



## BUILDING CONSENT AUTHORITY

### T-07 Producer statements – processing (building consent authority function)

#### Roles and Responsibilities

- **SENIOR CONSENTS OFFICER**

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

Responsible for ensuring administration staff have the appropriate level of competence to properly vet producer statement documentation in accordance with section 1 below.

- **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.

- **ADMINISTRATION**

Responsible for ensuring producer statement documentation is properly vetted in accordance with section 1 below and ensuring any associated documentation is effectively administered in accordance with this procedure.

#### 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.

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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.

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**

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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.

4. 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 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 APPLICATION HAS BEEN SUBMITTED WITH A PRODUCER STATEMENT

- 1.1 An applicant may have chosen to submit a producer statement with the building consent application as a method of establishing compliance with all or any parts of the Building Code.
- 1.2 The producer statement shall be checked for completeness by administration staff at the time of application to ensure it has been submitted on the appropriate form and that it is accompanied by all necessary supporting documentation (like engineers' calculations).
- 1.3 A check should also be made to ensure all documents listed on the producer statement are correctly referenced ie, check plan titles and plan numbers are correct, check plans signed and dated, etc.

### 2 PLAN ASSESSED AND WORK COVERED BY THE PRODUCER STATEMENT IS REVIEWED

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- 2.1 The building officer will initially assess the plans and documentation submitted with the application to identify the scope of work covered by the producer statement, and to ensure the work covered by the producer statement is clearly defined.
- 2.2 The building officer shall check the building consent authority producer statement register and confirm that the producer statement author is registered on this.
- 2.3 If the author is not registered, the producer statement must be considered invalid and the building official will need to suspend the application and advise the client accordingly. Any correspondence with the applicant should be recorded on the project file.
- 2.4 If the author is registered, the building officer will then check that the work covered by the producer statement is within the author's scope of approval.
- 2.5 If the work is considered to be outside of the author's scope of approval, the producer statement may be considered invalid and the building officer will need to suspend the application and advise the client.
- 2.6 If there are doubts about the designer's competence or if the building consent authority lacks the appropriate level of in-house expertise to properly assess the design work covered by the producer statement design, the building officer may require that the applicant obtain a producer statement design review from a recognised and approved specialist.
- 2.7 Once satisfied that the work is within the author's scope of approval, the building officer will then check that the producer statement covers all applicable and relevant Building Code Clauses. Often work covered by the producer statement will be subject to specific design, therefore particular attention needs to be given to ensuring the author has properly addressed Building Code Clause B2 Durability.
- 2.8 If all appropriate Code Clauses are not listed, the producer statement may need amending or may need to be rejected. If needing to be amended, the application will need to be suspended and the applicant advised. If rejected, the applicant should be advised of the reasons for the refusal
- 2.9 Situations may arise where some part of the proposed work covered by the producer statement is subject to inputs from others and this work may not have been addressed by the producer statement author eg, a retaining wall. In this scenario the producer statement author may only have addressed B1 Structure and subsequently does not address E1 Surface Water or B2 Durability (as others may design the sub-soil drain behind the wall). In such situations it will be expected that the building official will

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assess compliance with B2 and E1 when the design of the drain is checked and record this accordingly.

### 3 CHECK ANY REQUIREMENTS OR CONSIDERATIONS

3.1 The building officer shall check to determine whether the producer statement is subject to specific conditions or requirements such as:

- verification of design assumptions like ground-bearing conditions
- arranging on-site inspection or observation by specialists like a structural or geotechnical engineer or licensed building practitioner/independent qualified person
- onsite verification of aspects like welding or connections
- obtaining a producer statement construction or construction review.

3.2 If there are no such conditions and the building officer is satisfied that the producer statement may be accepted, the producer statement details should be recorded on the project file and consent processing may resume in accordance with T-19.

### 4 AGREE CONDITIONS OR REQUIREMENTS WITH THE APPLICANT

4.1 If specific conditions or requirements exist, the building official should contact the applicant and ensure they are aware of the responsibilities and implications associated with the producer statement. The building consent authority and applicant will be required to formally agree on who will be engaged to undertake the work necessary to fulfil the conditions and requirements. All communications should be recorded on the project file.

4.2 The building officer may wish to reinforce such requirements or conditions and choose to apply these as building consent conditions to ensure all parties are fully aware of their responsibilities.

4.3 Consent conditions will be identified and applied by building consent administrative staff (refer to T-25).

### 5 ACCEPT PRODUCER STATEMENT

5.1 Once satisfied that the producer statement can be accepted, the producer statement details and any conditions or requirements should be recorded on the project file (refer to T-19).

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## 6 DECLINE PRODUCER STATEMENT AND ADVISE CLIENT

- 6.1 If the author is not registered, the producer statement must be considered invalid and the building officer will need to suspend the application and advise the client accordingly. Any correspondence with the applicant should be recorded on the project file.
- 6.2 If the work is outside the author's scope of approval, the producer statement must be considered invalid and the building officer will need to suspend the application and advise the client.
- 6.3 In this situation, the work can be assessed in the normal manner using the building consent authority's specialist consultants.

## 7 ARRANGE PRODUCER STATEMENT REGISTRATION FOR AUTHOR

- 7.1 In the event that the producer statement author is not on the producer statement register, they have the ability to apply to be registered through the producer statement acceptance process.

### 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.
- Design calculations form part of the building documentation and as such must be held by the building consent authority for the life of the building.
- The building consent authority may wish to audit a percentage of the design calculations as part of its producer statement author quality assurance audit process.
- 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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