



## **Building (Forms) Amendment Regulations 2012**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 26th day of March 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 402(1)(k) of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building and Construction, makes the following regulations.

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## Regulations

- 1 Title**  
These regulations are the Building (Forms) Amendment Regulations 2012.
- 2 Commencement**  
These regulations come into force on the day after the date of their notification in the *Gazette*.
- 3 Principal regulations**  
These regulations amend the Building (Forms) Regulations 2004 (the **principal regulations**).
- 4 Schedule amended**  
In the Schedule, after form 2A, insert the forms set out in the Schedule of these regulations.

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## Schedule

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### New forms 2B and 2C inserted in Schedule of principal regulations

#### Form 2B

Statutory declaration as to owner-builder status

*Sections 45, 87A, and 90D, Building Act 2004*

#### **The building**

Street address of building:

#### **The owner**

Name:

Address:

Telephone number:

Email address:

Form 2B—*continued***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, 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.

<b>Description of restricted building work</b>	<b>Reference to plans and specifications</b>
<i>[If appropriate, provide details of restricted building work]</i>	<i>[If appropriate, specify references]</i>
<b>Primary structure</b>	
Foundations and subfloor framing	
Walls	
Roof	
Columns and beams	
Bracing	
Other	
<b>External moisture management systems</b>	
Damp proofing	
Roof cladding or roof cladding system	
Ventilation system (for example, sub-floor or cavity)	
Wall cladding or wall cladding system	

Form 2B—*continued*

	<b>Description of restricted building work</b> <i>[If appropriate, provide details of restricted building work]</i>	<b>Reference to plans and specifications</b> <i>[If appropriate, specify references]</i>
Waterproofing		
Other		
<b>Fire safety systems</b>		
Emergency warning systems, evacuation and fire service operation systems, suppression or control systems, other		
<b>Note:</b>		
1	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.	
2	Continue on another page if necessary.	

**Identification of building work that is restricted building work intended to be carried out under 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, occupation*], intend to carry out as an owner-builder is—

Form 2B—*continued*

\*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.

**Description of restricted building work**

*[If necessary, describe the restricted building work]*

**Primary structure**

Foundations and sub-floor framing

Walls

Roof

Columns and beams

Bracing

Other

**External moisture management systems**

Damp proofing

Roof cladding or roof cladding system

Ventilation system (for example, sub-floor or cavity)

Wall cladding or wall cladding system

Waterproofing

Other

**Note:** continue on another page if necessary.

**Status as owner-builder**

I, [*name, place of abode, 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

Form 2B—*continued*

- (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.

\*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 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.

**Statutory declaration**

I, [*name, place of abode, 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\*)

Signature:

\*Select one.

Form 2C  
Notice of owner-builder  
*Sections 87A and 90D, Building Act 2004*

**The building consent**

Building consent number:

Issued by: [*name of building consent authority that granted building consent*]**The owner**

Name:

Address:

Telephone number:

Email address:

**\*Agent**Name of agent: [*only required if notification is being given on behalf of the owner*]

†Contact person:

Mailing address:

Street address/registered office:

Telephone number:

Mobile number:

Daytime number:

After hours number:

Fax number:

Email address:

Internet site:

Relationship to owner: [*Specify details of authorisation from the owner to give the notification on the owner's behalf*]First point of contact for communications with the building consent authority: [*full name, mailing address, telephone number(s), fax number(s) and email address(es)†‡*]

Form 2C—*continued*

\*Delete this section if the notification is not being given on behalf of the owner.

†Delete if the agent is an individual.

‡Contact details must be in New Zealand.

**Notice**

I, [*name, place of abode, occupation*], give notice under section 87A of the Building Act 2004 that—

\*I intend to carry out restricted building work under the owner-builder exemption, but did not include a statutory declaration to that effect with my application for a building consent.

***or***

\*There has been a change in the owner-builder carrying out the restricted building work. I intend to carry out restricted building work under the owner-builder exemption, and attach a statutory declaration to that effect.

***or***

\*I have ceased to carry out some or all of the restricted building work under the owner-builder exemption.

\*Select the statement that applies.

**Date change is effective from:**

If the notice affects some but not all of the restricted building work identified in the application for the building consent, please include details on a separate page.

**Attachments**

Statutory declaration as to owner-builder status (Form 2B).

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on the day after the date of their notification in the *Gazette*, insert 2 new forms in the Building (Forms) Regulations 2004 as a result of amendments to the Building Act 2004 by the Building Amendment Act 2012. Those amendments relate to restricted building work carried out by an owner-builder. The new forms are *form 2B* (Statutory declaration as to owner-builder status) and *form 2C* (Notice of owner-builder).

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 29 March 2012.

These regulations are administered by the Department of Building and Housing.

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