

STATUTORY DECLARATION AS TO OWNER-BUILDER STATUS (FORM 2B)

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

WHO CAN APPLY TO BE AN OWNER-BUILDER?

If you're a homeowner who qualifies for the exemption, you will not need to be or use a licensed building practitioner (LBP) for any restricted building work on your home. However, you will still need to apply for a building consent, and all work must still comply with the Building Code. Your Council/ Building Consent Authority will inspect your work, and you are responsible for the quality of the work.

Any work you do will be listed as a do-it-yourself job on your Land Information Memorandum for any future buyers to see.

You may qualify as an owner-builder if you:

- live in or are going to live in the home (this includes a bach or holiday home)
- carry out the restricted building work to your own home yourself, or with the help of your unpaid friends and family members
- have not used the Owner-Builder Exemption to carry out restricted building work to any other house in the previous three years.

You cannot carry out all aspects of construction work, even with an Owner-Builder Exemption. This work includes:

- plumbing
- gas-fitting
- drain-laying
- electrical work.

HOW TO SUBMIT THIS MEMORANDUM

You need to apply by completing a statutory declaration form before you can use the exemption. The form must be witnessed and signed by a Justice of the Peace, or someone else authorised to do so.

Check with the relevant Council/ Building Consent Authority (BCA) for more information on how to submit this memorandum. Electronic submissions may be available with the applicable Council / BCA on the simpli.govt.nz website.

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Official Use Only

1. PROPERTY INFORMATION

Street address of the building

For structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection

2. OWNER

Name of Owner:			
Email:			
Mobile:		Alternative Phone:	
Street address:			
Mailing Address: <i>If different from street address</i>			

3. DESIGN OF RESTRICTED BUILDING WORK THAT OWNER-BUILDER HAS CARRIED OUT

Is this form part of a building consent application that includes restricted building work design that the owner-builder has carried out? (section 45(5)(b) of the Building Act 2004).

☐ Yes ☐ No – Go to section 4

I _____ (name), of occupation _____,

residing at _____ (address),
as owner-builder carried out:

- ☐ All of the design work that is restricted building work described in the attached application for a building consent (Go to section 4), or
- ☐ The design work that is restricted building work as set out below:

	Description of restricted building work	Reference to plans and specifications
Primary Structure: B1		
☐ Foundations and subfloor framing		
☐ Walls		
☐ Roof		
☐ Columns and beams		
☐ Bracing		
☐ Other		
External Moisture Management Systems: E2		
☐ Damp proofing		
☐ Roof cladding or roof cladding system		
☐ Ventilation system (e.g. subfloor or cavity)		
☐ Wall cladding or wall cladding system		
☐ Waterproofing		
☐ Other		
Fire Safety Systems: C1 – C6		
<i>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.</i>		
☐ Emergency warning systems Evacuation and fire service operation systems Suppression or control systems		
☐ Other		

4. RESTRICTED BUILDING WORK INTENDED TO BE CARRIED OUT UNDER AN OWNER-BUILDER EXEMPTION

- ☐ 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
- ☐ 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
- ☐ 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).

List building consents issued for this project: (if applicable)	Consent Number:	Issue By:

I _____ (name), of occupation _____,

residing at _____ (address),

as owner-builder intend to carry out:

- ☐ All of the building work that is restricted building work described in the attached application for a building consent; (Go to section 5), or
- ☐ The building work that is restricted building work as set out below:

	Description of restricted building work	Reference to plans and specifications
Primary Structure: B1		
☐ Foundations and subfloor framing		
☐ Walls		
☐ Roof		
☐ Columns and beams		
☐ Bracing		
☐ Other		

External Moisture Management Systems: E2		
☐ Damp proofing		
☐ Roof cladding or roof cladding system		
☐ Ventilation system (e.g. subfloor or cavity)		
☐ Wall cladding or wall cladding system		
☐ Waterproofing		
☐ Other		

5. STATUS AS OWNER BUILDER

I _____ (name), of occupation _____,

residing at _____ (address),

am an owner-builder for the purposes of the Building Act 2004 as I: (select all that apply)

- ☐ Have a relevant interest in the land or the building on which the restricted building work is carried out.
- ☐ Reside or intend to reside in the household unit in relation to which the restricted building work is carried out.
- ☐ Have carried out the design work that is restricted building work myself or with the assistance of my unpaid friends and family members.
- ☐ Will carry out the restricted building work myself or with the assistance of my unpaid friends and family members.
- ☐ Have not, under the owner-builder exemption, carried out restricted building work in relation to a different household unit within the previous 3 years.

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) a right of occupancy of the land or building or part of the building; or
- b) a right, power, or privilege over, or in connection with, the land or building.

Reside: includes temporarily reside.

6. ACKNOWLEDGEMENTS

The information you have provided on this form is required so that your application or the building consent it relates to can be processed under the Building Act 2004. The Council, Territorial Authority (TA) or Building Consent Authority (BCA) collates statistics relating to building work and has a statutory obligation to provide information to third parties. The information is stored on a public register, which must be supplied to whoever requests the information. Under the Privacy Act 2020, you have the right to see and correct personal information the Council, TA and BCA hold about you.

In providing this information, you agree to your details being used for customer surveys carried out by the Council, TA or BCA.

All the information contained in the application is, to the best of my knowledge, true and correct.

I _____ (*name of owner-builder*), of occupation _____ ,

residing at _____ (*address*),

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*), on _____ (*date*),

Owner-Builder Signature _____

Before me _____ (*name*) as:

- ☐ Justice of the Peace
- ☐ Barrister and solicitor of the High Court
- ☐ Other person authorised by law to take statutory declarations

Signature _____