

GUIDE TO COMPLETING THE STATUTORY DECLARATION AS TO OWNER-BUILDER FORM



A Statutory Declaration as to Owner-Builder form is used to show that the owner-builder criteria are met, for owner-builders who want to use the Owner-Builder Exemption (allowing them to carry out Restricted Building Work on their own home).

How to Apply

An application form is available from the Council's offices or website. To help you complete your application, these guidance notes are available on the Council's website.

Once you have completed your application you may:

- post your application form and supporting documents to the Council;
- deliver your application form and supporting documents to the Council in person; or
- email your application form and supporting documents to the Council's Building Consent team.

Notes to completing the form

This form can be completed by hand or electronically.

If completing the writeable pdf:

- fill out the form, including signatures and save the application to your computer.
- Email the application form to the Council, or print off and post or deliver it to the Council.

If completing by hand:

- please use black ink throughout and write clearly in BLOCK CAPITALS only.
- to correct a mistake on the form put a line through it and write the correction clearly to the right. If there is no space on the right, write the correction as close as possible.

The following guidance notes provide information covering every section of the form. In addition, the form itself includes prompts to help you fill out each section.

Please make sure that all plans are provided in landscape format and are either A1, A2, A3 or A4 in size. They must be shown in black on white paper; and must be to the correct scale.

An incomplete application or lack of supporting information will mean that your application cannot be accepted for processing.

Help and advice: if you have any questions or just need advice, please call the Council for assistance.

Contents of the application form

The Statutory Declaration as to Owner-Builder form contains six sections. These are briefly described below:

- 1 – Where is the building?** This section request the address of the building being worked on.
- 2 – Who owns the building?** This section requests information about the owner of the building.
- 3 – What design work that is restricted building work has been carried out?** This section requires you to declare whether you have undertaken all or part of the restricted building work that is included in your application for a building consent.
- 4 – What building work that is restricted building work is intended to be carried out under owner-builder exemption?** This section requires you to declare whether you have intend to undertake all or part of the restricted building work that is included in your application for a building consent.
- 5 – What is your status?** This section requires you to state the nature of your interest in the building being worked on; and declare whether you have your status in relation to the restricted building work noted in your application.
- 6 – Statutory declaration** You are required to have this application formally witnessed and signed by a Justice of the Peace or someone else authorised by law do so.

Advice on filling out the form

Additional detail on completing each section of the form is shown in the following pages.

1 – Where is the building?

1. Where is the building? *Complete this field*

This should include the 'legal' street number, street name and suburb.

Street address:	
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2 – Who owns the building?

2. Who owns the building? *Complete all fields, using N/A if a field is not applicable*

Owner name:		Title: e.g. Mr, Mrs, Ms, Dr	
Owner mailing address:			
Owner email address:			
Owner contact number:			

This is the person, people, company or organisation shown as the owner on the proof of ownership document **OR** another person, people, company or organisation who is entitled to charge rent for the property.

Please include your preferred form of title (eg Mr, Mrs, Ms) if an individual, or the contact person's name for a company, trust or similar.

3 – What design work that is restricted building work has been carried out?

3. What design work that is restricted building work

Please fill this section of the form out if your application is attached to an Application for Building Consent that contains Restricted Building Work which has been carried out by the owner-builder.

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) of _____ (address), _____ (occupation), carried out as an owner-builder is: (tick as applicable)

all of the design work that is restricted building work building consent

Please enter your name, address and occupation.

OR

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

	Description of restricted building work	Reference to plans and specification
Primary structure		
Foundations/subfloor		

3. What design work that is restricted building work has been carried out?

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) of _____ (address), _____ (occupation), carried out as an owner-builder is: (tick as applicable)

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

Please select one – either that you carried out ALL of the Restricted Building Work included in your Application for a Building Consent; OR that you carried out part of the work included in your Application for a Building Consent.

OR

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

	Description of restricted building work	Reference to plans and specification
Primary structure		
Foundations/subfloor		

If you only carried out part of the Restricted Building Work included in your Application for a Building Consent, you need to outline which work you undertook, and include reference to the relevant plans and specifications included in your Application for a Building Consent.

4 – What building work that is restricted building work is intended to be carried out under owner-builder exemption?

4. What building work that is restricted building work is intended to be carried out under Owner-Builder Exemption?

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)).

Please fill this section of the form out if your application is attached to an Application for Building Consent that contains Restricted Building Work which has been carried out by the owner-builder or there has been a change of owner-builder since the building consent application was submitted.

Please enter your name, address and occupation.

The design work that is restricted building work that I, _____, (name) of

_____ (address),

_____ (occupation), intend to carry out as an owner-builder is: (tick as applicable)

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:

Please select one – either that you intend to carry out ALL of the Restricted Building Work included in your Application for a Building Consent; OR that you intend to carry out part of the work included in your Application for a Building Consent.

4. What building work that is restricted building work is intended to be carried out under Owner-Builder Exemption?

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

Primary structure	<input type="checkbox"/>	
Foundations/subfloor framing	<input type="checkbox"/>	
Walls	<input type="checkbox"/>	
Roof	<input type="checkbox"/>	
Columns/beams	<input type="checkbox"/>	
Bracing	<input type="checkbox"/>	
Other	<input type="checkbox"/>	
External moisture management systems	<input type="checkbox"/>	
Damp proofing	<input type="checkbox"/>	
Roof cladding or roof cladding system	<input type="checkbox"/>	
Ventilation system (e.g. subfloor or cavity)	<input type="checkbox"/>	
Wall cladding or wall cladding system	<input type="checkbox"/>	
Waterproofing	<input type="checkbox"/>	
Other	<input type="checkbox"/>	
Building consent number:		

If you only intend to carry out part of the Restricted Building Work included in your Application for a Building Consent, you need to outline which work you intend to undertake, and include reference to the relevant plans and specifications included in your Application for a Building Consent.

5 – What is your status?

5. What is your status? Complete this statement

Please enter your name, address and occupation.

I, _____ (name), of _____
 _____ (abode) and _____ (occupation), am an

owner-builder for the purposes of the Building Act 2004 as I—

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

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

Please select all options that apply to your building project.

Tick all that apply (c, d, e)

- (c) have carried out the design work that is restricted building work myself or with the assistance of my unpaid friends and family members; and
- (d) will carry out the restricted building work myself or with the assistance of my unpaid friends and family members; and
- (e) 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 to be 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.

These defined terms relate to section (a) and (b)

6 – Statutory declaration

Please enter your name, address and occupation.

6. Statutory declaration *Complete this section*

I, _____ (name), of _____
 _____ (abode) and _____ (occupation), do

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.

Signature of owner/builder			
Declared at:			
Declared on:			
Before me (tick one)	<input type="checkbox"/> Justice of the Peace	<input type="checkbox"/> Barrister and solicitor of the High Court	<input type="checkbox"/> Other person authorised by law to take statutory declarations
Name:			
Signature:			

Please enter the town / city you were in when the form was witnessed; and the date on which it was witnessed and signed.

This form needs to be witnessed and signed by a Justice of the Peace or someone else authorised by law to do so – tick the relevant box.

Signature of person witnessing the declaration

You can add a digital signature to this document, either using Adobe or your existing digital signature.

However, you must not sign this form until you are in the presence of a Justice of the Peace, Barrister and Solicitor of the High Court, or other person authorised by law to take statutory declarations.

Once you have filled out the form, including signatures, please save the application to your computer. You can then seek the relevant signatures, and submit the application with supporting documentation to your local Council.

If you are unsure about what information to include in your application, a guidance document is available ([click here](#)).