

Auckland Council producer statements policy procedures

Revised in accordance with the Building Act 2004, reviewed against procedures from Manukau City Council, Auckland City Council and Waitakere City Council

Table of contents

Part 1	4
1 Introduction.....	4
Part 2	6
2 Conditions of acceptance	6
Part 3	8
3 Application procedures.....	8
3.1 A. Project specific.....	8
3.2 B. Non-project specific	8
3.3 C. Specific procedures relating to producer statement design review and producer statement construction review.....	9
3.4 D. Professional indemnity insurance	9
Part 4	10
Design phase	10
4.1 Specific engineering design	10
4.2 Detached dwellings (non-specific design)	11
4.3 Other structures (non-specific design including building envelopes, fire safety provisions and architectural design)	11
4.4 Design of prefabricated elements.....	11
4.5 Specific fire engineering design	11
4.6 Design of automatic sprinkler systems:.....	12
4.7 Emergency warning systems for fire (excluding type one)	12
4.8 Geotechnical assessments	12
4.9 Emergency lighting systems.....	12
4.10 Lifts and escalators	13
4.11 Mechanical ventilation and air conditioning systems.....	13
4.12 Specific engineering design for all projects	13
4.13 Geotechnical works	13
4.14 Glazing systems	13
4.15 Solid fuel heaters.....	13
4.16 Plumbing installations.....	13
4.17 Automatic sprinkler systems.....	14
4.18 Warning systems for fire.....	14
4.19 Backflow prevention (installation and testing)	14
4.20 Specialist coating systems	14
4.21 Piling.....	14
4.22 Masonry.....	14
4.23 Mechanical ventilation and air conditioning systems.....	15
4.24 Lifts and escalators	15
4.25 Specialist coating systems includes solid plaster and other.....	15
4.26 Detached dwellings up to and including 3 storeys	15
4.27 Retaining walls	15
4.28 Tents and marquees	15
4.29 Outbuildings within Classified Use - Housing: Outbuildings in residential areas, includes private swimming pools, carports, garages etc)	15
4.30 Conservatories forming part of Detached or Multi-Unit Dwellings.....	15

4.31	Commercial, Industrial and other building work/buildings not identified above	16
Part 5	16
5	Auditing procedures	16
Part 6	16
6	Charges associated with the use of producer statements.....	16
Part 7	19
7.1	Conditions of acceptance of producer statements to establish compliance with the building code	20
7.2	Information required to assess suitability and acceptance of authors of producer statements – design	21
7.3	Information required to assess suitability and acceptance of authors of producer statements - design review.....	23
7.4	Information required to assess suitability and acceptance of constructors to prepare producer statements - construction	25
7.5	Information required to assess suitability and acceptance of construction reviewers to prepare producer statements	27
7.6	Approval for the use of producer statements to establish compliance with the building code.....	29
8.0	Workmanship statement.....	30

Part 1

1 Introduction

This is the policy procedure for the acceptance of producer statements to establish compliance with the building code.

- 1.1 These guidelines set out the conditions on which producer statements were defined in the previous Building Act 1991 and may be accepted by the Auckland Council (the Council) to establish compliance with the Building Code. The Council may amend these guidelines from time to time at its sole discretion. The conditions have been established on the basis that producer statement formats will be uniform and cover a wide range of designs, designers, building types and building elements.
- 1.2. A producer statement is defined in the Building Act 1991 as any statement supplied by or on behalf of an applicant for a building consent, 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.
- 1.3. The Building Act 2004 provides no reference to the use of producer statements. Producer statements is proposed to be superseded by the Licensed Building Practitioner (LBP) "Certificates", provided for under the 2004 legislation. Voluntary licensing commenced in 2009. During the intervening period until the LBP scheme becomes mandatory, the Council will continue to accept and use the current producer statement register. The approval of individuals on this register and any new authors will continue until the national registration scheme for LBP's is in place.
- 1.4. Format of producer statements. Authors can use either the Council, IPENZ, NZIA, or ACENZ format. All other producer statements will need to be provided using the Council producer statement format. As an example producer statements from cladding installers, plasterers are able to be provided on the individual companies' letterhead, but the producer statement will need to follow the Council producer statement document format. Generally, four categories of producer statements may be accepted and relied upon by the Council¹:
 - (a) **Producer statement (design) (PS1):** These are accepted from engineers and other design professionals and are confirmation that the part of the design in question has been designed in accordance with certain standards and the building code.
 - (b) **Producer statement (design review) (PS2):** a consultant who has reviewed the design of the designer (often on behalf of the Council) issues this. This is the formal document confirming that a peer review has been carried out.
 - (c) **Producer statement (construction) (PS3):** This is issued by a contractor who confirms that the installation or construction has been carried out in accordance with the building code. For instance, the Council may accept a producer statement (construction) from a tiler when his/her work is known to the Council to be of a good standard and the cost to the Council to inspect the work would be prohibitive.

¹ From IPENZ Practice Note 01 "Producer Statements" December 2002
Version – Final 9 16 September 2010

(d) Producer statement (construction review) (PS4): This is issued typically by a consulting engineer who has inspected the construction work and can confirm that it has been built in accordance with the building code. This would occur when the Council building officer was not involved in inspection work on site.

Workmanship statement

This is not a producer statement but is accepted by Auckland Council. This would typically be used by installers/ applicators of systems and products to confirm the works has been carried out in accordance with the manufacturer's specifications and the building code. (Refer page 31 for format).

- 1.6. The Council will generally accept producer statements to establish compliance with the building code subject to the conditions and acceptance criteria set out in these guidelines and that they relate to buildings or elements of building work contained in Part 4. The Council may rely on producer statements prepared by persons approved by Council to be competent to confirm compliance with the building code and may not check the work further.
- 1.7. The cost of processing building consent applications and determining compliance prior to the issue of code compliance certificates will be reduced and reflect lesser involvement by the Council in these activities where producer statements are provided. See Part 6 for information on charges. There is also potential to significantly reduce the building consent approval time where producer statements are provided, particularly if they cover the whole project.
- 1.8. The Council will audit, on a random basis, three (3) percent of projects for compliance with the building code. This percentage may be reduced or increased as the use of producer statements. ***With the impending change to the provision of "certificates" in (Building Act 2004 Section 88) by licensed building practitioner's we will see all restricted building work projects requiring the provision of certificates by LBP's.*** The cost of this auditing will be recovered by a small charge levied on all projects where producer statements are accepted.
- 1.9. Any action or lack of action by the person preparing, or who has undertaken to prepare a producer statement, which is likely to result in non-compliance with the building code, or with the conditions upon which producer statements are agreed to be relied on by the Council to establish compliance with the building code will be grounds for:
 - (a) The Council to take appropriate action to ensure compliance with the building code including the checking of the design and the inspection of the work as if the reliance on a producer statement(s) had not been agreed. The reasonable cost of this action to be borne by the applicant.
 - (b) Review of the suitability of the person to prepare producer statements in the future.
 - (c) The Council taking appropriate action against the person who prepared the producer statement in respect of any liability incurred by Council as a result of its reliance on the producer statement.
- 1.10. Information and conditions on which producer statements will generally be accepted are

contained in these guidelines.

Part 2

2 Conditions of acceptance

- 2.1. Section 33(5) of the Building Act 1991 entitles the Council, at its discretion, to accept producer statements submitted to by or on behalf of the building consent applicant to establish compliance with all or any of the provisions of the building code.
- 2.2. The acceptance of producer statements by the Council to assist it in determining compliance of the design of building work or the construction of a building based on the requirements of the Building Act 1991 and the Building Regulations 1992 is discretionary and at the option of the Council.
- 2.3. Producer statements will generally be accepted by the Council (on a project specific basis) as a means of assisting in determining compliance on conditions that:
 - (a) All information required to enable the Council to assess the suitability of the proposed use of producer statements is provided either before or at the time, the building consent application is lodged.
 - (b) The application form for the use of producer statements is completed by or on behalf of the applicant and if not given to the Council earlier, provided with the building consent application.
 - (c) The precise extent of the work subject to producer statement(s) is clearly stated by the applicant.
 - (d) The elements of the buildings/building work are included in those listed in the schedule of buildings/building work for which the acceptance of producer statements will be considered. Refer to Part 4).
 - (e) Acceptance of producer statements should be sought from an authorised the Council officer prior to the work being undertaken.
 - (f) Persons preparing the producer statements are deemed suitable by the Council to prepare statements. Assessment criteria include:
 - (i) Demonstrated competence in the type of and scale of project subject to the statement.
 - (ii) Appropriate qualifications.
 - (iii) Suitable experience.
 - (vi) Membership of appropriate trade/professional organisations.
 - (v) Standard of documented quality assurance procedures.
 - (vi) Appropriate levels of professional indemnity insurance (particularly in

relation to producer statements covering design or design review);

\$200,000 professional indemnity not in the aggregate for building work with a value up to \$50,000

\$500,000 professional indemnity not in the aggregate for building work with a value up to \$200,000

\$1,000,000 professional indemnity not in the aggregate for building work with a value up to \$500,000

\$2,000,000 professional indemnity not in the aggregate for building work with a value up to \$1,000,000.

Building work with a value of more than \$1,000,000 will require specific project based professional indemnity insurance.

- (g) Previously acceptability to prepare producer statements and demonstrated performance, except that for projects over **[\$1,000,000]** a person will need to qualify for acceptance on a project specific basis. Refer to Part 3.1.
 - (h) The producer statement is in an identical form to that prepared by IPENZ/NZIA/ACENZ (i.e. PS1, PS2, PS3 OR PS4). No amendment or endorsement is permitted. Alternatively, the Council producer statement forms may be used.
 - (i) In addition to the producer statements, the full documentation required to support a building consent application, where producer statements were not provided, is supplied with the building consent application. This is necessary to ensure adequate building records are maintained by the Council and for use if the project is to be audited.
- 2.4. The Council may audit a random sample of work for which producer statements have been received, or for which acceptance has been agreed, for compliance with the Building Act and building code. The extent of the audit will be as determined by Council officers in each case. Applicants will be advised if a full audit is to be carried out. Other random auditing of selected elements may also be carried out.
- 2.5. The Council's charges for building consent services will be reduced where the acceptance of producer statements results in less time spent confirming compliance. Charges information is included in Part 6.

Part 3

3 Application procedures

3.1 A. Project specific

- 3.1.1. The building consent application is to advise the Council of the project and intention to use producer statements. This can be done by including in the building consent application, Form 1, supporting information on Forms 2-5 as appropriate and the producer statements. Where the project is over **[\$1,000,000]** notwithstanding the person preparing the producer statement is pre approved by Council a separate application to use producer statements is to be made in accordance with 3.1.2 below.
- 3.1.2. Where producer statement(s) design and/or design review are to be provided and the persons preparing producer statements are not pre approved by the Council, or specific project approval is required (i.e. where a project is over **[\$1,000,000]**), separate application to use producer statements can be made by completing Form 1 and forwarding it, together with supporting information on Forms 2-5 as appropriate, to:

Auckland Council
Private Bag 92300
Auckland, 1142

This should be done at least ten (10) working days prior to submitting the building consent application to the Council to enable competence to be assessed and the building consent application to be processed without delay when it is submitted.

Where persons preparing the producer statements have been pre approved and the project is not over **[\$1,000,000]**, the application to use producer statements should be submitted to the Council with the building consent application.

- 3.1.3. Where producer statements construction and/or construction review are to be provided these must be forwarded to the Council together with advice that work authorised in the building consent has been completed.
- 3.1.4. Apart from checking building consent applications for completeness and random auditing the Council will not normally carry out any further compliance checking of applications for which producer statements have been provided and will rely on the statements.

3.2 B. Non-project specific

- 3.2.1. Where a person wishes to pre-qualify to prepare producer statements, Forms 2-5 as appropriate should be completed. These, together with supporting information and the appropriate charge, should be forwarded to:

Auckland Council
Private Bag 92300
Auckland, 1142

However, CPEng engineers who provide written evidence from their registration board of their practice areas will not require a competence assessment by the Council.

- 3.2.2. On suitability being confirmed by the Council, the applicant will be entered on the Council's register for 36 months. At the expiry of the 36-month period, the applicant will be removed from the Council register unless the applicant successfully re-applies to remain on the Council's register for a further 36-month period; Forms 2-5 as appropriate should be completed. Suitability to remain on the Council's register may be reviewed at any time by Council. For projects over **[\$1,000,000]**, Council may require a person to qualify for that project regardless of whether or not they are entered on the Council's register.
- 3.2.3. The Council reserves the rights to remove any name from the register for any good and proper reasons. Such reason may include (but not be limited to) where the applicant does not enter into the consultancy agreement with Council as attached to these guidelines.

3.3 C. Specific procedures relating to producer statement design review and producer statement construction review

- 3.3.1. For some projects, generally those larger than single detached house, the Council may require a producer statement design review and/or a producer statement construction review to be submitted.
- 3.3.2. For such projects, the applicant may apply to the Council for approval that the applicant engages the person to undertake the review. This has the advantage of the applicant being able to negotiate the cost with a range of competent persons and to involve the person engaged throughout the design or construction process.
- 3.3.3. Where the applicant engages the person to undertake the review the applicant shall ensure that in its agreement with that person that the following clause is included:

"The consultant acknowledges that the Council will rely on the consultant exercising reasonable skill and care in issuing the producer statement. The consultant accepts that its obligation to act with reasonable skill and care when issuing the producer statement is intended to be for the benefit of and enforceable by the Council pursuant to the Contracts (Privacy) Act 1982."

- 3.3.4. For some projects, generally those with a project value over **[\$1,000,000]**, the Council may itself engage the person to provide the producer statement design review and/or a producer statement construction review on behalf of the applicant and this cost will be borne by the applicant.
- 3.3.5. Where producer statements construction and/or construction review are to be provided, these must be forwarded to the Council together with advice that work authorised in the building consent has been completed.

3.4 D. Professional indemnity insurance

- 3.4.1. Authors of producer statements for design and/or design review will be required to procure and maintain for a period of 6 years after issue of the building consent or code compliance certificate, professional indemnity insurance from a reputable insurer for the following amounts:
- (a) \$200,000 – not in the aggregate for building works with a value up to \$50,000
 - \$500,000 – not in the aggregate for building works with a value up to \$200,000
 - \$1,000,000 – not in the aggregate for building works with a value up to \$500,000
 - \$2,000,000 – not in the aggregate for building works with a value up to \$1,000,000.
- Building works with a value over \$1,000,000 require special arrangements with the Council.**
- (b) Where projects are specifically complex, the actual limit required will be determined upon the value of the building consent. The above minimum levels shall take precedence over any minimum level stated in the producer statement forms prepared by IPENZ/NZIA/ACENZ (i.e. PS1, PS2, PS3 and PS4).
- 3.4.2. The Council will not pre qualify or approve on a project specific basis any person who cannot confirm compliance with the above.

Part 4

Schedule of buildings/building work for which the acceptance of producer statements to establish compliance with the building code will be considered. In considering acceptance of producer statements reference must be made to this guideline for acceptance of producer statements document to ensure the Council requirements with particular building code clauses is met.

Design phase

4.1 Specific engineering design

- 4.1.1. Requires peer review for all projects except:
- (a) Specifically designed structural elements of detached dwellings up to and including three storeys. **Note:** Must include all specifically designed elements.
 - (b) Retaining walls not subject to surcharge and where no part of the structure of the wall is within a safe slope relative to the boundary of the site and the retained height does not exceed 4 metres. (A safe slope is deemed 45 degrees unless this is known to be inappropriate).
 - (c) Outbuildings within Classified Use - Housing (Outbuildings in residential areas, includes private swimming pools, carports, garages etc).

- (d) Conservatories forming part of Detached or Multi-Unit Dwellings.
- 4.1.2. A producer statement relating to design work shall attach all relevant calculations and any other justification.
- 4.1.3. To be prepared by a NZ CPEng registered engineer with demonstrated competence in the relevant design discipline or a person approved by the Council to provide producer statements
- 4.1.4. All documents depicting the work subject to the producer statement to be signed by the registered engineer.
- 4.2 Detached dwellings (non-specific design)**
- 4.2.1 To be prepared by a designer registered with a relevant professional body and with demonstrated competence in the design of the type of dwelling subject to the producer statement.
- 4.3 Other structures (non-specific design including building envelopes, fire safety provisions and architectural design)**
- 4.3.1. Requires peer review unless agreement to the contrary is reached with the Council.
- 4.3.2. To be prepared by a designer registered with a relevant professional body with demonstrated competence in the design of the building or building element.
- 4.3.3. All documents depicting the work subject to the producer statement to be signed by the designer.
- 4.3.4 Tents and marquees
- 4.4 Design of prefabricated elements**
- 4.4.1. Requires design and construction peer review unless agreement to the contrary is reached with the Council or the elements of a building within the scope of NZS 3604:1999.
- 4.4.2. To be prepared by a designer with demonstrated competence in the relevant design discipline.
- 4.4.3. All documents depicting the work subject to the producer statement to be signed by the designer.
- 4.5 Specific fire engineering design**
- 4.5.1. Requires producer statement design review and construction review for all projects.
- 4.5.2. To be prepared by a suitably qualified Fire Engineer with a minimum of 3 years demonstrated experience and competence in fire engineering design discipline and in accordance with the International fire engineering design guidelines. Approval as a producer statement author will be limited to the scope of limitation as specified in 4.5.4(a) or 4.5.4(b) of this section.

4.5.3. All documents, including non-structural drawings and fire design report depicting the work subject to the producer statement to be signed by a Chartered Professional Engineer or recognised Fire Engineer and will form part of the producer statement.

4.5.4. Scope of design limitation:

- (a) Specific to the 'C' documents and D1 of the New Zealand Building Code, including all appropriate Standards specified within the scope of the New Zealand Building Code
- (b) As '(a)' above and includes alternative solutions.

4.6 Design of automatic sprinkler systems:

4.6.1. Producer statement to be prepared by a Sprinkler System Certifier accredited to AS/NZS ISO/IEC 17020 as competent to certify to NZS4541 or NZS4515.

4.6.2. Written confirmation from the building consent applicant that an appropriate independent review of the completed installation will be carried out by the Sprinkler System Certifier .

Full as built documentation and a producer statement from the Sprinkler System Certifier to be submitted with the advice of completion of building work by the applicant and prior to the issue of a code compliance certificate.

4.7 Emergency warning systems for fire (excluding type one)

4.7.1 Design to be prepared by a designer registered with a relevant professional body with demonstrated competence in the relevant design discipline. The design to be reviewed by an inspection body accredited to AS/NZS ISO/ IEC 17020 as competent to certify to NZS 4512 experienced in the inspection and commissioning of emergency warning systems for fire.

4.7.2. Written confirmation from the building consent applicant that an appropriate independent review of the completed installation will be carried out by an accredited inspection body.

4.7.3 Full as built documentation and a producer statement from an inspection body accredited to AS/NZS ISO/ IEC 17020 as competent to certify to NZS 4512 to be submitted with the advice of completion of building work by the applicant and prior to the issue of a code compliance certificate.

4.8 Geotechnical assessments

4.8.1. Requires peer review unless agreement to the contrary is reached with the Council.

4.8.2. To be prepared by a registered/ chartered engineer experienced in the field of geotechnical engineering.

4.9 Emergency lighting systems

4.9.1 Producer statement to be prepared by a designer with demonstrated competence in the scale and type of project subject to the producer statement.

4.10 Lifts and escalators

- 4.10.1. Producer statement to be prepared by a designer registered with a relevant professional body with demonstrated competence in the design, manufacturing, installation and servicing of lifts and escalators, who is certified to ISO 9002 or an equivalent standard or has other satisfactory documented quality assurance procedures in place.
- 4.10.2. Designer preferably to be represented on the technical committee of the NZ Lift & Escalator Association.
- 4.10.3 All equipment to meet the requirements of an acceptable solution promulgated by the Department of Building and Housing and nominated by the designer.
- 4.10.4 Requires design and construction review.

4.11 Mechanical ventilation and air conditioning systems

- 4.11.1. Design to be prepared by a designer with demonstrated competence in the relevant design discipline and scale and type of project subject to the producer statement.
- 4.11.2. Requires peer review unless agreement to the contrary is reached with the Council.

Construction phase

4.12 Specific engineering design for all projects

- 4.12.1. Engineer's producer statement construction review includes Masonry 'B' certificate, Driven Pile certificates and Supervision certificates.

4.13 Geotechnical works

- 4.13.1. Requires producer statement construction review by a geotechnical engineer verifying the excavation and construction of foundations.

4.14 Glazing systems

- 4.14.1. To be prepared by a member of the NZ Safety Glass Association.

4.15 Solid fuel heaters

- 4.15.1. To be prepared by a member of the New Zealand Home Heating Association. Membership to be confirmed to the satisfaction of the Council.
- 4.15.2. Limited to detached dwellings up to and including three storeys.

4.16 Plumbing installations

- 4.16.1. To be submitted by a member of the Society of Master Plumbers, Registered Drain layers and Gasfitters. Membership to be confirmed to the satisfaction of the Council.

- 4.16.2. Plumber to nominate the Acceptable Solution or Verification Method to be followed in carrying out the work and to demonstrate, by way of documented confirmation, that he/she has undertaken appropriate training in that Acceptable Solution or Verification Method.
- 4.16.3. Scope of construction limitation: G1-G4, G10-G13 New Zealand Building Code. Limited to detached dwellings up to and including 3 storeys.
- 4.16.4. Full as-built plans required prior to issue of code compliance certificate.
- 4.16.5. To be limited to detached dwellings up to and including 3 storeys.

4.17 Automatic sprinkler systems

- 4.17.1. Producer statement to be prepared by the Sprinkler System Certifier accredited to AS/NZS ISO/IEC 17020 as competent to certify to NZS4541 or NZS4515 prior to the issue of a code compliance certificate.

4.18 Warning systems for fire

- 4.18.1. A producer statement construction review from an inspection body accredited to AS/NZS ISO/IEC 17020 as competent to certify to NZS 4512 to be submitted with the advice of completion of building work by the applicant and prior to the issue of a code compliance certificate.

4.19 Backflow prevention (installation and testing)

- 4.19.1. To be prepared and submitted by a Craftsman Plumber and include registration number with issue and expiry dates.
- 4.19.2. Qualification from an approved training agency 'Backflow Prevention Testers Course' or equivalent approved training course. This qualification to include any 'up skill' course taken for the specific make and model of backflow prevention device being installed and tested.
- 4.19.3. For testing purposes, the testing agent must be registered as an IQP (Independent Qualified Person).

4.20 Specialist coating systems

- 4.20.1. To be prepared by the applicator as specified within the manufacturer's list of approved applicators.

4.21 Piling

- 4.21.1. To be prepared by the designer registered with a relevant professional body or other appropriately experienced and qualified person approved by the Council.

4.22 Masonry

- 4.22.1 To be prepared by a registered mason (registered by the New Zealand Masonry Trades

Registration Board).

4.23 Mechanical ventilation and air conditioning systems

4.23.1 To be prepared by a company with demonstrated competence in the installation of mechanical ventilation and air conditioning systems of the type and scale subject to the producer statement.

4.23.2 Commissioning results to be provided with the producer statement.

4.24 Lifts and escalators

4.24.1. Producer statement construction review to be prepared by an approved person with demonstrated competence in the design, manufacturing, installation and servicing of lifts and escalators, who is certified to ISO 9002 or an equivalent standard or has other satisfactory documents quality assurance procedures in place.

4.25 Specialist coating systems includes solid plaster and other

4.25.1 To be prepared by the applicator for construction.

4.25.2 To be prepared by the manufacturer for products used.

4.26 Detached dwellings up to and including 3 storeys

4.26.1. Require producer statement from constructor and construction reviewer. Scope of limitation: NZS3604: 1999 or other approved acceptable solution.

4.27 Retaining walls

4.27.1 Require producer statement from constructor.

4.28 Tents and marquees

4.28.1 Requires producer statement from contractor that tent/marquee has been constructed in accordance with the approved consent plans.

4.29 Outbuildings within Classified Use - Housing: Outbuildings in residential areas, includes private swimming pools, carports, garages etc)

4.29.1. Require producer statement from constructor.

4.30 Conservatories forming part of Detached or Multi-Unit Dwellings

4.30.1. Require producer statement from constructor.

4.31 Commercial, Industrial and other building work/buildings not identified above

4.31.1. Require producer statements from constructor and construction reviewer.

Part 5

5 Auditing procedures

- 5.1. Apart from checking building consent applications for completeness and random auditing, the Council will not normally carry out any further processing compliance checking of applications for which producer statements have been provided.
- 5.2. The purpose of auditing compliance standards, where producer statements are accepted to establish compliance with the building code, is to ensure on reasonable grounds that the design documentation or work as constructed complies with the code.
- 5.3. The policy established is that a minimum of three (3) percent of projects (subject to change) subject to producer statements will be audited for compliance. This auditing will generally be the same level of checking that would be carried out by the Council personnel or its Contracted Agents on a project not subject to producer statements. In some cases, random auditing will be carried out on elements of a design.
- 5.4. Projects to be audited will be selected by the Council.
- 5.5. The cost of auditing is met from a small charge to all applicants who use producer statements.

Part 6

6 Charges associated with the use of producer statements

- 6.1. The use of producer statements to assist the Council assessing compliance with the Building Act provides an option to the applicant, which has the potential to reduce the time spent by the Council and consequently the cost of building consents and subsequent inspection.
- 6.2. In accepting and relying on these statements, the Council must ensure that the person preparing them is suitably qualified and experienced.
- 6.3. To maintain a reasonable level of confirmation that work subject to producer statement is carried out correctly, a quality assurance audit will be undertaken by the Council. The cost of this will be recovered by a charge, equivalent to 7.5% of the standard cost of the Council's involvement, on all projects for which producer statements are accepted. This will allow a full audit of a small number of projects selected at random.
- 6.4. The cost of assessing the competence of persons preparing statements, auditing and the administrative action necessary to ensure all producer statements are in order, and cover

all elements of the work to be authorised has been estimated. The following charges and categories of projects have been developed from this estimate.

- 6.5. During processing of the building consent application, the deposit paid on application will be adjusted and credited to the sum payable on uplifting the building consent according to value of work.

Part A – Non-project specific

- 6.6.1 Charge for assessment by the Council of the competence and acceptability of persons to prepare producer statements for defined type and scale of building work (non-project specific).

*Category 1 Miscellaneous elements of buildings, building services, detached dwellings etc. where the building project has a total value of up to \$1,000,000.

*Category 2 Commercial and industrial buildings etc. generally where the building project has a total value of up to \$5,000,000.

*Category 3 As for Category 2 and over \$5,000,000 total value.

Category 1 & 2 \$199.00

Category 3 \$303.50

A re-application fee of \$36.00 is charged for renewal.

Part B - Project specific

- 6.7.1 Charge for determining that a person is competent to prepare a producer statement for a specific project.

(a) As for Part A above; or

(b) Where the person has been previously approved and is currently on the Council register as competent for the appropriate category in Part A, a charge of \$23.50 for each specific project applies.

Part C - Reduction of standard charges

- 6.8.1 Charge for processing building consent applications where producer statements are accepted (deposit). To allow for the cost of random Council auditing, 7.5% of standard estimated cost of technical processing and/or structural checking cost (deposit), as calculated from Council's charges schedule, of work subject to producer statement(s).

The deposit payable on application is reduced accordingly.

Note: This charge is to recover the cost of auditing and administration of the auditing process.

Charge for establishing construction compliance where producer statements - construction or producer statements - construction review are accepted independently. The number of inspections calculated from the schedule below multiplied by \$2.95 plus 7.5% of the cost of inspections calculated from the schedule below plus \$59.00 per project.

The charge payable on issue of the building consent is reduced accordingly:

Value of Work (\$)	Number of Inspections	Charge per Inspection (\$)
Up to 5,000	1	26.00
5,001 - 25,000	3	53.00
25,001 - 50,000	4	53.00
50,001 - 100,000	5	53.00
100,001 - 150,000	6	53.00
150,001 - 250,000	8	53.00
250,001 - 500,000	10	53.00
500,001 - 1,000,000	13	53.00
Additional per 500,000 increment	6	53.00

Note:

- (a) The \$2.95 charge per inspection is to cover the cost of receiving and recording the notification of inspections required to enable auditing to be carried out.
- (b) 7.5% of the total inspection cost charged when the Council provides inspection services is to meet the cost of audit inspection.
- (c) The \$59.00 charge is for the receipt and checking of producer statements before issuing code compliance certificates.

6.8.2 Additional charge where a producer statement - design review is required to accompany a producer statement – design.

Part B charge applies.

If the Council itself engage a person to provide a producer statement - design review, the costs of that engagement will be charged to the applicant.

6.8.3 Additional charge where a producer statement - construction review is required to accompany a producer statement - construction

Part B charge applies.

If the Council itself engage a person to provide a producer statement construction review, the costs of that engagement will be charged to the applicant.

Part 7

Auckland Council application to provide producer statements to establish compliance with the building code.

Applicant's details (please print)

Name: _____ Author number: _____

Company: _____

Address: _____ Postcode: _____

Email: _____

Phone (work): _____ (mobile): _____ Fax: _____

Documentation

A producer statement is used by the council as “reasonable grounds” for assuring itself for compliance with the building code (Building Regulations 1992, Schedule 1). Your portfolio provides the council evidence of your competency, therefore your portfolio should include:

- Documents relating to qualifications and relevant courses attended
- Documents confirming current membership to relevant organisations
- Documentation provided to customers in a typical project, including any quality assurance documentation
- Public liability and public indemnity insurance policy documents held by you or your company
- References from peers and customers
- Type of producer statement and related clauses of the building code (Building Regulations 1992, Schedule 1), see below.

To ensure the council holds the correct information for you, please complete the fields below. Indicate which clauses of the building code (Building Regulations 1992, Schedule 1) each producer statement relates to.

Producer statement – design (PS1)

Clauses: _____

Producer statement – design review (PS2)

Clauses: _____

Producer statement – construction (PS3)

Clauses: _____

Producer statement – construction review (PS4)

Clauses: _____

Specify a category, eg plasterer, structural, geotechnical, fire, mechanical: _____

Insurance provider: _____

Professional indemnity value: _____ Expiry date: _____

Public liability value: _____ Expiry date: _____

Signature: Name (print) _____

Applicant's signature: _____ Date: _____

Auckland Council

7.1 Conditions of acceptance of producer statements to establish compliance with the building code

Producer statements are documents submitted to the Council by the building consent applicant to establish compliance with all or any of the provisions of the building code. The Council at its direction may accept the statements. The Council will audit a random sample of work for which producer statements have been accepted, or for which acceptance has been agreed, for compliance with the Building Act and building code. The extent of the audit will be as determined by the Council. The cost of auditing is met from a small charge to all applicants who use producer statements. Where the use of producer statements is intended by the applicant and approved by the Council, they will be accepted by the Council on the following basis:

- (a) That the applicant completes the application to provide producer statement form:
- (b) That persons preparing the producer statements are deemed suitable by the Council to prepare statements. Assessment criteria include:
 - 1. Demonstrated competence in the type of and scale of project subject to the statement.
 - 2. Appropriate qualifications.
 - 3. Suitable experience.
 - 4. Current membership of appropriate trade/professional organisations.
 - 5. Standard of documented quality assurance procedures.
- (c) That the applicant undertakes to provide producer statements in the form approved by the Council and on the relevant IPENZ/CPEng/NZIA/ACENZ form (i.e. PS1, PS2, PS3 OR PS4). (Alternatively, the exact wording of the accepted producer statement wording may be reproduced on the contractor's letterhead). Where producer statements are intended to confirm as built compliance with the building code, these are to be provided with the applicant's advice of completion of building work and are a pre-requisite to the issue of a code compliance certificate by the Council.
- (d) That the applicant and/or the person responsible for the preparation of the producer statement advises the Council immediately of any circumstances that may lead to the inability to provide the statement or to non-compliance with the building code. The Council reserves the right to take whatever action it considers necessary to satisfy itself on reasonable grounds that the work authorised by the building consent will comply, or does comply whichever the case may be, with the Building Act 2004 and regulations thereto. The cost of such reasonable action to be borne by the building consent applicant.

Auckland Council

**7.2 Information required to assess suitability and acceptance
of authors of producer statements – design**

Note: Persons providing information should read the reverse of this form

Form 2

Name: _____

Address: _____

Telephone: _____ Fax: _____

Qualifications: _____

Membership of professional and/or trade organisations:

Note: If CPEng NZ registration held, please supply a copy of the CPEng registration confirmation.

1. Experience in projects similar in nature and scope to that proposed to be covered by the producer statement. (Details of two required).

(a) Project description _____

Approximate value of project _____

Approving territorial authority _____

(b) Project description _____

Approximate value of project _____

Approving territorial authority _____

Extent of experience in the design of similar projects to that proposed to be covered by the producer statement.

Details of Quality Assurance procedures

2. Written references from peers attesting to the recent technical experience of the Designer attached (three required).

3. Level of Professional Indemnity insurance (to be maintained for a period of 6 years after issue of the building consent or code compliance certificate:

I declare this information is correct and have read, understand and accept the statements made on the reverse of this form in relation to my rights under the Privacy Act 1993.

Name: _____ Designer: _____

Date: _____

Privacy Act 1993

I hereby confirm and acknowledge that:

1. That Council is authorised by me to collect, retain and use, personal information about me ("Information") for the purposes of assessing my suitability as an author of producer statements given to the Council. The information may be collected from me or from any other source available to the Council, including but not limited to the professional/trade organisation, referees and territorial authorities referred to in the attached application, and any other persons or companies with whom I am or have been associated.
2. I am aware that in the event that the Information is not supplied or is not satisfactory to the Council, then my suitability to prepare producer statements may not be established by the Council.
3. I am aware that the information will be retained by the Council and be accessible by the Council's employees and other persons engaged by the Council for the purposes of assessing and reviewing the suitability of authors of producer statements.
4. The Council is hereby authorised to disclose all or any part of the information to any other territorial authority in New Zealand, which makes enquiries regarding my suitability as an author of producer statements.
5. I understand that I have rights under the Privacy Act 1993 to have access to the Information where it can be readily retrieved and to request correction of the Information and to be informed of the action taken in response to any such request and/or to the request that there be attached to the Information a statement which I can supply to the Council relating to the fact that I have requested a correction. I agree to pay the Council the reasonable charges imposed by the Council in relation to the time and attendances involved in complying with my request in this regard.

Auckland Council

**7.3 Information required to assess suitability and acceptance
of authors of producer statements - design review**

Note: Persons providing information should read the reverse of this form

Form 3

Name: _____

Address: _____

Telephone: _____ Fax: _____

Qualifications:

Membership of professional and/or trade organisations:

1. Experience in projects similar in nature and scope to that proposed to be covered by the producer statement. (Details of two required).

(a) Project description _____

Approximate value of project _____

Approving territorial authority _____

(b) Project description _____

Approximate value of project _____

Approving territorial authority _____

Extent of experience in the design of similar projects to that proposed to be covered by the producer statement.

Details of Quality Assurance procedures

2. Written references from peers attesting to the recent technical experience of the Design Reviewer attached (three required).

3. Level of Professional Indemnity insurance (to be maintained for a period of 6 years after issue of the building consent or code compliance certificate:

I declare this information is correct and have read, understand and accept the statements made on the reverse of this form in relation to my rights under the Privacy Act 1993.

Name: _____ Designer: _____

Date: _____

Privacy Act 1993

I hereby confirm and acknowledge that:

1. That Council is authorised by me to collect, retain and use, personal information about me ("Information") for the purposes of assessing my suitability as an author of producer statements given to the Council. The information may be collected from me or from any other source available to the Council, including but not limited to the professional/trade organisation, referees and territorial authorities referred to in the attached application, and any other persons or companies with whom I am or have been associated.
2. I am aware that in the event that the Information is not supplied or is not satisfactory to the Council, then my suitability to prepare producer statements may not be established by the Council.
3. I am aware that the information will be retained by the Council and be accessible by the Council's employees and other persons engaged by the Council for the purposes of assessing and reviewing the suitability of authors of producer statements.
4. The Council is hereby authorised to disclose all or any part of the Information to any other territorial authority in New Zealand, which makes enquiries regarding my suitability as an author of producer statements.
5. I understand that I have rights under the Privacy Act 1993 to have access to the Information where it can be readily retrieved and to request correction of the Information and to be informed of the action taken in response to any such request and/or to the request that there be attached to the Information a statement which I can supply to the Council relating to the fact that I have requested a correction. I agree to pay the Council the reasonable charges imposed by the Council in relation to the time and attendances involved in complying with my request in this regard.

Auckland Council

**7.4 Information required to assess suitability and acceptance
of constructors to prepare producer statements -
construction**

Note: Persons providing information should read the reverse of this form

Form 4

Name of Constructor: _____

Address: _____

Telephone: _____ Fax: _____

Membership of professional and/or trade organisations:

1. Experience in projects similar in nature and scope to that proposed to be covered by the producer statement. (Details of two required).

(a) Project description _____

Approximate value of project _____

Approving territorial authority _____

(b) Project description _____

Approximate value of project _____

Approving territorial authority _____

Extent of experience in the design of similar projects to that proposed to be covered by the producer statement.

Details of Quality Assurance procedures

2. Written references from peers attesting to the recent construction experience of the Constructor attached (three required).

I declare this information is correct and have read, understand and accept the statements made on the reverse of this form in relation to my rights under the Privacy Act 1993.

Name: _____ Constructor: _____

Date: _____

Privacy Act 1993

I hereby confirm and acknowledge that:

1. That Council is authorised by me to collect, retain and use, personal information about me ("Information") for the purposes of assessing my suitability as an author of producer statements given to the Council. The information may be collected from me or from any other source available to the Council, including but not limited to the professional/trade organisation, referees and territorial authorities referred to in the attached application, and any other persons or companies with whom I am or have been associated.
2. I am aware that in the event that the Information is not supplied or is not satisfactory to the Council, then my suitability to prepare producer statements may not be established by the Council.
3. I am aware that the information will be retained by the Council and be accessible by the Council's employees and other persons engaged by the Council for the purposes of assessing and reviewing the suitability of authors of producer statements.
4. The Council is hereby authorised to disclose all or any part of the Information to any other territorial authority in New Zealand, which makes enquiries regarding my suitability as an author of producer statements.
5. I understand that I have rights under the Privacy Act 1993 to have access to the Information where it can be readily retrieved and to request correction of the Information and to be informed of the action taken in response to any such request and/or to the request that there be attached to the Information a statement which I can supply to the Council relating to the fact that I have requested a correction. I agree to pay the Council the reasonable charges imposed by the Council in relation to the time and attendances involved in complying with my request in this regard.

Auckland Council

**7.5 Information required to assess suitability and acceptance
of construction reviewers to prepare producer statements**

Note: Persons providing information should read the reverse of this form

Form 5

Name of Constructor Reviewer: _____

Address: _____

Telephone: _____ Fax: _____

Qualifications:

Membership of professional and/or trade organisations:

1. Experience in projects similar in nature and scope to that proposed to be covered by the producer statement. (Details of two required).

(a) Project description _____

Approximate value of project _____

Approving Territorial Authority _____

(b) Project description _____

Approximate value of project _____

Approving Territorial Authority _____

Extent of experience in the design of similar projects to that proposed to be covered by the producer statement.

Details of Quality Assurance procedures

2. Written references attesting to the recent relevant experience of the Reviewer attached (three required).

I declare this information is correct and have read, understand and accept the statements made on the reverse of this form in relation to my rights under the Privacy Act 1993.

Name: _____ Construction Reviewer: _____

Date: _____

Privacy Act 1993

I hereby confirm and acknowledge that:

1. That Council is authorised by me to collect, retain and use, personal information about me ("Information") for the purposes of assessing my suitability as an author of producer statements given to the Council. The information may be collected from me or from any other source available to the Council, including but not limited to the professional/trade organisation, referees and territorial authorities referred to in the attached application, and any other persons or companies with whom I am or have been associated.
2. I am aware that in the event that the Information is not supplied or is not satisfactory to the Council, then my suitability to prepare producer statements may not be established by the Council.
3. I am aware that the information will be retained by the Council and be accessible by the Council's employees and other persons engaged by the Council for the purposes of assessing and reviewing the suitability of authors of producer statements.
4. The Council is hereby authorised to disclose all or any part of the Information to any other territorial authority in New Zealand, which makes enquiries regarding my suitability as an author of producer statements.
5. I understand that I have rights under the Privacy Act 1993 to have access to the Information where it can be readily retrieved and to request correction of the Information and to be informed of the action taken in response to any such request and/or to the request that there be attached to the Information a statement which I can supply to the Council relating to the fact that I have requested a correction. I agree to pay the Council the reasonable charges imposed by the Council in relation to the time and attendances involved in complying with my request in this regard.

Auckland Council

7.6 Approval for the use of producer statements to establish compliance with the building code

Form 6

Building consent no: _____

Building consent applicant: _____

Name: _____

Address: _____

Telephone: _____ Fax: _____

Project: _____

Location: _____

Clauses of Building Regulations 1992 producer statements are to relate to:

Name of person preparing producer statement – design (Relating to the following clauses of the Building Regulations):

Clauses: _____

Name: _____

Address: _____ Telephone: _____

Name of person preparing producer statement – construction (Relating to the following clauses of the Building Regulations):

Clauses: _____

Name: _____

Address: _____ Telephone: _____

This approval is for the acceptance by the Council of producer statements for the purpose of establishing compliance with the building code.

Acceptance is in accordance with the conditions of acceptance detailed on the reverse of this form.

Signed for and on behalf of the Council: _____

Name: _____

Position: _____ Date: _____

8.0 Workmanship statement

Project site address: _____

Building consent number: _____

I (contractor's name) _____ being a current
licensed/approved applicator of
(manufacturer/company) _____

certify that the applied membrane (product name) _____

has been applied in the following locations (areas such as bathroom etc)
_____ has been installed
in accordance with the manufacturer's instructions and specifications using the (version
dated) _____.

The above product used has a durability of _____ as outlined by the
manufacturer/ company.

Furthermore, I am satisfied on reasonable grounds that the works specified above have
been completed to the extent required by the above-mentioned building consent,
including any conditions that have been imposed of the building consent, and that the
works do comply with the New Zealand building code. I understand that if this statement
is accepted, Auckland Council will rely on it for the purposes of establishing compliance
with the building code.

Contractor (print): _____

Contractor (sign): _____

Date: _____

Phone numbers: _____

Contractor address: _____