



# **AC2301 Producer Statement Policy**

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## Part 1:

# Introduction and overview of producer statements

## 1 Purpose

- 1.1 This document is Auckland Councils (**Council**) policy for the acceptance and management of producer statements. Producer statements assist Council to establish that building projects comply with Schedule 1 of the New Zealand Building Regulations 1992, which incorporates the New Zealand Building Code (**NZBC**).
- 1.2 The purpose of this policy is to provide guidance so that authors can provide producer statements during the building consenting and inspection process. It sets out the conditions for the acceptance and management of producer statements by Council.
- 1.3 Council recognises that risks are present in everything it does. Effective risk management is an integral component of good governance. This policy establishes who is accountable and responsible for managing the risk associated with producer statements.
- 1.4 Council may amend this policy from time to time at its sole discretion.
- 1.5 Information and conditions on which producer statements are relied upon are contained within this policy and are subject to change. Authors must ensure they check the policy for changes to acceptance and management criteria.

## 2 Introduction

- 2.1 Under section 33(5) of the (now repealed) Building Act 1991, Council was entitled at its discretion, to accept producer statements submitted by or on behalf of the building consent applicant to establish compliance with all or any of the provisions of the NZBC.
- 2.2 A producer statement was defined in the Building Act 1991 as any statement supplied by or on behalf of an applicant for a building consent, or by or on behalf of a person who has been granted a building consent that certain work has been or will be carried out in accordance with certain technical specifications. Producer statements cover a wide range of design and construction.
- 2.3 The acceptance of producer statements was used to complement Council's processing and inspection process by utilising third party verification to determine compliance of the design or construction of certain building work. This mechanism enabled Council to be satisfied on reasonable grounds that the building work does or will comply with the provisions of the NZBC.
- 2.4 The Building Act 2004 does not refer to the use of producer statements; however, Council continues to use them as a mechanism for establishing compliance with the NZBC and they are widely accepted by the industry.
- 2.5 It is envisaged that memoranda (certificates of work and records of work) issued by Licensed Building Practitioners (LBPs), will eventually replace producer statements. Licensing of LBPs commenced in 2009 and became mandatory in March 2012.

### 3 Types of producer statements

- 3.1 Design professionals provide producer statements in good faith as recognised professionals in their fields of expertise in an effort to emphasise their specialist knowledge and involvement in a project.
- 3.2 There are two categories of producer statement, **design** and **construction**.
- 3.3 **Within the design category**, there are two types of statement issued; producer statement design and producer statement design review. These statements are issued by design professionals confirming that in their professional view, part, or all of the building work as described on nominated plans and specifications has been designed in accordance with the performance requirements of the NZBC. Note the design professional can be either the designer or a design reviewer.
- (a) **Producer statement design (PS1)** these statements are issued by design professionals as confirmation that the building work as designed and documented complies with the NZBC
  - (b) **Producer statement design review (PS2)** these statements are issued by design professionals who have reviewed the work of the designer (sometimes on behalf of the Council) as confirmation that the building work that they have reviewed complies with the NZBC
- 3.4 **Within the construction category**, there are two types of statement issued; producer statement construction and producer statement construction review. These statements are issued by contractors or design professionals stating in their view that part, or all of the building work as described on the consented plans and specifications has been constructed and meets certain performance requirements of the NZBC and or conditions of building consent.
- (c) **Producer statement construction (PS3)** this statement is issued by the contractor who has performed the building work as confirmation that the building work is in accordance with the consented plans and the NZBC **and is issued when Council have had limited or no involvement with specific elements of construction, such as pile driving, application of waterproofing membranes, specialist coating and cladding systems, etc**
  - (d) **Producer statement construction review (PS4)** this statement is issued by the design professional<sup>1</sup> who has reviewed the work of the contractor as confirmation that the building work has been carried out in accordance with the consented plans and the NZBC **and is issued where the design professional or Council has requested involvement or supervision by a suitably qualified person<sup>2</sup> for building work, such as pile driving, compaction of fill, placement of steel, etc.**
- 3.5 If a producer statement is provided at the building consent processing stage Council will only accept it if the author has been approved to do the work and is listed on the Auckland Council Producer Statement Register.

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<sup>1</sup> Agreement reached prior to consent issue with consent owner / applicant

<sup>2</sup> The PS4 is issued by the design professional who has reviewed the work completed by the contractor. The design professional can be the designer, peer reviewer or an independent suitably qualified person in agreement with Council

- 3.6 Council may at its discretion perform an audit; however, for the most part, **sole reliance** is placed on the producer statement offered.
- 3.7 If an applicant provides a producer statement and the author is not on the Auckland Council Producer Statement Register, the applicant can choose to have the design reviewed by another person who is on the register; alternatively, Council will arrange to have the design reviewed. The cost of any review is borne by the building consent applicant.
- 3.8 If the author of the producer statement is working outside their field of expertise, or is not deemed competent for the scope of work, which is the subject of the producer statement, Council may at its discretion perform a review of the work or arrange to have the work reviewed. The cost of any review is borne by the building consent applicant.

## 4 Conditions of acceptance

- 4.1 Although producer statements are not referred to in the Building Act 2004, Council has decided to continue with the practice of accepting producer statements on a project specific basis as a means of establishing that a building consent application complies with the requirements of the NZBC. Producer statements are subject to the following conditions:
- a) The decision whether to accept any producer statement is at the **sole discretion** of Council.
  - b) All supporting information (engineering calculations, drawings, specifications, etc), must be provided when the building consent application is lodged.
  - c) Design assumptions or limitations:
    - If during processing, specialist inspections are identified as being necessary or design assumptions need to be verified, Council requires that agreement be reached before the building consent is issued.
    - The need for inspections may be identified by either the design professional or Council.
    - Where a need for inspections is identified, an agreement between the owner / agent and the contractor and or design professional must be reached as to who will be responsible for this work.
    - The agreement is provided to and serves as an advice note to Council.
  - d) The producer statement author must hold appropriate insurance cover and provide evidence of this annually (Council acknowledges the author's employer / company will hold the insurance cover).
  - e) The producer statement must be completed in full, describing the precise elements of construction that are to be observed or performed.
  - f) The producer statement must clearly describe (list) the building work, which is the subject of the producer statement; and:
    - confirm compliance of the design work with the relevant clauses of the NZBC; or
    - confirm satisfaction on reasonable grounds, that construction has been completed in accordance with the approved design and NZBC

- g) The producer statement author must be a person who has met certain criteria<sup>3</sup> and is acceptable to Auckland Council.
- h) Council will only accept producer statements from authors who have applied and met that criterion and have been entered onto the Auckland Council Producer Statement Register.
- i) Only design professionals who have a Quality Assurance system in place and appropriate professional indemnity insurance cover will be considered for high-risk work.
- j) The producer statement cannot be submitted in lieu of a certificate of design work; certificates of design work must also be provided if required by the regulations for Restricted Building Work (RBW).
- k) Producer statements must be personally signed by the author; if there is any doubt as to the authenticity of the producer statement Council may require an original<sup>4</sup> copy to be provided.
- l) **Design / design review** producer statements must be no more than 90 days old. **Construction / construction review** statements may be dated older than 90 days as the author generally issues these at the time of construction; however, the author must have been an approved author on the date that the producer statement was issued.
- m) Authors of producer statements for specifically designed timber trusses or lintels (e.g. Mi-tek or Pryda trusses, proprietary lintels, flitch beams, posi-struts, etc) do not have to be listed on the Auckland Council Producer Statement Register. In this instance, producer statements may be signed by an employee on behalf of the company where the element has been designed using design software. The producer statement however, must reference the design software used.
- n) Producer statements must be site specific; except that generic producer statements may be acceptable in some cases for a proprietary product e.g. proprietary lintels, flitch beams, posi-struts, etc where the parameters of the design fall within the standard specifications referenced. In all cases, engineering calculations must be provided with the producer statement.
- o) Where the design / design review involves a generic design for a proprietary product (e.g. glass balustrades) and there is a proven history with the designer, the producer statement must be no more than two years old<sup>5</sup>.
- p) Producer statements **must** identify and include B2 Durability; this is particularly important where the design professional is observing and certifying construction and no inspections have been performed by Council.
- q) In the case of a PS2, Council recommends that the PS2 author provides to Council a completed checklist or comparable documentation. The checklist / documentation

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<sup>3</sup> Ethics, integrity, professional affiliations, qualifications, skills and expertise in the field competence is claimed

<sup>4</sup> Council has recently uncovered examples of photocopied documents, which have been altered fraudulently

<sup>5</sup> Design specifications and standards change it is therefore expected that producer statements be updated every two years

should identify the scope and extent of the review including drawings, which have been reviewed; copies of any information requested and the designer's responses.

## **5 Verification of design drawings and attachments**

- 5.1 Council requires an assurance that the author of the producer statement has been provided with the architectural drawings and checked that they are relevant to the design that the producer statement relates to.
- 5.2 One way of providing this assurance is for the PS1 author to stamp and sign all *relevant* copies of the design plans. Structural drawings prepared by the producer statement author, do not need to be stamped off. A PS2 author does not need to stamp and sign plans but must include reference to the design drawings in their producer statement.
- 5.3 Where the design incorporates a large number of design drawings, the author must provide a schedule listing the drawings. This schedule must be referenced in the producer statement and attached to it. The schedule must include reference to the drawing including a drawing number, revision number and description of the design elements.
- 5.4 Council will **not** under any circumstances accept a producer statement design or design review for architectural concepts; preliminary designs or performance-based specifications for design and build.
- 5.5 Plans must be accompanied by design calculations, drawings and specifications, depicting the work, which is the subject of the design.
- 5.6 All documentation submitted by the design professional must be on the design professional's letterhead. Failure to submit documentation on letterhead will result in the producer statement being declined.

## **6 Co-ordination of various design disciplines**

- 6.1 Where various disciplines are involved and overlap, it is important that each discipline is co-ordinated and that the designers' roles, responsibilities and expectations are understood by all parties including Council.

For example: IPENZ PN22 requires that the fire engineer<sup>6</sup> issues a co-ordination statement and they can only do so if they have checked the architectural and structural engineers design drawings to ensure that the FRR requirements for the building have been addressed and incorporated into the drawings.

- 6.2 The designer must also provide site specific information relating to any specified systems going into a building including inspection, maintenance and reporting requirements.

## **7 Producer statement format**

- 7.1 For members of Institute of Professional Engineers of NZ (IPENZ), NZ Institute of Architects (NZIA), or Association of Consulting Engineers of NZ (ACENZ) the format of the producer

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<sup>6</sup> Also refer to Councils Fire Protection Policy available on our website

statement must be in accordance with their relevant association's format.

- 7.2 Where a person is not a member of one of the above associations the producer statement must be in the format prescribed by Council (templates are available on Council's website).

## 8 Authors responsibilities

- 8.1 An author of a producer statement is responsible and accountable for its content. Authors accept that Council places reliance on their statement. For the avoidance of doubt this includes where an author signs a producer statement covering another person's design (PS2) or observation of construction (PS4). It is an author's responsibility to ensure that they are satisfied that the work is compliant.
- 8.2 If an author wishes to withdraw their services or they no longer have any involvement in a project (e.g. the owner has opted to use someone else), the author is responsible for notifying Council that they have withdrawn their involvement, within 10 working days to the Inspections Booking Team at [Bdlqinspc@aucklandcouncil.govt.nz](mailto:Bdlqinspc@aucklandcouncil.govt.nz) so that Council records maybe updated.

## 9 Construction monitoring

- 9.1 Construction monitoring is a service which is provided by the design professional and provides the Councils and the owner independent verification that the work has been completed in accordance with the approved consented plans and the NZBC.
- 9.2 Construction monitoring is generally required where the building work
- is complex in detail;
  - the work is substantial and of medium to high risk; and / or
  - where Council does not have the in-house expertise or capacity to carry out the required inspections
- 9.3 Whilst an author may at their discretion use others to conduct inspections on their behalf, Council will **hold the author responsible** for all monitoring and reporting requirements as if they had performed the work themselves.
- 9.4 If the design professional requires that specific elements of construction be inspected then they must provide a list of the elements that require inspection and specify the level and frequency of construction monitoring and how remedial works will be monitored and cleared as the project progresses.
- 9.5 If the design professional assumes good ground, then Council expects that a geotechnical engineer will confirm ground conditions prior to any foundation work proceeding.
- 9.6 For **residential construction** design professional must describe the work that they wish to inspect e.g. raft floor, retaining wall foundations; blockwork; etc. Note: in this instance, construction monitoring levels are not relevant as the design professional is observing **all** of the work not random samples.
- 9.7 For **commercial construction** design professionals must describe the level of construction

monitoring e.g. CM 1 - 5 and identify the type and frequency of inspections that will be undertaken.

- 9.8 There are five construction monitoring levels defined by the Institute of Professional Engineers of NZ (IPENZ). The appropriate level of construction monitoring will be project-dependent and identified by the design professional.

**Construction monitoring levels:**

LEVEL	REVIEW <a href="https://www.ipenz.org.nz/ipenz/forms/pdfs/Construction_Monitoring_Services.pdf">https://www.ipenz.org.nz/ipenz/forms/pdfs/Construction_Monitoring_Services.pdf</a>
CM1	Monitor the outputs from another party's quality assurance programme against the requirements of the plans and specifications. Visit the works at a frequency agreed with the client to review important materials of construction critical work procedures and/or completed plant or components. Be available to advise the constructor on the technical interpretation of the plans and specifications
CM2	Review, preferable at the earliest opportunity, a sample of each important work procedure, material of construction and component for compliance with the requirements of the plans and specifications and review a representative sample of each important completed work prior to enclosure or completion is appropriate. Be available to provide the constructor with technical interpretation of the plans and specification.
CM3	Review, to an extent agreed with the client, random samples of important work procedures, for compliance with the requirements of the plans and specifications and review important completed work prior to enclosure or on completion as appropriate. Be available to provide the constructor with technical interpretation of the plans and specifications.
CM4	Review, at a frequency agreed with the client, regular samples of work procedures, materials of construction and components for compliance with the requirements of the plans and specifications and review the majority of completed work prior to the enclosure or on completion as appropriate.
CM5	Maintain personnel on site to constantly review work procedures, materials of construction and components for compliance with the requirements of the plans and specifications and review completed work prior to enclosure or on completion as appropriate.

**10 Site observation records**

- 10.1 If construction monitoring is required, the author must leave a site inspection record or report on site. The record must accurately report the nature and detail of the inspection including any instructions given to the contractor on site.
- 10.2 Design changes must be documented<sup>7</sup> and supported by either a formal amendment or a minor variation.
- 10.3 Site inspection reports must include the following information, as a minimum:-
- The name of the person inspecting the work
  - The date and time of the inspection
  - The type of inspection being observed
  - The address and building consent number
  - Details of the inspection

<sup>7</sup> All work performed must be in accordance with the building consent; design changes must be documented appropriately via minor variations or amendments so that Council records accurately reflect the proposed work and in order for a code compliance certificate (CCC) to be issued.

- Any instructions given; and
  - Details of any changes identified
- 10.4 It is good practice to provide photographs to support observations in the field.
- 10.5 The PS4 must follow when all work has been observed and be accompanied by other supporting documents (e.g. photos, concrete docketts, etc) if required.
- 10.6 The author is not entitled to authorise construction to proceed; all work is subject to Council inspection unless otherwise agreed. This is particularly important where the work involves restricted building work and is being undertaken by a licensed building practitioner or other aspects of construction are involved (e.g. plumbing, siting of the building, etc).

## Part 2:

# Application and assessment of authors

## 11 Restricted Building Work (RBW)

- 11.1 In addition to the suitability and competence criteria outlined in this section, authors performing RBW must also hold a license class for the type of work that they wish to perform or supervise.
- 11.2 New Zealand Registered Architects and Chartered Professional Engineers are automatically deemed to hold a Design License for RBW; all other designers and contractors must hold an appropriate license if they wish to carry out or supervise RBW.
- 11.3 Only a LBP who holds a trade license can carry out or supervise RBW. For example, a design class license holder (i.e. a CPEng) cannot supervise carpentry as they do not hold a carpentry license; they cannot therefore submit a record of work for it. They can however, submit a producer statement if this has been agreed to via a condition of the building consent.

## 12 Application to become a producer statement author – design professionals

- 12.1 Council will only accept producer statements (PS1, PS2 and PS4) from people who have applied and have been approved to issue such statements.
- 12.2 Applicants must apply to Council to become a producer statement author or to renew their authorship by completing '**AC2317 Application to become a producer statement author**'.
- 12.3 All applications must be accompanied by the applicable charge which is specified in Council's fee schedule:  
<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/Documents/FeesBuildingResourceLim.pdf>.
- 12.4 AC2317 defines the information required to be submitted by an applicant; all information must be provided to enable an assessment to be performed.
- 12.5 In addition to the information required by the application form, applicants must provide one copy of each type of design producer statement they intend to issue for review; statements should be noted as being examples only. Attachments should be included e.g. schedule of anticipated inspections. This will enable the Council to check and confirm that the standard of documentation provided at consent will be acceptable.
- 12.6 Where a design professional is applying to issue a PS4, the applicant must also provide three completed copies of site observation records<sup>8</sup> for review; statements should be noted as being examples only. This will enable the Council to check and confirm that the standard of documentation provided at CCC will be acceptable.

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<sup>8</sup> Also refer to section 8

- 12.7 The decision whether to approve an application from a person to become a producer statement author is at the sole discretion of Council. It is crucial to Council to have trust and confidence in its producer statement authors because for the most part, Council staff place complete reliance on a producer statement as evidence of compliance with NZBC and technical requirements. It is vital to Council, that the NZBC and technical requirements are met because when Council issues a building consent or code compliance certificate for building works it owes a duty of care in relation to that work.
- 12.8 Chartered Professional Engineers and Registered Architects must provide written evidence from their respective professional bodies confirming their practice areas.
- 12.9 All other applicants must provide sufficient evidence to demonstrate their **suitability and competence**; refer to Table 1 for further information.
- 12.10 Where the design professional does not hold an appropriate qualification, additional evidence to support the application must be provided, such as:-
- Detailed examples of projects worked on and applicants role in the project
  - Design checklists / tools
  - Site observation reports
  - Quality assurance measures
  - Etc

### **13 Application to become a producer statement author – contractors**

- 13.1 Council accept producer statements (PS3's) from people who have applied and been approved to issue such statements. A PS3 may also be accepted in support of an inspection where the author is not on the register (refer 12.8).
- 13.2 Applicants must apply to Council to become a producer statement author or renew their authorship using '**AC2317 Application to become a producer statement author**'.
- 13.3 All applications must be accompanied by the applicable charge which is specified in Council's fee schedule:  
<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/Documents/FeesBuildingResourceLim.pdf>).
- 13.4 In addition to the information required on the application form, applicants must provide three copies of the type of producer statement they intend to issue for review; statements should be noted as being examples only. Attachments should be included e.g. warrantees, applicator licenses etc. This will enable the Council to check and confirm that the standard of documentation provided at CCC will be acceptable.
- 13.5 The decision whether to approve an application to become a producer statement author is at the sole discretion of Council.
- 13.6 Council must have trust and confidence in its producer statement authors because for the most part, Council is totally reliant on a producer statement as evidence of compliance with the approved consented plans and the NZBC when it issues a CCC for the building work.
- 13.7 As part of Councils quality assurance system and in an effort to ensure work is appropriately

reported, contractors must use Councils producer statement templates and provide supporting information for the building work that they have certified (i.e. membranes - type of product applied, thickness of coats, etc). Copies of all producer statement templates are available on our website.

- 13.8 If a contractor provides a PS3 in support of an inspection, they do not need to be on the Auckland Council Producer Statement Register; however, if the PS3 is offered in lieu of an inspection that should have been carried out by Council, then the author **must** be on the register.

Element of inspection	Explanatory comment
<p><b>Waterproof membrane</b> Council inspector does <b>not</b> perform an inspection</p>	<p>Applicator provides a PS3 for the application of the membrane</p> <ul style="list-style-type: none"> <li>• Applicator <b>must</b> be on the Auckland Council Producer Statement Register</li> <li>• Applicant must use Councils producer statement template</li> </ul>

### Electricians

- 13.9 Electricians performing electrical work under the Electricity Act 1992 and the Electricity (Safety) Regulations 2010, are required to provide certificates of compliance for certain electrical work. These certificates, once issued are deemed to comply with the NZBC.
- 13.10 However, where electricians perform other electrical work, which is not covered by a certificate of compliance (e.g. low voltage work such as installing emergency lighting), the electrician is required to provide a producer statement confirming compliance with the NZBC.
- 13.11 Electricians do not need to be listed on the Auckland Council Producer Statement Register when performing this type of work; however, must provide evidence of their license when submitting the producer statement.
- 13.12 In the case of an electrician, Council will place sole reliance on their licensing as proof of competence.

Element of inspection	Explanatory comment
<p><b>Emergency lighting and exit signage</b> Testing and installation of emergency lighting</p>	<p>Electrician must provide a PS3 for the testing and installation of emergency lighting but does not need to be on Auckland Council Producer Statement Register</p> <ul style="list-style-type: none"> <li>• Electricians license must be sighted</li> <li>• Electrician must use Councils producer statement template</li> </ul>

## Certifying plumbers

13.13 Certifying plumbers do not need to be listed on Auckland Council Producer Statement Register when performing plumbing work. Under their Act, the Registration Board are responsible for administering registration of this trade.

13.14 In the case of a plumber<sup>9</sup>, Council will place sole reliance on their licensing as proof of competence.

13.15 However, if a plumber wishes to install solid fuel heating appliances they **must** apply for registration as a producer statement author<sup>10</sup> and demonstrate competence for this type of work.

Element of inspection	Explanatory comment
<b>Plumbing pre-line</b> Plumbing pipework is <b>not</b> on test at time of preline plumbing inspection	Plumber must provide a PS3 for the pressure test but does not need to be on the Auckland Council Producer Statement Register <ul style="list-style-type: none"><li>• Plumber license must be sighted</li><li>• Plumber must use Councils producer statement template</li></ul>
<b>Solid fuel heating appliance</b>	Plumber must apply for approval and be listed on the Auckland Council Producer Statement Register <ul style="list-style-type: none"><li>• Plumber license must be sighted</li><li>• Plumber must use Councils producer statement template</li></ul>

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<sup>9</sup> For the avoidance of doubt, the installation of a solid fuel heating appliance is not deemed plumbing work

<sup>10</sup> This work is of a specialist nature and requires the applicant to be familiar with the requirements for F7 Warning Systems e.g. smoke alarms

**Table 1: Evidence to demonstrate suitability and competence**

Suitability	Competence	Design Professional	Contractors
Detailed information about work history and relevant experience in the building industry within New Zealand	Demonstrated competence in the type and scale of project subject to the producer statements the applicant wishes to issue <ul style="list-style-type: none"> <li>• CV</li> <li>• Company profile</li> <li>• Awards / recognitions</li> </ul>	✓	✓
Qualifications	Formal qualifications in the area of work e.g. Civil, Mechanical, Hydraulic, Fire, to at least Bachelor level. If not available then demonstrated proof of at least 10 years practice in New Zealand may be considered appropriate.	✓	✓
Appropriate level of professional indemnity and public liability insurance	Certificates of insurance <ul style="list-style-type: none"> <li>• Amount held</li> <li>• Period of cover</li> </ul>	✓	
Appropriate level of public liability and contractors insurance	Certificates of insurance <ul style="list-style-type: none"> <li>• Amount held</li> <li>• Period of cover</li> </ul>		✓
Proven performance / historical records (i.e. previous work history with Council, complaints, etc.)	Evidence of successful completion of technical courses, assignments or projects	✓	✓
Attestations or character references from suitably qualified persons	References from peers within the industry confirming the technical knowledge, ethics and integrity of the applicant	✓	✓
Professional affiliations	Membership of appropriate trade / professional affiliations and evidence of continued professional development	✓	✓
	Confirmation of practice fields	✓	
Quality assurance systems and principles (mandatory for all high-risk applications)	Council preference is that the producer statement author's organisation has a QMS in line with ISO 9001 2008 and the QMS has been certified by a JAS-ANZ accredited third party organisation such as Bureau Veritas, Telarc, SGS or other similar organisations	✓	
Sample copies of statements / site observation records	Sample of completed documents intended to be issued for review purposes only to confirm standard and quality of documentation	✓	✓

## **14 Assessment of applications for suitability and competence**

- 14.1 Once an application is received, it will be assessed against the criteria in Table 1 above, to ensure all required information has been provided.
- 14.2 The burden of proof is on applicants to satisfy Council of the suitability and competence criteria.
- 14.3 Council will not pre-qualify or approve applications by any person until it is satisfied that the suitability and competence requirements are met.
- 14.4 When Council is considering an applicant's suitability and competence Council will consider the evidence provided by the applicant, and may also rely on information it holds. When Council is relying on information it holds, it will advise the applicant of the information and allow them an opportunity to comment on the information.
- 14.5 Failure to provide information or satisfactorily demonstrate the suitability and competence criteria will result in an application being refused.
- 14.6 Whilst it is not critical for the applicant to meet all criteria, a reason must be recorded to support a decision not to require such information. A checklist is used for this purpose; records of the assessment shall be maintained and must include the outcome of the assessment.
- 14.7 If Council is satisfied with the applicant's suitability and competence, following receipt of payment, the applicant's name will be entered on the Auckland Council Producer Statement Register.

## **15 Conditions of Approval**

- 15.1 Entries on to the Auckland Council Producer Statement Register are valid for a period of 36 months; however, approval is subject to the author meeting the ongoing requirements within this policy.
- 15.2 Applicants will be advised what level of risk-based work they are approved to provide producer statements for; applicants are usually approved to provide producer statements for low-medium risk work.
- 15.3 Only authors with a proven history of performance with Council and the requisite experience will be considered suitable to issue producer statements for work considered high-risk (refer to Part 3 for definitions of risk).
- 15.4 Authors must not work outside the scope of approval; the scope of approval is identified in the letter advising approval and summarised on the Auckland Council Producer Statement Register.
- 15.5 Applications maybe approved with or without conditions; i.e. approval maybe subject to a probationary period where work is reviewed (audited).
- 15.6 Where the approval is subject to a probationary period, all producer statements submitted by the author will be subject to a design review during this period and will therefore not be relied upon by Council.

- Following the audits, if Council is satisfied that the work is to an acceptable standard, the provisional status will be lifted and reliance given to producer statements.
  - If Council is not satisfied that the work is to an acceptable standard, the authors name will be removed from the Auckland Council Producer Statement Register.
    - NB in this instance the authors name is simply removed from the Auckland Council Producer Statement Register rather than being struck off<sup>11</sup>
- 15.7 Applicants who have been given **provisional approval** will have their details highlighted in **yellow text** on the Auckland Council Producer Statement Register.
- 15.8 Approvals maybe subject to limitations; for example, where the expertise attached to the design of a wastewater disposal system is limited to residential properties. In this instance, the designer may only design disposal systems for residential properties. Where an application has been approved (or) approved with limitations, this detail will be recorded on the Auckland Council Producer Statement Register.
- 15.9 Applications may also be declined in which case; the reasons for declining the application will be advised.

## 16 Approved applicants

- 16.1 For the avoidance of doubt, inclusion on the register does not constitute approval to perform restricted building work; such work must be performed by licensed building practitioners.
- 16.2 Once an author is accepted on the Auckland Council Producer Statement Register, Council does not normally review the design; instead in most circumstances total reliance is placed on the producer statement offered.
- 16.3 Council officers check the format, scope and content of the producer statement as well as the Auckland Council Producer Statement Register to confirm the author's
- approval status
  - practice fields
  - limitations i.e. risk level (please refer to Part 4 of this policy for further information); and
  - insurance cover (amount and up-to-date)
- 16.4 If an author's registration has lapsed or the insurance is not up-to-date, producer statements for design and design review will **not** be accepted.
- 16.5 If an author's registration has lapsed or the insurance is not up-to-date, producer statements for construction and construction review **maybe** accepted if the author had insurance at the time the work was certified.
- 16.6 Council reserves the right to review any design or observation of construction for which a producer statement is offered, at any time.

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<sup>11</sup> Any producer statement author who is **struck off** following an investigation or complaint remains on the register indefinitely

## **17 Declining applications**

- 17.1 Applications maybe declined if the applicant cannot satisfy Council of their suitability or competence.
- 17.2 An author's approval once granted may also be rescinded at any time at Councils sole discretion.
- 17.3 If an application is refused or rescinded, the reasons for this decision will be provided to the applicant.

## **18 Renewals**

- 18.1 Authors are responsible for ensuring their approval remains current. Council will notify authors by email prior to their registration lapsing.
- 18.2 To avoid registration lapsing and the author being removed from the register:
- an application for renewal must be received at least 20-working days prior to the date that an author's approval expires; and
  - be successfully approved prior to the date that the previous approval expires
- 18.3 If successful, registration is extended for a further 36-month period.

## **19 Ongoing requirements of registration**

### **Professional development**

- 19.1 All authors are required to maintain their professional development and may be requested at anytime by Council to demonstrate this through their training programme.

### **Professional indemnity, public liability and contractor's insurance**

- 19.2 Authors must hold the appropriate type and level of insurance for the work they perform at all times.
- 19.3 For all work identified as high-risk, IPENZ / NZIA / ACENZ members must refer to the ACENZ website and use the risk estimator tool (under resources and publications) to determine the level of insurance required. A copy of the risk assessment must be provided at time of consent and ideally be attached to the producer statement.
- 19.4 The level of insurance will depend on a number of risk factors including but not limited to the professionals involvement with the project, level of experience, complexity, etc. This clause shall take precedence over any minimum level stated in the producer statement forms prepared by IPENZ / NZIA / ACENZ (i.e. PS1, PS2, and PS4).
- Council appreciates that insurance cover may fluctuate due to these factors; however, the Auckland Council Producer Statement Register will record the amount of cover provided at time of application. Therefore if the amount of cover is amended, the author must advise Council.
  - If the amount of cover held is considered unreasonable Council may request confirmation from the author that the amount is appropriate.

- 19.5 If an author's insurance has lapsed, the risk assessment has not been provided or the amount held is inadequate for the project, the producer statement design / design review will not be accepted.

### **Updating details**

- 19.6 Authors are responsible for ensuring Council is notified of any change of address, contact details or employment details; especially where an employer is responsible for the authors insurance.

### **Authors to provide information to Council annually**

- 19.7 One week prior to the anniversary of their registration (i.e. annually), authors' must provide to Council:
- evidence of continued professional development
  - a certificate of insurance confirming they hold professional indemnity insurance, which also specifies the \$ value held insurance
- 19.8 Throughout the registration period chartered professional engineers must provide a certificate of insurance for each high-risk project together with a completed copy of the project risk estimator (refer ACENZ website) to show that they have considered all relevant aspects of the design.
- 19.9 Failure to meet the ongoing requirements results in the author's approval being rescinded.

## **20 Conflicts of interest**

- 20.1 If a conflict of interest arises or is perceived, the author must immediately notify Council and wherever possible withdraw their involvement from the project.

## **21 Requirement to assist Council with requests for further information**

- 21.1 If during investigations arising from a complaint, Council requests further information from the author, Council expects a response within the requisite timeframe.
- 21.2 If the author does not respond within the specified time frame (normally 10 working days) and / or Council is unable to satisfactorily resolve concerns, the author may be given notice of Councils intention to suspend their approval.

## **22 Removal from the Auckland Council Producer Statement Register**

- 22.1 Suitability to remain on the Council's register may be reviewed at any time by Council.
- 22.2 Council reserves the right to suspend or remove the name of an author from the Auckland Council Producer Statement Register for any good and proper reason, including the reasons specified below.

- 22.3 If an author's registration **lapses or is suspended**, the authors name remains on the Auckland Council Producer Statement Register but is highlighted in **blue text** to show they have been lapsed or suspended.
- 22.4 Reasons for **suspending** approval include but are not limited to:
- failing to provide evidence of insurance
  - failing to provide or maintain professional development
  - failing to reapply before their renewal date
- 22.5 Reasons for **removal** from the Auckland Council Producer Statement Register may include but are not limited to, failing to:
- continually and satisfactorily meet the suitability or competence requirements
  - work within known competency
  - maintain registration (in the case of a chartered professional engineer, registered architect, licensed building practitioner, electrician, plumber, gasfitter, etc)
  - satisfactorily meet the ongoing requirements throughout the registration period
  - provide adequate or correct documentation at the time of building consent
  - provide adequate or appropriate site observations during construction
  - notify Council of amendments to the approved drawings in the proper manner
  - record and provide to Council appropriate details and findings of inspections
  - leave appropriate information about an inspection on site
  - properly supervise or observe construction (i.e. when using others to perform inspections on their behalf) and be accountable for their actions
  - provide producer statements as agreed or required
  - provide information on request
  - maintain an appropriate quality assurance system
- 22.6 When Council is considering suspending or removing an author from the Auckland Council Producer Statement Register, the principles of natural justice shall apply as appropriate to the particular circumstances which may include the following:
- advising the author in writing of Council's concerns
  - organising a meeting to discuss any concerns
  - the applicant may bring along a support person or representative to any meeting held to discuss concerns
  - the applicant receiving copies of all information held by Council in respect of any complaint made (complainant's name maybe withheld) prior to the meeting
  - the applicant providing Council with a timely response in writing to any complaints
  - the applicant receiving copies of minutes of any meeting to discuss concerns from Council
  - advising the applicant what the outcome of such investigations might be
- 22.7 When Council is considering suspending or removing an author from the Auckland Council Producer Statement Register, Council will:
- ensure the author has an opportunity to be heard
  - provide the author with information about complaints it is investigating
  - consider any written response from the author before determining an outcome
  - convey all decisions, reasons for decisions and outcomes in writing

## 23 Reinstatement to the Auckland Council Producer Statement Register

- 23.1 If an author fails to renew their application before the renewal date, the author must submit a new application in full, unless agreement to the contrary is reached with Council.
- 23.2 If an author has been suspended or struck-off from the Auckland Council Producer Statement Register, and wishes to re-apply, a new application must be submitted accompanied by the evidence set out in the application form.
- 23.3 Where an author has been suspended or struck-off, in addition to being satisfied of the suitability and competency requirements, Council may require any additional information it reasonably requires in order to be satisfied that the author has taken any necessary steps to redress Council's concerns.

Such steps may include, but are not limited to:-

- Developing, implementing and maintaining a certified quality assurance system
  - Supervision / mentoring by a suitably qualified person (person to be agreeable to Council); the nature and duration of any supervision / monitoring to be determined by Council
  - Work subject to peer review; the nature and duration of which, to be determined by Council
  - Any other conditions or requirements that Council may reasonably impose / require
- 23.4 Where the outcome is not to reinstate the approval status to a person on the Auckland Council Producer Statement Register, the decision is final and will not be revisited.
- 23.5 If an author is **struck off** from the Auckland Council Producer Statement Register following an investigation or complaint, the author's name remains on the Auckland Council Producer Statement Register but is highlighted in **red text** to show they have been struck off.

## 24 Council remedies for author non-compliances

- 24.1 Any action by an author, which is likely to result in non-compliance with the NZBC, or breaches this policy may result in any one or more of the following actions:
- Council taking appropriate action under the Building Act to ensure compliance with the NZBC including the checking of the design or inspection of the building work as if there was no reliance on the producer statement(s). Reasonable costs associated with this action, shall be borne by the building consent applicant.
  - Review of the suitability and competency of the author to prepare producer statements in the future.
  - Council advising the author's Registration Board or Professional Affiliation where a producer statement is found to be non-compliant.
  - Removal of the author from the Council register.
  - Possible enforcement action under the Building Act or any other appropriate legislation, where appropriate.

## **25 Charges associated with assessing producer statement authors**

- 25.1 The fee for the assessment of the competence and suitability of a person to prepare producer statements can be found on the Council website – please refer to the Fee Schedule: (<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/Documents/FeesBuildingResourceLim.pdf>).

## **26 Registration**

- 26.1 The Council administrator is responsible for allocating registration numbers, maintaining the register (adding, removing or updating) and notifying the applicant of the outcome of any application. Where an approval has been withdrawn, the reasons for withdrawal will be recorded and the register updated accordingly.
- 26.2 Registration numbers are sequential and unique to each author. The author must cite this number on all producer statements issued to Council.

## Part 3:

### Risk assessment

#### 27 Risk assessment – design professionals

- 27.1 Council can only determine who it will accept a producer statement from, not who will or will not undertake the work.
- 27.2 The decision whether to accept any producer statement is at the **sole discretion** of Council.
- 27.3 If the author of a PS1 or PS2 (if required) is not on the Auckland Council Producer Statement Register, or producer statements are not supplied, Council will review the design<sup>12</sup> or engage specialist expertise to review the design on its behalf. The cost of any review is borne by the building consent applicant.
- 27.4 When receiving a producer statement, staff will check the Auckland Council Producer Statement Register to confirm
- status (registration and insurance is up-to-date)
  - practice fields (speciality areas)
  - limitations of approval (risk level); and
  - parameters below (depending on risk level)
- 27.5 In order to identify who Council will accept a producer statement from and for what type of work, Council uses a risk-based approach.
- 27.6 The following factors impact on the risk profile
- Complexity of design
  - Ease of maintenance
  - Building importance level (refer to NZBC clause A3 for Building importance levels)
  - Estimated project value
  - New building or alteration (alterations are often more complicated)
  - Risk to life safety of building users
  - Compliance path (e.g. acceptable solution, alternative solution, specific design, innovative or new-edge technology)
- 27.7 The above factors determine the 3 levels of risk:-

Risk level	Significance
Level 1	Low
Level 2	Medium
Level 3	High

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<sup>12</sup> Includes both design and construction

### Low-risk designs:

27.8 Low risk work involves the design or construction of residential detached dwellings<sup>13</sup> up to 3 stories in height generally in accordance with NZS3604 or lightweight commercial structures, and includes

- Simple structural elements such as post and beam components, raft floors, joists, etc.
- Plumbing design in residential and commercial buildings up to 10m in height
- Lightweight commercial buildings with occupancies less than 10 people up to 10m in height
- Specifically designed outbuildings including private swimming pools<sup>14</sup>, carports, garages, hay barns, sheds, etc
- Specifically designed conservatories forming part of a dwelling
- Drain bridging unless site has geotechnical or stability issues
- HVAC systems and mechanical ventilation in commercial buildings up to 10m in height including roof ventilation; air-cooled package rooftop units; toilet extraction; kitchen hood extraction; make-up air systems; heat pumps and air-cooled split systems; and computer room air conditioning systems
- Lifts and escalators<sup>15</sup> in commercial buildings up to 10m in height
- Sprinkler systems in commercial buildings up to 10m in height
- Emergency warning systems for fire (type 2 only)
- Emergency lighting systems including photo luminescent fire exit signs in commercial buildings up to 10m in height

27.9 Complex elements such as sites with geotechnical issues; stability issues as in slopes steeper than 1 (vertical) 4 (horizontal) or significant excavations steeper than 1 (vertical) 2 (horizontal); excavations close to the boundary or other buildings or sites involving drain bridging; on-site waste water systems or specific design structures are not considered low-risk.

27.10 Residential construction which does not fit within the above parameters is considered medium risk.

27.11 A producer statement design (PS1) is acceptable for low risk work. Refer to section 4 “conditions of acceptance” for further information.

27.12 If an application is submitted **with** a producer statement design (PS1) the **author of the PS1** must be on Auckland Council Producer Statement Register the application is checked as follows:

- The completeness of the producer statement (the nature of design work covered by the producer statement and any relevant code clauses have been appropriately referenced)
- Specific engineering calculations have been provided and are set out in a manner that clearly identifies the work covered
- All specific design elements are included in the design drawings and have been correctly interpreted by the designer (drawings to be stamped by engineer confirming this); and
- Construction monitoring is specified in accordance with IPENZ guidelines

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<sup>13</sup> Includes additions and alterations

<sup>14</sup> Excludes pool fencing

<sup>15</sup> Schindler, Kone, Vertans or Otis may provide a PS1 for any lift or escalator regardless of storey height

### Medium-risk designs:

- 27.13 Medium risk involves design or construction of buildings with the following building work:-
- Tents and marquees >100m<sup>2</sup> in area (depending on occupancy numbers may drop into high-risk)
  - Sites with complex geotechnical or stability issues e.g. slopes steeper than 1 (vertical) 4 (horizontal) or significant excavations steeper than 1 (vertical) 2 (horizontal)<sup>16</sup>
  - On-site waste water systems or storm water detention / retention systems
  - Specific design residential or light commercial buildings
  - Central plant systems; air cooled chilled water systems; air cooled central plant systems; smoke extraction systems; stairwell and lift shaft pressurisation systems;
  - Specific design of external facade systems<sup>17</sup> up to 6 storeys in height
  - Car park ventilation; car park jet fan extraction systems
  - Fire detection, alarm and protection systems (types 3, 4, 5, 6 and 7)
  - Acoustic design for multi storey buildings; however, if designed by a specialist acoustic consultant<sup>18</sup> a PS1 maybe accepted
  - Lifts and escalators for multi storey buildings; however, if designed by a specialist lift designer<sup>19</sup>, a PS1 maybe accepted
- 27.14 Unless otherwise noted a producer statement design (PS1) and a PS2 is required for medium risk work
- 27.15 If an application is submitted **with** a PS1 and a PS2, the **author of the PS2** must be on Auckland Council Producer Statement Register, the application is checked as follows:
- The completeness of the producer statement (the nature, scope and any limitations of design work covered by the producer statement and any relevant code clauses have been appropriately referenced)
  - Specific engineering calculations have been provided and are set out in a manner that clearly identifies the work covered
  - All specific design elements are included in the design drawings and have been correctly interpreted by the designer; and
  - Construction monitoring is specified in accordance with IPENZ guidelines

### High-risk designs:

- 27.16 High risk work involves design or construction of complex buildings of importance level 3; 4 and 5 or multi-storey<sup>20</sup> buildings; complex specific design<sup>21</sup> or envelope design.
- 27.17 High-risk design work is subject to either a peer review or regulatory review; the decision as to which option is agreeable is at the **sole discretion** of Council.
- 27.18 High-risk reviews are performed either by
- a suitably qualified expert appointed by Council; or
  - a suitably qualified expert proposed by the applicant and agreed to by Council

- 27.19 If a fire design involves a specific design from first principles (i.e. an alternative solution), the

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<sup>16</sup> Must be designed by CPEng with experience in geotechnical engineering

<sup>17</sup> Quality assurance programme required

<sup>18</sup> Heggley Acoustics and Marshall Day may provide a PS1 for any design regardless of storey height

<sup>19</sup> Schindler, Kone or Otis

<sup>20</sup> 4 or more stories

<sup>21</sup> C/VM2, specific fire design; structural design etc

designer must first obtain Council approval before proceeding with the design. In this instance, the designer must put a case to Council explaining the reasons for going down this path. Such applications will only be considered where the circumstances are so unique that the Acceptable Solutions of Verification Method cannot be used.

- 27.20 All fire designs<sup>22</sup> involving the verification method C/VM2 or specific design must be designed or reviewed by a CPEng with competence in fire engineering; where an application is designed by an approved fire engineer, a peer review or regulatory review is still required
- 27.21 In all cases a PS1 and a PS2 is required; **both authors** must be on Auckland Council Producer Statement Register, the application is checked as follows:
- The completeness of the producer statement (the nature, scope and any limitations of design work covered by the producer statement and any relevant code clauses have been appropriately referenced)
  - Specific engineering calculations have been provided and are set out in a manner that clearly identifies the work covered
  - All specific design elements are included in the design drawings and have been correctly interpreted by the designer; and
  - Construction monitoring is specified in accordance with IPENZ guidelines
- 27.22 Only CPEng with
- a base degree in the field of engineering they claim competence for
  - significant experience (10+ years); and
  - who have a Quality Assurance system in place and appropriate insurance cover will be considered for high-risk work
- 27.23 CPEng must provide evidence that they hold an appropriate amount of insurance for each high-risk project together with a completed copy of the project risk estimator (refer ACENZ website) to show that they have considered all relevant aspects of the design. This tool ensures an appropriate amount of insurance is held for the project for which producer statements are offered.
- 27.24 If an applicant chooses to submit a design review for a high-risk structure and Council has not agreed beforehand to the Design Reviewer providing the PS2, Council may engage the necessary expertise and conduct a regulatory review. The cost of the regulatory review including the cost of any external experts is to be borne by the applicant for building consent.
- 27.25 If Council does not have the in-house expertise to review specialist design work and the applicant has not provided an acceptable producer statement; Council may engage a suitably qualified expert on its behalf, to review the design. The cost of the review including the cost of any external experts is to be borne by the applicant for building consent.

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<sup>22</sup> Authors must also refer to Auckland Council Fire Protection Policy which can be located on the internet for information about applications involving fire protection.

## 28 Seeking approval for high-risk applications

28.1 Applicants must apply for permission to issue producer statements for high risk work using AC2325 “application seeking approval to perform high-risk work” unless they are already registered to perform high-risk work.

28.2 Written requests should be accompanied by a design brief and concept plans<sup>23</sup>; this information should be forwarded to the Manager Policy, Building Control for approval.

The Manager Policy  
Building Control  
Auckland Council  
Private Bag 92300  
Auckland, 1142

28.3 Applicants should allow at least twenty (20) working days for this process to be completed.

28.4 Only CPEng who have a Quality Management System (QMS) in place will be considered for high-risk work.

### 28.5 QMS requirements:-

Council preference is that the producer statement author’s organisation has a QMS in line with ISO 9001 2008 and has been certified by a JAS-ANZ accredited third party organisation such as Bureau Veritas, Telarc, SGS or other similar organisations.

At the Council’s discretion, this requirement may be waived; however the producer statement author will then be required to provide evidence, acceptable to Council, of an alternative appropriate QMS or project specific quality plan system, which provides evidence of effective implementation with regard to:

- A clear description of personnel roles and responsibilities within the organisation
- Project planning and development
- Design review, verification and validation
- Control of design changes
- Planning performing and recording inspections
- Control of documents and documentation
- Critical stage verification points and acceptance sign off

28.6 For some projects, generally, those that are high-risk, the Council may itself engage a suitably competent person to review the design or construction on behalf of the Council; the cost of this service shall be borne by the applicant.

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<sup>23</sup> Concept plans are only permissible when seeking approval as an author but are not acceptable for building consent

## Part 4:

# Acceptance and Management of Producer Statements

### 29 Purpose of a peer review or regulatory review

- 29.1 There are two types of design review performed; a peer review and a regulatory review. Both reviews entail checking the design to ensure that it complies with the intent of the NZBC.
- 29.2 A **peer review** is a review by a peer who must be quite independent of the designer<sup>24</sup>. In most instances, the client who commissioned the work or design will appoint the peer reviewer, since the client has a vested interest in getting the work/design completed satisfactorily.
- 29.3 The purpose of a peer review is to confirm and / or comment on:
- whether the completed work has met the objectives set out for it
  - other options that could have been included in the preliminary design
  - whether the evaluation of options is rigorous and fair
  - the validity of the assumptions
  - the validity of the conclusions
  - the process towards completion of the work
  - the validity of the recommendations
  - the objectives set out for the work
  - adherence to relevant regulations and codes of practice
  - the fitness for purpose of the work
- 29.4 A **regulatory review** is performed by or on behalf of Council.
- 29.5 The purpose of a Regulatory Review is to assess whether the design complies with pertinent regulations, consent requirements and laws.
- 29.6 The Reviewer does not assess the design objectives, process, options, assumptions or method, only the submitted design, testing the outcome against regulatory parameters.
- 29.7 The Regulatory Review may be conducted by Council, or an independent designer engaged to carry out the Regulatory Review and report to Council.

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<sup>24</sup> Council will only place reliance on a PS2 from the peer reviewer if this person is independent of the designer

### 30 Producer statement – construction (PS3)

- 30.1 These statements are issued by the **contractor** who has performed the building work and serves as confirmation that the building work is in accordance with the consented plans and the NZBC.
- 30.2 A PS3 is generally issued when Council have had limited or no involvement with the inspection of specific elements of construction, such as pile driving, application of waterproofing membranes, specialist coating and cladding systems, etc

***Comment:** The concept of producer statements was developed well before the 1991 Building Act. IPENZ developed this system in order to provide guidance to the profession. The PS3 was included so that the Engineer could specify that in addition to his or her inspections it also wanted the contractor to sign a PS3 to support the PS4 process. In the original stages of the producer statement regime, Clerks of Work often carried out the inspection process on behalf of the engineer. This was all part of a contractual arrangement where the engineer had a semi judicial role in the management of contracts.*

- 30.3 Construction producer statements maybe older than 90 days (these statements are issued by the contractor immediately post construction but withheld or not provided until CCC).
- 30.4 If the author held insurance at the time the inspection was performed, the statement will be accepted. However; if the author did not have insurance in place or was not on the Council register the statement must be rejected.
- 30.5 Where an applicant chooses not to provide a PS3, Council will undertake the inspection and recover the cost of this inspection from the applicant. If external expertise is required for an inspection, such expertise will be arranged by Council at the applicant's expense.
- 30.6 If an agreement has been reached (during the consent process), producer statements must be supplied as soon as practically possible after the inspection and / or work has been completed.
- 30.7 Producer statements must be supported by site observations, installation certificates, warrantees, etc as applicable.
- 30.8 Where an inspection is performed by an engineer, a site report describing the nature of the inspection performed, observations and instructions given to the contractor must be left on site so that the Council Inspector may review the contents of the report and retain it for Council records.
- 30.9 Council may at its discretion perform an audit; however, for the most part, **sole reliance** is placed on the producer statement offered.
- 30.10 A person does not need to be on the Auckland Council Producer Statement Register if a producer statement is supplied in support of an inspection, e.g. where a building inspector has conducted an inspection of the building work. In this instance, the competence of the author does not need to be assessed. Typically this may occur where plumbing pipes are not on test or it is not possible or practical to witness all of the work (i.e. water proofing). Refer section 12 for exceptions for Electricians and Certifying Plumbers.
- 30.11 If an inspection has not been called (i.e. waterproofing) and a producer statement has been supplied and it is the sole means of establishing compliance, then it can only be accepted if

the author has been deemed suitably competent (i.e. the author is on the register).

- 30.12 The producer statement must adequately describe the nature of the work involved and if appropriate detail type and thickness of coatings, warranty for the product etc. applied.

### **Producer statement - construction review (PS4)**

- 30.13 These statements are issued by the design professional who has observed the building work and confirms it has been constructed in accordance with the consented plans and the NZBC.
- 30.14 If the design professional is performing an inspection, a comprehensive site inspection record **must** be left on site detailing the nature and outcome of the inspection.
- 30.15 Producer statements must be supplied as soon as practically possible after the inspection and / or work has been completed and must be supported by the engineer's site observations, etc. Failure to provide this information may result in the CCC being refused.
- 30.16 Where the building consent applicant does not identify the person responsible for inspection at the consent stage (i.e. the person is unknown) it is their responsibility to ensure that an approved author performs the review of construction (by checking the Auckland Council Producer Statement Register which is on the internet).
- 30.17 Engineers must ensure that where applicable, the contractor understands that Council inspectors may also need to inspect the building work (for example engineers do not cover siting, plumbing, below ground water-proofing, etc.) also if RBW is involved, contractors must produce evidence of licensing at the time of an inspection.
- 30.18 Engineers must not give approval for concrete to be placed or work to proceed especially where they are only observing part of the construction.
- 30.19 If a design change is made, an amendment to the building consent must be applied for and approved unless the work is considered minor. In any event, the change must be appropriately documented on Council plans.
- 30.20 Council may at its discretion perform an audit; however, for the most part, **sole reliance** is placed on the producer statement offered.
- 30.21 Construction review producer statements maybe older than 90 days (these statements are issued by the design professional immediately post construction but are sometimes withheld or not provided until CCC).
- 30.22 If the author held insurance at the time the inspection was performed, the statement will be accepted. However; if the author did not have insurance in place or was not on the Council register the statement must be rejected.

## Specified systems

- 30.23 Where specified systems are involved, testing and commissioning certificates must accompany the producer statement together with as-built documentation showing the location of alarms, sprinklers, signage, etc.
- 30.24 **Emergency warning systems** for fire alarms excluding type one, (must have an independent review of the completed installation carried out by an inspection body accredited to AS; NZS; AS/NZS; or ISO / IEC 17020 as competent to certify to NZS 4512 who shall provide full as-built documentation on installation / commissioning of the system).
- 30.25 **Sprinkler systems** (installer must provide full as-built documentation on installation / commissioning of the system); and a certificate of compliance issued by the sprinkler system certifier
- 30.26 **Lifts and escalators** (must be installed and commissioned by a person who is certified to ISO 9002 or an equivalent standard or has other satisfactory documented quality assurance procedures in place)
- 30.27 **Emergency lighting systems** (electrician or technician must provide as-built on installation / commissioning of the system)

### **31 Applications for Certificate of Acceptance (CoA) authors**

- 31.1 The section of the policy applies to applicants seeking approval to become authors of CoA reports.
- 31.2 Council will only accept reports from applicants deemed competent to do the work; applicants will need to establish their competence in the same manner as if they were a producer statement author in respect to the work that they wish to provide reports for.
- 31.3 Council expects that the following professions will be interested in providing CoAs (depending on the work involved):-
- Chartered Professional Engineers
  - Registered Architects
  - Registered Building Surveyors (NZIBS)
  - Level 3 Accredited Building Surveyors (BOINZ)
  - Certifying plumber
  - Registered Electrician
  - Etc
- 31.4 Applications must be in writing using form *AC2337 Application to become a CoA author*; and be accompanied by:-
- the information listed in AC2337; and
  - the application fee
- 31.5 If successful the applicant will be entered onto the register.
- 31.6 If an author is already on the Auckland Council Producer Statement register as a producer statement author, they will need to apply to increase their scope to issue CoAs.
- 31.7 Reports are to be of a professional standard and include photographs depicting the work. The report must include a statement outlining the compliance or otherwise of the work they are reporting on.
- 31.8 All other aspects of this policy apply to CoA authors.