

Accepting producer statements design (PS1) and design review (PS2) as a means of confirming compliance

This article explains some of the main issues council processors and engineers encounter while assessing producer statements provided with building consent applications. Before we start, we should look at a brief background into why we have a producer statement policy and author register.

The council's producer statement policy created the requirement for an author register as a means of listing authors who had been vetted for reliability to a level where the council could be satisfied on reasonable grounds that the producer statement provided could be relied upon as a means of establishing compliance with the Building Code. Although not specifically mentioned in the Building Act 2004, producer statements can eliminate unnecessary time delays and extra costs to assess work, which enables the council to rely on professionals who have proven their reliability.

The author vetting process includes a background check into the person's qualifications, insurance, professional memberships, previous projects etc. from the information provided. Once the council has established trust and confidence in the author, they are listed on the register along with details about their area of expertise; the code clauses they can cover; any limitations or probationary periods and expiry dates that may be applicable. In making an application to become an approved author, the author agrees to abide by the council's producer statement policy.

The majority of building consent applications received today usually has some form of reliance on producer statements from structural, geotechnical, mechanical, fire or other engineering disciplines. The producer statement policy describes how a processor can assess the statement depending on the level of risk category given to the project. As an example, a simple raft type slab for a dwelling would be classified in the low risk category and therefore only require an assessment of the PS1 for completeness (including the engineer being on the PS authors register) and a cursory check of accompanying calculations to ensure they match the plans. This is then approved along with an agreement from the applicant for the slab to be inspected by an approved engineer (also on our register), if applicable and a producer statement construction review (PS4) being provided to the council.

The savings in time here include not having to send the application to the council's engineers to assess as well as possibly eliminating the need for a council inspection (subject to other criteria being met).

This system has been adopted across the country and scrutinised by International Accreditation NZ through their regular audits and it is generally regarded as an acceptable risk managed process providing the policy is followed correctly.

However, from time to time we see a slip in the level of information being provided on the producer statements. Below are some examples of issues which have held up the processing of consents:

1. Statement is incomplete or unsigned. It is important engineers are specific about the nature of work covered by the producer statement. Having a covering letter referenced on the PS1 is a good way to ensure all work is described when there is not enough room on the statement itself. The signature should be that of the author listed on the Producer Statement register. Some larger design firms only carry a few authors on the register so it's important they are the ones who sign the statements.
2. Specific description of work covered in the PS1 is not clear and accurate. Stating "*all specific engineering design*" as a description may lead the engineer into trouble if there are other SED

elements in the building which they haven't designed, e.g. roof trusses. An accurate statement of the specific design together with calculations will eliminate any confusion.

3. All producer statements should be accompanied by the supporting design calculations and the relevant plans signed by the engineer issuing the producer statement to ensure that the design has been correctly incorporated into the plans.
4. We have several smaller modular building companies who have not changed their design for years and continue to use old producer statements. Because loading standards have changed, both the design calculations and producer statement must be updated to reflect current standards.
5. If a geotechnical report is used to support a design, this should also be referenced clearly on the PS1. Geotechnical reports must be prepared by engineers who have experience in geotechnical engineering and approved for such work on the Council Producer Statement register.
6. Geotechnical engineers agree that most sites in Auckland do not meet the definition¹ of 'good ground'. If soil expansiveness has not been determined by a geotechnical engineer, structural engineers tend to assume that it is 'Class M' expansive soils; however, we find that slabs are not being designed in accordance with AS2870:2011.

All ribraft slabs must be designed in accordance with AS2870:2011 for 'Class M' soils and be supported with design calculations. If the design differs from AS2870:2011 it must be justified and supported with a comprehensive structural engineering design.

7. All producer statement authors are expected to cover B2 Durability together with any other specific Building Code clauses that apply. If the engineer does not cover B2, the producer statement will not be accepted. (Note that coverage of B2 is a requirement of the council's Producer Statement Policy).
8. Structural engineers who issue PS1 / PS2 must address the following items when designing / reviewing work:-
 - protection of other properties from fire
 - fire ratings meet the requirements of the fire report
 - the effects on other properties when excavations are performed on or close to the boundary
 - surcharges on boundary retaining walls
 - effects on public drains
9. Although not all engineers are chartered professional engineers, if a PS2 is provided along with a PS1, it is important that the PS2 author is independent and provides an unbiased opinion. The PS2 author must also be listed on the council's producer statement register.
10. If the author is a member of IPENZ they must use the ACENZ producer statement.

¹ Refer to definitions in NZS3604:2011

Not all producer statements have issues; the majority are accepted without delay. However, in some cases the above issues cause delays. If these are addressed prior to lodging your application, the processing of the application will become easier for the processors resulting in less time being spent assessing; ultimately saving you and your client time and money.