

42A Building work for which building consent is not required under Schedule 1

- (1) Despite section 40, subject to the conditions set out in subsection (2) and whether or not a building consent would otherwise have been required, a building consent is not required for building work in the following categories:
- (a) building work described in Part 1 of Schedule 1; or
 - (b) building work described in Part 2 of Schedule 1 that is carried out by an authorised person (*see* subsection (3)); or
 - (c) building work described in Part 3 of Schedule 1 if the design of the building work has been carried out or reviewed by a chartered professional engineer and the building work has been carried out in accordance with that design.
- (2) Subsection (1) is subject to the following conditions:
- (a) the building work complies with the building code to the extent required by this Act;
 - (b) after the building work is completed, the building,—
 - (i) if it complied with the building code immediately before the building work began, continues to comply with the building code; or
 - (ii) if it did not comply with the building code immediately before the building work began, continues to comply at least to the same extent as it did then comply;
 - (c) the building work does not breach any other enactment;
 - (d) the building to which the building work relates is not a building that is required to be licensed under the Hazardous Substances and New Organisms Act 1996.

introduced as at
January 2015

Building Act 2004

Schedule 1

Schedule 1

s 42(1)(b)

Building work for which building consent not required

Schedule 1: replaced, on 28 November 2013 (but building work for which a building consent was not required under old Schedule 1 but for which a building consent is required under new Schedule 1 does not require a building consent if the building work commenced before this date), by section 73(1) of the Building Amendment Act 2013 (2013 No 100).

Water heaters

38 Replacement or repositioning of water heater that is connected to, or incorporates, controlled heat source

The replacement of any water heater (including the repositioning of an existing water heater) if the replacement water heater is connected to, or incorporates, a controlled heat source or, if connected to or incorporating more than 1 heat source, 2 or more heat sources all of which are controlled.