

## Producer Statements

- Policy
- This policy has been prepared to ensure that Council has clearly documented policies and procedures for the request for and acceptance of Producer Statements in connection with applications for Building Consent, issue of Code Compliance Certificates and other Regulatory functions under the Building Act 2004
- Council is under no legal obligation to accept Producer Statements. However, it is recognized that Producer Statements are an accepted tool within the industry and, as part of a properly managed and considered process, have a part to play in confirming that compliance with the Building Code and/or conditions of Building Consents/Certificates of Acceptance has been/will be achieved.
- Producer Statements may be requested additionally to any Restricted Building Work Memoranda required to be supplied by S.88 of the Building Act 2004 in accordance with WDC BCA practice note 001/14 (Planning of Inspections).
- Producer Statements will be accepted only in accordance with this policy.
- Scope of Policy
- **Documents within the scope of this policy**

This policy relates to documents provided to WDC in connection with applications for Building Consent, Code Compliance Certificate, Certificate of Acceptance and other Regulatory functions under the Building Act 2004 which are relied upon to confirm that compliance with the Building Code and/or consented documents will be/has been achieved. These will be requested by Council at any one of the following stages:

- During the processing stage of the Building Consent
- As a condition of Consent at issue.
- Following the issue of an amendment to a Building Consent
- During the construction phase of the project.
- At application for Code Compliance Certificate or Certificate of Acceptance
- **Documents outside the scope of this policy**

It has become common practice in some areas of industry for documents claiming to be "Producer Statements" to be included as part of the supporting information for applications for Building Consent or to be submitted following inspection work during the construction phase.

Often these documents add little to the process of confirming compliance with the Building Code (for example, when WDC Building Officers have assessed the particular code clause or inspected the work) and, as such, are not covered by this policy.

The receipt of such documents will be recorded on either the processing sheet or the Field Advice Notice (as appropriate) using the term "Statement received from..... supporting information only" or similar. The documents will then be stamped "Supporting information only", initialed and placed on the Building Consent file.

- Tradespersons and professionals listed below will automatically be accepted as Providers of Producer Statements. However, statements provided by them will undergo checking prior to acceptance as detailed later in this document:
- Tradespersons identified in S19 of the Building Act 2004 (Registered Electricians and Certifying Gas Fitters)
- Certifying Plumbers in connection with pressure testing of plumbing systems
- Certifying Drain layers
- Registered Chartered Professional Engineers acting within their area of competency
- Independent Qualified Persons, for building systems for which they are approved on the WDC register
- Wet area waterproofing applicators where a PS3 is accompanied by evidence of completion of manufacturers training for the product installed

- Purpose

The purpose of this procedure is:

- To ensure that decisions about compliance with the Building Code and/or consented documents are made in a structured and consistent manner
- To ensure the requests for and acceptance of Producer Statements is undertaken in a systematic and consistent manner having regard to the skills, knowledge, qualifications and expertise of the statement provider and the level of risk involved and taking into account guidance material issued by the Department of Building and Housing
- To ensure that all staff are aware of these requirements

- Responsibilities Related to this Process

<b>Position</b>	<b>Responsibilities</b>
Building Manager	<ul style="list-style-type: none"> <li>• Overall responsibility for this process and the efficient functioning of the Building Division</li> </ul>
Team Leaders	<ul style="list-style-type: none"> <li>• Ensuring Building Staff are trained and competent to implement this process</li> <li>• Establishing monitoring procedures to ensure that this process is fully implemented by Building Officers</li> <li>• Dealing with disputes or issues arising from the implementation of this process</li> </ul>
Senior Building Officers	<ul style="list-style-type: none"> <li>• Advising and guiding Building Officers in the implementation of this procedure</li> </ul>
All Staff	<ul style="list-style-type: none"> <li>• Implementing this procedure</li> <li>• Referring any queries or concerns to Team Leaders or Senior Building Officers if required by this process</li> </ul>
Quality Systems Coordinator	<ul style="list-style-type: none"> <li>• Ensuring process is reviewed as detailed above</li> </ul>

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Version 2 11/06/2014

## System Description

- Definition of Producer Statement

For the purposes of this policy, Council will use the definition of the term 'Producer Statement' as defined by the Department of Building and Housing (DBH Draft manual for Accreditation)

- 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
- 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.
- Types of Producer Statement

### **a 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.

### **b 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.

### **c Producer Statement for construction also known as a PS3**

These statements are usually issued by contractors stating 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.

### **d 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 confirm that the building work in question has been constructed and meets certain performance requirements of the Building Code and/or conditions of Building Consents.

- Situations in which a Producer Statement may be requested/accepted
- As supporting documentation to an application for Building Consent, Code Compliance Certificate and other regulatory functions under the Building Act 2004 where:
  - The technical issues involved are outside the competency levels of Council staff
  - Inspection by Council staff would cause major disruption to the project
  - Where prior arrangements have been made with BCA management.
  - Council staff, even if they carried out an inspection, would have difficulty in confirming compliance with the Building Code and/or the consented documents. eg, Wet area waterproofing
- All other Producer Statements will be accepted at the discretion of the Building Officer and accompanied by any relevant supporting evidence as to the credentials of the author.
- It is important that the requirement for Producer Statements to be submitted as supporting documentation for applications for Code Compliance Certificates is identified at the processing stage and included in the Building Consent documentation as a condition.

A Producer Statement - Construction (PS3) is to be provided by the installer of the wet area membrane specified in the consented documents. The installer must have undertaken appropriate training by the product manufacturer. Evidence of training must be supplied in support of the PS3.

- Format of Producer Statements
- WDC has designed the following standard formats for Producer Statements:
  - A generic form for general use (TRIM 07/67915) – See Appendix
  - A Wet area form for qualified applicators, (TRIM 13/75818) See Appendix.
  - A separate template for Certifying Plumbers to use when confirming pressure tests of plumbing systems (TRIM 06/703391) – See Appendix
- Use of these forms is not mandatory although all Producer Statements submitted must contain the information contained on those forms, as follows:
  - Name of the Statement Provider
  - Business address of the Statement Provider
  - Name of the applicant as contained on the Application for Building Consent to which the statement relates
  - Building Consent number to which the Statement relates (in the case of a Statement received after the consent has been issued)
  - Clause(s) of the Building Code or condition of Building Consent the Statement confirms compliance with Specific part(s) of the project to which the Statement relates
  - Product used (if applicable)
  - Any items that are specifically excluded from the scope of the Producer Statement
  - Any conditions related to the Producer Statement
  - Copies of any structural calculations relied upon when compiling the Producer Statement
  - A statement as follows: “I understand that this Producer Statement will be relied on by Council to confirm compliance with the Building Code and/or conditions of the Building Consent to which it relates”
  - The signature of the Provider
  - The date of issue

In the case of the Certifying Plumber’s pressure tests, the information related to pressure tests must also be included.

- Producer Statements submitted without this information will not be accepted by Council
- Procedural Arrangements – Deciding to accept a Producer Statement
- Producer Statements, submitted as part of the supporting plans and specifications for an application for Building Consent, will be assessed at the assessment (processing) stage. Also at this stage, the requirement for Producer Statements to be provided at later stages of the project will be identified. These will be added as conditions of consent in the same way as inspection requirements. In accordance with WDC BCA practice note 001/14 (Planning of Inspections).
- Producer Statements submitted as part of the inspection and Code Compliance Certificate issue processes will be assessed against the original Building Consent to ensure that they are relevant to that and the required information has been provided.
- Every Producer statement from wet area waterproofing applicators is to be accompanied by a copy of their manufacturers’ training qualification for the product used.

- Producer Statements will be assessed for suitability for acceptance by Building Officers using the following standard forms:

- At the processing stage, the standard template check sheet (TRIM 07/86242).
- At the CCC stage when the WDC form has been used, the check boxes on the form
- At the CCC stage when a format other than the standard WDC form has been used, the standard template check sheet.

If there are any omissions or questions that cannot be answered, further information will need to be obtained before the statement can be accepted.

- Building Officers will access the appropriate professional or trade websites when deciding whether the statement can be accepted. When making this decision, the Building Officer will have regard to:
  - The category of work to which the statement relates
  - The complexity of work to which the statement relates
  - Whether the Statement fully meets the requirements contained in the Building Consent documentation
  - Whether the form is fully completed and signed
  - Whether the Provider's registration is current
- If the Building Officer is satisfied that the Producer Statement can be accepted, this decision will be recorded and the statement will be placed on the Building Consent file.
- If the Building Officer is not satisfied that the Producer Statement can be accepted he will contact the provider outlining the reason(s) why.

- Version 2 19/09/2013