

Statutory declaration as to owner-builder status

Section 45, section 87A, and section 90D, Building Act 2004

The building

Street address of building:

The owner

Name of owner:

Address:

Phone number:

Email address:

Identification of DESIGN WORK that is restricted building work that has been carried out by owner-builder

Note: Complete the following section if this form is attached to an application for a building consent that is accompanied by plans or specifications containing design work that is restricted building work that has been carried out by the owner-builder (section 45(5)(b) of the Building Act 2004).

The design work that is restricted building work that I,

[name, place of abode, and occupation]

carried out as an owner-builder is:

*all of the design work that is restricted building work described in the attached application for a building consent;

or

*the design work that is restricted building work as set out below:

*[*Strike out words which do not apply]*

| Design work that is restricted building work | Description | Reference to plans and specifications |
|--|--|---|
| <i>[Tick]</i> | <i>[If appropriate, provide details of the restricted building work]</i> | <i>[If appropriate, specify references]</i> |
| <p>▪ Primary structure</p> | | |
| Foundations and subfloor framing | <input type="checkbox"/> | |
| Walls | <input type="checkbox"/> | |
| Roof | <input type="checkbox"/> | |

| | | | |
|-------------------|--------------------------|--|--|
| Columns and beams | <input type="checkbox"/> | | |
| Bracing | <input type="checkbox"/> | | |
| Other | <input type="checkbox"/> | | |

▪ **External moisture management systems**

| | | | |
|--|--------------------------|--|--|
| Damp proofing | <input type="checkbox"/> | | |
| Roof cladding or roof cladding system | <input type="checkbox"/> | | |
| Ventilation system (for example, subfloor or cavity) | <input type="checkbox"/> | | |
| Wall cladding or wall cladding system | <input type="checkbox"/> | | |
| Waterproofing | <input type="checkbox"/> | | |
| Other | <input type="checkbox"/> | | |

▪ **Fire safety systems**

Note: The design of fire safety systems is only restricted building work when it involves small-to-medium apartment buildings as defined by the Building (Definition of Restricted Building Work) Order 2011.

| | | | |
|--|--------------------------|--|--|
| Emergency warning systems, evacuation and fire service operation systems, suppression or control systems, or other | <input type="checkbox"/> | | |
|--|--------------------------|--|--|

Continue on another page if necessary.

Identification of BUILDING WORK that is restricted building work intended to be carried out under an owner-builder exemption

Note: The following section is to be completed if:

- (a) this form is accompanying an application for a building consent and the owner intends to carry out building work that is restricted building work (section 45(5)(a) of the Building Act 2004);

or

- (b) the application for a building consent was not accompanied by a statutory declaration in this form and the owner intends to carry out building work that is restricted building work (section 87A(2) of the Building Act 2004);

or

- (c) under a building consent, there has been a change in the owner-builder carrying out the restricted building work and the new owner-builder has not already submitted to the building consent authority a statutory declaration in this form to that effect (section 87A(3)(a) of the Building Act 2004)

The building work that is restricted building work that I,

[name, place of abode, and occupation]

intend to carry out as an owner-builder is:

*all of the building work that is restricted building work described in the attached application for a building consent;

or

*the building work that is restricted building work as set out below:

[*Strike out words which do not apply]

| Building element | [Tick] | Description of restricted building work |
|---|--------------------------|--|
| | | <i>[If necessary, describe the restricted building work]</i> |
| ▪ Primary structure | | |
| Foundations and subfloor framing | <input type="checkbox"/> | |
| Walls | <input type="checkbox"/> | |
| Roof | <input type="checkbox"/> | |
| Columns and beams | <input type="checkbox"/> | |
| Bracing | <input type="checkbox"/> | |
| Other | <input type="checkbox"/> | |
| ▪ External moisture management systems | | |
| Damp proofing | <input type="checkbox"/> | |
| Roof cladding or roof cladding system | <input type="checkbox"/> | |

| | |
|---|--|
| Ventilation system (for example, subfloor or cavity) <input type="checkbox"/> | |
| Wall cladding or wall cladding system <input type="checkbox"/> | |
| Waterproofing <input type="checkbox"/> | |
| Other <input type="checkbox"/> | |

Note: continue on another page if necessary.

Status as owner-builder

I,

[name, place of abode, and occupation]

am an owner-builder for the purposes of the Building Act 2004 as I:

have a relevant interest in the land or the building on which the restricted building work is carried out; and

reside or intend to reside in the household unit in relation to which the restricted building work is carried out; and

*have carried out the design work that is restricted building work myself or with the assistance of my unpaid friends and family members; and

*will carry out the restricted building work myself or with the assistance of my unpaid friends and family members; and

have not, under the owner-builder exemption, carried out restricted building work in relation to a different household unit within the previous 3 years.

**Delete if the paragraph does not apply.*

Defined terms

Relevant interest, in relation to the land or the building on which restricted building work is carried out, means a legal or equitable interest in the land or building and includes:

a right of occupancy of the land or building or part of the building; or

a right, power, or privilege over, or in connection with, the land or building.

Reside includes temporarily reside.

Statutory declaration

I,

[name, place of abode, and occupation]

solemnly and sincerely declare that the statements contained in this form are true. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

| | |
|-------------|--|
| Declared at | [place, date] |
| Before me | [Justice of the Peace / barrister and solicitor of the High Court / or other person authorised by law to take statutory declarations*] *Select one. |
| Signature: | |