

Doc Ref TS-07 Producer Statement Processing-NV

Date 19/05/2008

TS-07 Producer Statements – Processing

BCA AIM

To ensure Producer Statements are made by appropriately qualified persons and presented in a form which clearly identifies the areas of liability and responsibility for the project.

ROLES AND RESPONSIBILITIES

Building Manager

Responsible for ensuring technical staff have the necessary 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. The use of producer statements is pursuant to section 45, 90 and 94 of the Building Act 2004
2. Producer statements are formal statements supplied by or on behalf of an applicant for building consent, or a person who has carried out building work.
3. 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.
4. 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 BCA will accept a producer statement from.
5. 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**

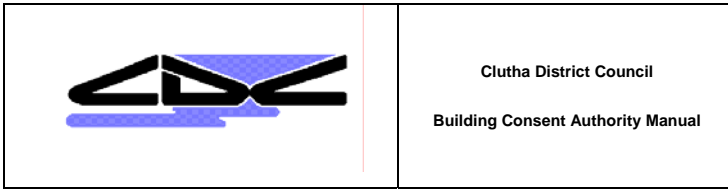
These statements are issued by design professionals stating in their view that part or all of the building work as described on nominated plans and specifications has been designed in accordance with certain performance requirements of the Building Code.
 - **Producer statement for design review also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

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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.



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6. 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.
7. 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.
8. Fundamental to the acceptance of producer statements will be that the BCA 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.
9. Design calculations form part of the building documentation and as such must be held by the BCA for the life of the building.
10. 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.


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 is checked by the Building Officer to ensure it has been submitted on the appropriate form and that it is accompanied by all necessary supporting documentation (e.g. engineer's calculations).
- 1.3 A check should also be made to ensure all documents listed on the producer statement are correctly referenced i.e., 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

- 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 should check the BCA producer statement register and confirm that the producer statement author is registered on this.
- 2.3 If the author is not on the register, the producer statement may be considered invalid and the Building Officer may to suspend the application and advise the client accordingly. Any correspondence with the applicant should be recorded (ref TS-05).
- 2.4 If the author is on the register, 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.

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- 2.6 If there are doubts about the design and the BCA 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 specialist approved by the BCA.
- 2.7 Once satisfied that the work is within the author's scope of expertise, 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 other Building Code Clauses e.g. B2 Durability.
- 2.8 If the producer statement is incorrect it may need amending or may need to be rejected. If needing to be amended, the application may 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 e.g. 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 Officer will 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 should 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
 - on-site 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 and consent processing may resume in accordance with TS-19.

4 AGREE CONDITIONS OR REQUIREMENTS WITH THE APPLICANT

- 4.1 If specific conditions or requirements exist, the Building Officer should attach an advice note on the building consent advising the applicant of the responsibilities and implications associated with the producer statement. If the applicant is unwilling to engage an approved specialist to undertake the work necessary to fulfil the identified conditions or requirements, this will be done by the BCA at the applicant's cost. All such communications should be recorded.

5 PRODUCER STATEMENT REGISTRATION FOR AUTHOR

- 5.1 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 author acceptance process.

NOTES

- Department of Building and Housing Guidelines on the Management and Acceptance of Producer Statements (when available).
- Register of Producer Statement Authors.
- Producer Statement Author Acceptance Process.