



BUILDING CONSENT AUTHORITY

T-07.1 Producer statements – Inspection (building consent authority function)

Roles and Responsibilities

- **SENIOR INSPECTIONS OFFICER**

Responsible for ensuring technical staff have the appropriate technical competence to assess and approve the acceptance of producer statements.

- **BUILDING OFFICER**

Responsible for assessing and recording the approval or rejection of the use of producer statements as a mechanism for satisfying compliance with all or part of the Building Code.

Background

1. Section 33(5) of the 1991 Building Act made provision for a territorial authority (at its discretion) to accept a producer statement with a building consent application as a method of establishing compliance with all or any parts of the Building Code.
2. Section 34(3) required that the territorial authority be satisfied on reasonable grounds that the provisions of the Building Code would be met if the building were constructed in accordance with the approved plans and specifications.
3. Producer statements are formal statements supplied by or on behalf of:
 - (I) an applicant for building consent, or
 - (II) a person who has carried out building work.

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Producer statements confirm that certain work will be, or has been carried out in accordance with nominated performance requirements of the Building Code or conditions of building consent. A producer statement should be in the form of a certificate or written statement, signed by a design professional or constructor. For example, a recognised engineer who has the experience, qualifications and competence to carry out the work in question and has been assessed and approved as being someone that the building consent authority will accept a producer statement from. There are two types of producer statements - **design** and **construction**, which are generally produced in four different forms.

Producer statement for design also known as a PS1

These statements are issued by design professionals stating in their view that part or all of the building work as described on nominated plans and specifications has been designed in accordance with certain performance requirements of the Building Code.

Producer statement for design review also known as a PS2

These statements are issued by design professionals confirming that a peer review has been carried out on the work undertaken by the designer.

Producer statement for construction also known as a PS3

These statements are usually issued by contractors stating their view that part or all of the building work as described on nominated plans and specifications has been constructed and meets certain performance requirements of the Building Code and/or conditions of building consent.

Producer statement for construction review also known as a PS4

These statements are usually issued by consulting engineers who have been engaged to inspect part or all of the building and confirms that the building work in question has been constructed and meets certain performance requirements of the Building Code and/or conditions of building consent.

Peer review

A peer review is where the work of the design professional or constructor is reviewed by another design professional with equal or better qualifications and experience. Generally these statements are provided where the design is more complex.

- Other than applying the test of being satisfied on reasonable grounds (refer sections 49 and 94), the Building Act 2004 makes no reference to the use of producer statements. However, as an established industry practice it is envisaged that producer statements will continue to be submitted with building

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consent applications as a mechanism for establishing compliance with all or any part of the Building Code.

5. Fundamental to the acceptance of producer statements will be that the building consent authority will have an approved and accredited system for the acceptance and management of producer statements. This is likely to include criteria, policy, procedures, etc for an author's acceptance and clear guidelines as to the author's scope of approval and level of competence. A register recording this information should also be utilised.
6. The Department of Building and Housing is in the process of developing guidelines on the management and acceptance of producer statements, which should be referenced. These guidelines provide information on the management and assessment of producer statements, conflicts of interest, reference material and checklists that will provide valuable tools for development of the building consent authority's policy and procedures.

Procedure

1 PRODUCER STATEMENT REQUIRED AS 'AGREED CONDITION OF CONSENT'

- 1.1 During the building consent process the building officer will have identified and formally agreed with the applicant, from whom a producer statement construction and/or producer statement construction review may be accepted, or who may be deemed acceptable to fulfil specific producer statement conditions or requirements (like verification of on-site ground-bearing conditions, or site observation). The decision is solely that of the building consent authority (refer notes).
- 1.2 The form of reporting or recording compliance with the producer statement conditions or requirements (by the approved external parties) should also have been agreed prior to building consent issue.

2 BUILDING OFFICER REITERATES THE NEED TO FULFIL PRODUCER STATEMENT CONDITIONS OR REQUIREMENTS

- 2.1 On the first site visit the building officer ensures the contractor/owner is aware of the building consent obligations to fulfil producer statement conditions or requirements.

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2.2 The building officer should record all such communication with the contractor/owner on the project file.

3 OBTAIN COPIES OF REQUIRED PRODUCER STATEMENT DOCUMENTATION

3.1 Rather than wait until the end of the project, best practice dictates that the building officer will adopt a proactive role in obtaining copies of producer statements and/or verification of compliance with producer statement requirements or conditions.

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4 PRODUCER STATEMENT DOCUMENTATION RECEIVED

- 4.1 Upon receipt of producer statement documentation, the building officer will assess whether:
- it has been provided in the appropriate form
 - it has been provided by the agreed people
 - the scope of work covered by the documentation is clearly defined
 - the documentation references all applicable Code Clauses and verifies that Code compliance has been achieved.
- 4.2 If any one of the above matters is in question, the building officer should contact the building owner/applicant/contractor and request the necessary information. Any correspondence with the applicant should be recorded on the project file.

5 CHANGES TO PRODUCER STATEMENT DESIGN

- 5.1 In the event that the design covered by the producer statement is changed or amended, these changes will need to be recorded on the project file and updated details reflecting these changes should be obtained.
- 5.2 If the changes are deemed significant, the building officer may choose to treat the changes as an amendment.
- 5.3 In such cases, the building officer will contact the owner and instigate the amendment procedures (refer to T-21).

6 PRODUCER STATEMENT DOCUMENTATION ACCEPTED

- 6.1 When satisfied that the producer statement documentation adequately establishes compliance with the Building Code details should be recorded on the project file. Consent completion checklist or code compliance certificate procedures should then be implemented (refer to T-32 and T-33).

Notes

- In all cases any correspondence between the building consent authority and the applicant or any other parties should be recorded on the project file.

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- Acceptance of producer statements is entirely discretionary. For this reason it is important that building consent authorities have appropriate policies and procedures to ensure decisions are made in a fair and equitable manner. It is also important that the basis for acceptance is legally defensible whilst demonstrating compliance with certain performance requirements of the Building Code.

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