

Dear NSW Government,

The Association of Consulting Structural Engineers (ACSE) New South Wales is a professional body representing the interests of over 50 independent engineering consulting firms ranging in size from small local firms to global multi-national companies. The ACSE has a long and proud history of service to its members, the profession and the wider community, since its inception in 1933, and has contributed to many positive changes within the industry. Any proposed NSW Building reforms is of high interest to our members and hence the ACSE board has collectively reviewed and endorsed the attached responses to the "Building Stronger Foundations" discussion paper.

We take this opportunity to reinforce the following points:

- We endorse a strong registration system covering all building designers, practitioners, builders, however any system must focus primarily on improving construction quality.
- As designers of building structures, we are responsible for carrying out a design in accordance with the relevant NCC requirements and maintain Professional Indemnity (PI) insurance. A new registration should ensure the responsibility rests with the Company who holds PI insurance and is in control of the design work being undertaken rather than the individual.
- A peer review system on building designs is supported as one measure to improve design quality but do not believe it will be a fix for all of the current issues faced by the industry.
- It is essential that contractors who are responsible for the construction works are registered in the building practitioner scheme with the scheme addresses the passing of construction risk and responsibility to subcontractors and designers. It is ultimately the contractors who have control over the construction process.
- As design engineers we carry out periodic inspections of the works that we have designed, but are not engaged to build or supervise the construction. We have legal advice that we will not be covered under our PI policy if we certify that the structure is **constructed** in accordance with the drawings and codes – we are only covered for the inspection works that we do. It is essential that any legislation does not make PI either too expensive, or make it null and void due to assumed liability under contract.
- The ACSE has recently held an industry workshop and broadly agree that a similar system to the current New Zealand system which covers design, design reviews, construction and inspections is appropriate.

The ACSE Board would welcome the opportunity to collaborate further with the NSW Government on improving building quality.

Kind Regards,

Joyce Lee  
ACSE President

## Part 3 – Introducing ‘building designers’ into NSW legislation

### 3.2 Role and function of ‘Building Designers’

<i>Question</i>	<i>Feedback</i>
<p>1. What kinds of plans should be signed off and declared by a statutory declaration?</p>	<ul style="list-style-type: none"> <li>– It is only feasible for plans that are “for Construction” issue – prior to this the documentation is not complete.</li> <li>– In today’s “Design and Construct” environment, it is common for Structural Engineering designers to provide design intent documentation, with some detailed design and final “For Construction” documentation carried out by specialist sub-contractors to the Main Contractor. This may include items such as post tensioned concrete floor slabs, foundation pile and shoring design and façade systems as examples.</li> </ul> <p>The final designer of these systems would need to provide Statutory Declarations to the Certifier, and the final designer would need to be registered.</p> <ul style="list-style-type: none"> <li>– It is the normal situation in major buildings that structural engineering designs are accompanied by a Design Certificate, noting compliance with the structural requirements of the BCA, relevant Australian Standards and specific items such as Fire Engineering reports (which may have differing requirements to the BCA, through performance solutions).</li> <li>– The proposed “sign off” of structural drawings occurs at present and would appear to make little difference to the current situation.</li> <li>– Façade designs are bespoke for most buildings and are almost always designed by a specialist subcontractor. They are a more challenging question, as facades are often carried out by a number of different parties. In our opinion the interface between separately designed and constructed elements is the most likely cause of leaks, so an overall “Designer” needs to be engaged to address this issue. Additionally, the construction of the works would need to have an overall responsible party – presumably the Main Contractor.</li> <li>– For structural designs, a common, agreed and accepted certificate/declaration is strongly recommended. This wording should be checked legally to ensure that the responsibility for the designs is carried by the designer, but should also be checked with the Insurance industry, to ensure that this within the coverage of normal Professional Indemnity Policies.</li> </ul> <p>We suggest that a certificate system along the lines of the NZ Guidelines (attached) is adopted.</p> <p><b>It is not in anyone’s interest to have PI coverage declined due to contractual/legal requirements.</b></p>

## Part 3 – Introducing ‘building designers’ into NSW legislation

### 3.2 Role and function of ‘Building Designers’

<i>Question</i>	<i>Feedback</i>
<p>2. Could plans be statutorily declared at the CC/CDC stages? If not, why not?</p>	<ul style="list-style-type: none"> <li>– For structural engineering designs, this is what typically occurs at present, so the answer is Yes.</li> <li>– CC documents should reflect construction documents as far as practicable or the CC should be staged if all construction documents not available.</li> <li>– As noted above, there may be some Design + Construct (D+C) elements that may not be complete at this stage. We suggest that it is feasible, as is currently common practice, for the structural engineer to provide sufficient documents to define the size, extent and type of elements.</li> <li>– If there is a D+C component, it may be necessary to add an additional stage, whereby the construction of an element may not commence until complete. “For Construction” documentation is issued and certified.</li> <li>– For D+C elements, within a structural design, a certificate issued to a certifier should note the D+C elements to be completed. This would notify and allow the certifier to obtain the required Statutory Declaration prior to construction works occurring.</li> <li>– A similar process could occur for façade engineering design.</li> </ul>
<p>3. To what extent should changes to plans be submitted to the regulator?</p>	<p>This is a difficult issue to provide a definitive regulation –</p> <ul style="list-style-type: none"> <li>– By providing a Registration Scheme for Building Practitioners, there will be a level of professionals who could provide guidelines, as well as the Regulator/Certifier defining the extent of changes that require submission.</li> <li>– Where there is a substantial change to the submitted documentation, this should be resubmitted. In structural terms, this may include changes to the type of construction e.g. changing from concrete to steel framed building. However minor changes e.g. changing a concrete slab thickness from 250mm to 240mm, or modifying a detail to suit site conditions, may not require resubmission for approval this would significantly slow down the process.</li> <li>– The final “For Construction” documentation and any modifications/advice to the site should be issued to the Certifier, with appropriate design certification.</li> </ul>

## Part 3 – Introducing ‘building designers’ into NSW legislation

### 3.2 Role and function of ‘Building Designers’

<i>Question</i>	<i>Feedback</i>
4. Should a statutory declaration accompany all variations to plans or only major variations?	<ul style="list-style-type: none"> <li>– We agree with the process that significant changes to plans are statutorily declared before work is undertaken i.e. before Construction commences.</li> </ul>
5. Are there any obstacles that would prevent a person from submitting a statutory declaration for variations? If so, what are those obstacles?	<ul style="list-style-type: none"> <li>– Minor modifications to the design documentation are common during construction e.g. substituting a larger number of smaller diameters reinforcing bars than the designed, to provide similar reinforcement quantity. This is a minor change that does not affect the design. In this case, we recommend that changes are documented (typically onsite Advice) and advised to the Contractor / Builder and Certifier.</li> </ul>
6. What other options could be workable if there are variations to plans?	<ul style="list-style-type: none"> <li>– Major changes should be resubmitted on the documents, with a new declaration.</li> </ul>
7. How could the modifications process be made simpler and more robust?	<ul style="list-style-type: none"> <li>– The final design documentation used for construction should have a final declaration and accompanying list of design documents for submission to the Certifier.</li> <li>– In the event of a query as to whether the change is minor and major, the Certifier should advise (which is commonly the case now).</li> </ul>
8. How should plans be provided to, or accessed by, the Building Commissioner?	<ul style="list-style-type: none"> <li>– In the event that all plans are submitted to the Building Commissioner, there will need to be a <u>substantial</u>, searchable electronic storage system.</li> </ul>
9. What types of documents should ‘building designers’ provide to the Building Commissioner?	<ul style="list-style-type: none"> <li>– The Commissioner should be able to access the documents electronically.</li> <li>– We see an advantage in a centralised, government controlled record of building plans and documentation – this would reduce the issue of companies ceasing to trade and documents not then being available.</li> <li>– Structural documents would include the final design plans, certificates and specifications.</li> <li>– Detailed fabrication and “shop” drawings should also be provided for submission to the Commissioner. If required for an audit, they should be also available through the builder, who would need a legislated requirement to keep them.</li> <li>– This is a challenging question and will depend on the role and resourcing of the Building Commissioner.</li> </ul>

## Part 3 – Introducing ‘building designers’ into NSW legislation

### 3.2 Role and function of ‘Building Designers’

Question	Feedback
2. <i>Explaining through documentation how any performance solutions used in the design and construction of the building comply with the BCA</i>	
10. In what circumstances would it be difficult to document performance solutions and their compliance with the BCA?	<ul style="list-style-type: none"> <li>– For most building structures, the design is to comply with relevant Australian Standards, which are referenced in the BCA as DTS solutions. Performance solutions are not common.</li> </ul>
11. Would a performance solution report be valuable as part of this process? If not, why not?	<ul style="list-style-type: none"> <li>– Where items are not covered by Australian Standards, it is common to refer to relevant requirements of an appropriate overseas standard, such as American, Eurocode, British Standards.</li> </ul>
12. Are there any other methods of documenting performance solutions and their compliance that should be considered?	<ul style="list-style-type: none"> <li>– Performance solutions that are not covered by Australian or overseas standards, could be Peer Reviewed by a second engineer. We suggest the Certifier should be able to determine if a Peer Reviewer is required and should be able to direct the Developer of the project of this requirement, including engagement and scope.</li> </ul>
3. Declaring that buildings are constructed according to building plans	
13. What would the process for declaring that a building complies with its plans look like?	<ul style="list-style-type: none"> <li>– It is our submission that it is <u>essential</u> that there is a required certification from the principal contractor that the work is constructed in accordance with the plans and specifications. This may require a number of statements from the sub-contractors and other professionals. No such requirement exists at present.</li> </ul>
14. What kind of role should builders play in declaring final building work?	<ul style="list-style-type: none"> <li>– Currently, there is an expectation that the structural engineer carries out periodic inspections, and therefore the building construction is “certified”. This is not correct and is not placing responsibility with the entity that controls the construction process i.e. the Principal Contractor.</li> </ul>
15. Which builders involved in building work should be responsible for signing off on buildings?	<p>While engineers are commonly carrying out inspections of reinforcement etc. prior to concrete pours, they are not engaged to “supervise” the construction, and not able to inspect all aspects of the structure. Our PI insurance will not cover us for assumed liabilities, outside out scope of works and responsibility.</p>
16. Are there any circumstances which would make it difficult for builders to declare that buildings are constructed in accordance with their plans? If so, what are those circumstances?	<ul style="list-style-type: none"> <li>– We propose a system similar to the New Zealand requirements. This requires – <ul style="list-style-type: none"> <li>○ A registered designer to sign off that their design meets the requirements of the BCA (NZ PS1).</li> <li>○ If required, an independent design check and certification is carried out (NZ PS2).</li> </ul> </li> </ul>

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Question	Feedback
	<ul style="list-style-type: none"> <li>○ The contractor is to certify the construction is in accordance with the plans/specifications. They may rely on certificates from the various contractors (NZ PS3).</li> <li>○ A verification system applies, with construction monitoring as per NZ CM1 – CM5 definition. This is a definition of expected level of construction monitoring assessed by the designer, then agreed by the building certifier and adopted prior to the commencement of construction. This would better differentiate expectations early as well as give all consultants a clear basis to agree scope and fee (NZ PS4).</li> <li>○ A copy of relevant New Zealand certificates and verification inspection levels is attached.</li> <li>○ As the Builder/Principal Contractor is engaged to construct the building, it is their responsibility to construct in accordance with the plans. In the event of the plans not being detailed enough for the construction or there are latent conditions on the site as an example, the designer should be consulted to modify the design.</li> </ul>

## Part 4 – Registration of ‘building designers’

### 4.1 Overview of registration

Question	Feedback
17. Are existing licensing regimes appropriate to be accepted as registration for some builders and building designers, such as architects, for the new scheme?	– No. There is no registration scheme currently in NSW

### 4.2 The registration scheme

18. What occupations or specific activities are involved in ‘building design’ and should be in scope for the registration scheme?	– Professional Indemnity insurance cover is normally taken out by a Company, and in this case, we believe it is <u>essential that the company is registered as a Designer</u> , with sign off by a registered building designer within the company on their behalf. Change to an individual responsibility will have unintended consequences and may mean designers are not covered by Professional Indemnity insurance, which would not be an acceptable situation in the event of an error occurring. Currently for major projects it is impractical for an individual to be individually responsible for all aspects of a design.
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## Part 4 – Registration of ‘building designers’

### 4.1 Overview of registration

<i>Question</i>	<i>Feedback</i>
	<ul style="list-style-type: none"> <li>– Structural Engineers (for the design of building structures) could be registered under National Engineers Register – Engineers Australia. A similar scheme to Queensland could be adopted which recognises NER to obtain registration.</li> <li>– Façade Engineers could also be registered, with structural components signed off by appropriate NER structural engineers, and waterproofing based on appropriate experience and expertise.</li> <li>– We do not see a need for draftspersons associated with the production of structural engineering documentation to be registered, Draftspersons performing this role rely on the structural engineer involved in the project to prepare the design and check all documentation prior to release.</li> <li>– It is worth considering the experience and expertise of companies in the design of major structures. In the event that the specific company has limited expertise, a Peer Review could be determined to be required by the Certifier.</li> <li>– Architects, Builders, Building Designers (including engineers) should be registered.</li> </ul>
19. What should be the minimum requirements for a registration scheme?	<ul style="list-style-type: none"> <li>– For structural engineers, a minimum requirement is an eligibility for acceptable on NER. There should be a registration scheme that covers companies as well as individuals.</li> </ul>
20. What form of insurance should be mandatory for ‘building designers’? Why?	<ul style="list-style-type: none"> <li>– Professional Indemnity Insurance should be mandatory. The level of insurance should be related to the size of the project. The PI should be maintained by the Company (not the individual).</li> </ul>
21. What kinds of minimum requirements should be prescribed for the insurance policy (for example, value, length of cover, etc.)?	<ul style="list-style-type: none"> <li>– Companies should also have Workers Compensation and Public Liability Insurance</li> <li>– The insurance industry should be engaged to provide feedback on any legislative reforms that potentially affects PI coverage and the ability of firms and practitioners to obtain reasonably priced policies.</li> </ul>
22. What skills should be mandatory for ‘building designers’?	<ul style="list-style-type: none"> <li>– For structural engineers, eligibility for acceptance on NER. Specific qualifications are required for this.</li> </ul>
23. Should specific qualification(s) be required?	<ul style="list-style-type: none"> <li>– A similar registration scheme to Queensland and Victoria could apply.</li> </ul>
24. Should there be other pre-requisites for registration?	

## Part 4 – Registration of ‘building designers’

### 4.1 Overview of registration

<i>Question</i>	<i>Feedback</i>
25. What powers should be provided to the regulator to support and enforce compliance by registered ‘building designers’?	<ul style="list-style-type: none"> <li>– The powers noted in the discussion paper would appear appropriate.</li> <li>– Audits should be the initial verification method of compliance.</li> </ul>

## Part 5 – Duty of care of building practitioners

### 5.3 Establishing a duty of care

<i>Question</i>	<i>Feedback</i>
26. Which categories of building practitioners should owe a duty of care?	The questions of Duty of Care are legal issues and may be seen to be outside of our ability to provide a detailed response. However, we note –
27. What should be the scope of the duty of care? Should it apply to all or certain types of work? If so, which work?	<ul style="list-style-type: none"> <li>– As structural engineers, there is an expectation that the building structure will be adequately designed (and constructed by the builder) in accordance with the requirements of Australian Standards and the BCA.</li> </ul>
28. How will the duty of care operate across the contract chain?	<ul style="list-style-type: none"> <li>– As most engineers have limited resources, it is essential that the legislation does not mean that our work becomes uninsurable or falls outside of normal Professional Indemnity Insurance or premiums rise to a level that is not commercial. Unfortunately, mistakes do occur, and the end users must have the security of insurance.</li> </ul>
29. What types of consumers should be owed a duty of care?	<ul style="list-style-type: none"> <li>– The insurance industry should be engaged to provide feedback on any legislative reforms that potentially affects PI coverage and the ability of firms and practitioners to obtain reasonably priced policies.</li> </ul>
30. On what basis should a particular consumer be afforded the protection?	

## GUIDANCE ON USE OF PRODUCER STATEMENTS

Producer statements were first introduced with the Building Act 1991. The producer statements were developed by a combined task committee consisting of members of the New Zealand Institute of Architects, Engineering New Zealand, Association of Consulting Engineers New Zealand in consultation with the Building Officials Institute of New Zealand. The original suit of producer statements has been revised at the date of this form as a result of enactment of the Building Act (2004) by these organisations to ensure standard use within the industry.

The producer statement system is intended to provide Building Consent Authorities (BCAs) with reasonable grounds for the issue of a Building Consent or a Code Compliance Certificate, without having to duplicate design or construction checking undertaken by others.

**PS1 Design** Intended for use by a suitably qualified independent design professional in circumstances where the BCA accepts a producer statement for establishing reasonable grounds to issue a Building Consent;

**PS2 Design Review** Intended for use by a suitably qualified independent design professional where the BCA accepts an independent design professional's review as the basis for establishing reasonable grounds to issue a Building Consent;

**PS3 Construction** Forms commonly used as a certificate of completion of building work are Schedule 6 of NZS 3910:2013 or Schedules E1/E2 of NZIA's SCC 2011<sup>2</sup>

**PS4 Construction Review** Intended for use by a suitably qualified independent design professional who undertakes construction monitoring of the building works where the BCA requests a producer statement prior to issuing a Code Compliance Certificate.

This must be accompanied by a statement of completion of building work (Schedule 6).

The following guidelines are provided by ACENZ, Engineering New Zealand and NZIA to interpret the Producer Statement.

### Competence of Design Professional

This statement is made by a Design Firm that has undertaken a contract of services for the services named, and is signed by a person authorised by that firm to verify the processes within the firm and competence of its designers.

A competent design professional will have a professional qualification and proven current competence through registration on a national competence based register, either as a Chartered Professional Engineer (CPEng) or a Registered Architect.

Membership of a professional body, such as Engineering New Zealand or the New Zealand Institute of Architects (NZIA), provides additional assurance of the designer's standing within the profession. If the design firm is a member of the Association of Consulting Engineers New Zealand (ACENZ), this provides additional assurance about the standing of the firm.

Persons or firms meeting these criteria satisfy the term "suitably qualified independent design professional".

### \*Professional Indemnity Insurance

As part of membership requirements, ACENZ requires all member firms to hold Professional Indemnity Insurance to a minimum level.

The PI Insurance minimum stated on the front of this form reflects standard, small projects. If the parties deem this inappropriate for large projects the minimum may be up to \$500,000.

### Professional Services during Construction Phase

There are several levels of service which a Design Firm may provide during the construction phase of a project (CM1-CM5 for Engineers<sup>3</sup>). The Building Consent Authority is encouraged to require that the service to be provided by the Design Firm is appropriate for the project concerned.

### Requirement to provide Producer Statement PS4

Building Consent Authorities should ensure that the applicant is aware of any requirement for producer statements for the construction phase of building work at the time the building consent is issued as no design professional should be expected to provide a producer statement unless such a requirement forms part of the Design firm's engagement.

### Attached Particulars

Attached particulars referred to in this producer statement refer to supplementary information appended to the producer statement.

### Refer Also:

- 1 Conditions of Contract for Building & Civil Engineering Construction NZS 3910: 2013
- 2 NZIA Standard Conditions of Contract SCC 2011
- 3 Guideline on the Briefing & Engagement for Consulting Engineering Services (ACENZ/IPENZ 2004)
- 4 PN Guidelines on Producer Statements

[www.acenz.org.nz](http://www.acenz.org.nz)  
[www.engineeringnz.org](http://www.engineeringnz.org)  
[www.nzia.co.nz](http://www.nzia.co.nz)



New Zealand  
Institute of Architects  
Incorporated



engineering  
new zealand



ACENZ

# CONSTRUCTION MONITORING SERVICES

Construction monitoring is a service which provides the client with independent verification (to the extent of the consultant's engagement) that the works have been completed in accordance with specified requirements.

Most construction projects are unique, but unlike manufactured products which are often thoroughly tested and evaluated during construction and prior to being brought into service, the completed project is rarely tested against all design requirements. Construction works are also complex in detail and skilled professional involvement is necessary for the successful execution of such projects.

Five levels of construction monitoring service are defined. The decision as to which level is appropriate will be project dependent.

Factors influencing the level of construction monitoring for a project are:

- The size of the project
- The importance of the project
- The complexity of the construction works
- The experience and demonstrated skill in quality management of the constructor

The primary responsibility for completing the contract works in accordance with the requirements of the plans and specifications is the constructor's.

The involvement of the consultants is important during the construction phase to ensure that;

- The design is being correctly interpreted,
- The construction techniques are appropriate and do not reduce the effectiveness of the design and
- The work is completed generally in accordance with the plans and specifications

The risk of non-compliance can be reduced by increasing the involvement of the consultant. Because the cost of monitoring increases with increasing levels of service the client should consider all factors before deciding upon the most appropriate level of construction monitoring for the project.

Table 1 sets out the five levels of construction monitoring, describes the types of review and indicates where a particular level of monitoring is appropriate.

Tables 2 and 3 provide rating values for various aspects of a project to enable an assessment of an appropriate monitoring level to be made.

An increase in the quality monitoring of the project works by the consultant significantly reduces the risk that the materials or components do not meet specified requirements, the design has been incorrectly interpreted, and/or poor quality workmanship has been incorporated in the project.

### CONSTRUCTION MONITORING SERVICE

LEVEL	REVIEW	COMMENT
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	This level is only a secondary service. It may be appropriate where: - For the design consultant when another party is engaged to provide a higher level of construction monitoring or review during the period of construction or - When the project works are the subject of a performance based specification and performance testing is undertaken and monitored by others.
CM2	Review, preferable at the earliest opportunity, a sample of <u>each</u> important work procedure, material of construction and component for compliance with the requirements of the plans and specifications and review a representative sample of <u>each</u> important completed work prior to enclosure or completion is appropriate. Be available to provide the constructor with technical interpretation of the plans and specification.	This level of service is appropriate for smaller projects of a routine nature being undertaken by an experienced and competent constructor and where a higher than normal risk of non-compliance is acceptable. It provides for the review of a representative sample of work procedures and materials of construction. The assurance of compliance of the finished work is dependent upon the constructor completing the work to at least the same standard as the representative sample reviewed.
CM3	Review, to an extent agreed with the client, <u>random samples</u> of important work procedures, for compliance with the requirements of the plans and specifications and review <u>important</u> completed work prior to enclosure or on completion as appropriate. Be available to provide the constructor with technical interpretation of the plans and specifications.	This level of service is appropriate for medium sized projects of a routine nature being undertaken by an experienced constructor when a normal risk of non-compliance is acceptable.
CM4	Review, at a frequency agreed with the client, <u>regular samples</u> of work procedures, materials of construction and components for compliance with the requirements of the plans and specifications and review the <u>majority</u> of completed work prior to the enclosure or on completion as appropriate.	This level of services is appropriate for projects where a lower than normal risk of non-compliance is required.
CM5	Maintain personnel on site to <u>constantly</u> review work	This level of service is appropriate for - Major projects - Projects where

<p>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.</p>	<p>the consequences of failure are critical - Projects involving innovative or complex construction procedures. The level of service provides the client with the greatest assurance that the completed work complies with the requirements of the plans and specifications.</p>
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**Table 1 - Construction Monitoring Levels**

The level of construction monitoring suitable for a project can be obtained as follows:

1. Select value of KA to KD from Table 2 and sum total. A value for each K Factor must be included.

Table 2

<b>CRITERIA</b>	<b>K</b>	<b>ASSESSMENT</b>				<b>SELECTED VALUE</b>
Project Status	KA	Small 1	Medium 2	Large 3	Major 4	
Complexity of work procedures	KB	Routine 2	Difficult 4	Complex 6		
Relevant experience of constructor	KC	Inexperienced 6	Experienced 2	Certified ISO 9000 1		
Consequences of non-compliance	KD	Minor 1	Moderate 4	Serious 6	Critical 12	
K TotalL = KA + KB + KC + KD						

2. Use K Total to select the level of construction monitoring appropriate from Table 3.

Table 3

<b>KTOTAL</b>	<b>LEVEL OF CONSTRUCTION MONITORING</b>				
	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CM4</b>	
5-6		Sampling only	-	-	-
7-8		N/A	Weekly	-	-
9-10		N/A	Twice Weekly	-	-
11-12	Secondary	N/A	N/A	Twice Weekly	-
13-14	Service	N/A	N/A	Every second day	-
15-16		N/A	N/A	Daily	-
17-		N/A	N/A	N/A	Constant

N/A = Not Appropriate

Secondary Service - This level of service is only appropriate when another party is responsible for undertaking the primary review of construction standards.

Table 3 indicates the frequency of review considered to be appropriate for the project concerned. Not indicated is the time input requirement at each review. The time on each occasion will increase with the increased size and complexity of the construction works and should be agreed with the consultant at the time of engagement.

Frequency of construction monitoring is intended to be indicative of involvement with actual frequency dependent on the rate of progress of the works.



Building Code Clause(s).....

### PRODUCER STATEMENT – PS1 – DESIGN

(Guidance on use of Producer Statements (formerly page 2) is available at [www.ipenz.nz](http://www.ipenz.nz))

ISSUED BY: .....  
(Design Firm)

TO: .....  
(Owner/Developer)

TO BE SUPPLIED TO: .....  
(Building Consent Authority)

IN RESPECT OF: .....  
(Description of Building Work)

AT: .....  
(Address)

Town/City: ..... LOT ..... DP ..... SO .....  
(Address)

We have been engaged by the owner/developer referred to above to provide:

.....  
(Extent of Engagement)

services in respect of the requirements of Clause(s).....of the Building Code for:

All or  Part only (as specified in the attachment to this statement), of the proposed building work.

The design carried out by us has been prepared in accordance with:

Compliance Documents issued by the Ministry of Business, Innovation & Employment.....OR  
(verification method/acceptable solution)

Alternative solution as per the attached schedule.....

The proposed building work covered by this producer statement is described on the drawings titled:

.....and numbered .....;  
together with the specification, and other documents set out in the schedule attached to this statement.

On behalf of the Design Firm, and subject to:

- (i) Site verification of the following design assumptions .....
- (ii) All proprietary products meeting their performance specification requirements;

I believe on reasonable grounds that a) the building, if constructed in accordance with the drawings, specifications, and other documents provided or listed in the attached schedule, will comply with the relevant provisions of the Building Code and that b), the persons who have undertaken the design have the necessary competency to do so. I also recommend the following level of construction monitoring/observation:

CM1  CM2  CM3  CM4  CM5 (Engineering Categories) or  as per agreement with owner/developer (Architectural)

I, ..... am:  CPEng ..... #  Reg Arch ..... #  
(Name of Design Professional)

I am a Member of:  IPENZ  NZIA and hold the following qualifications:.....

The Design Firm issuing this statement holds a current policy of Professional Indemnity Insurance no less than \$200,000\*.

The Design Firm is a member of ACENZ:

SIGNED BY .....(Signature).....  
(Name of Design Professional)

ON BEHALF OF .....Date.....  
(Design Firm)

Note: This statement shall only be relied upon by the Building Consent Authority named above. Liability under this statement accrues to the Design Firm only. The total maximum amount of damages payable arising from this statement and all other statements provided to the Building Consent Authority in relation to this building work, whether in contract, tort or otherwise (including negligence), is limited to the sum of \$200,000\*.

This form is to accompany Form 2 of the Building (Forms) Regulations 2004 for the application of a Building Consent.  
THIS FORM AND ITS CONDITIONS ARE COPYRIGHT TO ACENZ, IPENZ AND NZIA



Building Code Clause(s).....

# PRODUCER STATEMENT – PS2 – DESIGN REVIEW

(Guidance on use of Producer Statements (formerly page 2) is available at [www.ipenz.nz](http://www.ipenz.nz))

ISSUED BY: .....  
(Design Review Firm)

TO: .....  
(Owner/Developer)

TO BE SUPPLIED TO: .....  
(Building Consent Authority)

IN RESPECT OF: .....  
(Description of Building Work)

AT: .....  
(Address)

Town/City: ..... (Address) LOT ..... DP ..... SO .....

We ..... (Design Review Firm) have been engaged by .....

to review the design documents for this project in respect of the requirements of Clause(s) ..... of the Building Code.

The Review is for  All or  Part only of the design work prepared by ..... (Design Firm)

as described in drawings titled .....

and numbered ..... together with the specification, and other documents set out in the schedule attached to this statement according to which the building is proposed to be constructed.

The Review is in respect of ..... or per attached schedule.  
(aspects of design)

The Review confirms that these aspects of the design are in accordance with:

Compliance Documents issued by the Ministry of Business, Innovation & Employment ..... Or  
(verification method/acceptable solution)

Alternative solution as per the attached schedule.....

**On behalf of the firm undertaking this review**, on the basis of the review undertaken, and subject to:

- (i) Site verification of the following design assumptions .....
- (ii) All proprietary products meeting their performance specification requirements;

**I believe on reasonable grounds** that a) the building, if constructed in accordance with the drawings, specifications, and other documents provided or listed in the attached schedule, will comply with the relevant provisions of the Building Code and that b), the persons who have undertaken the review have the necessary competency to do so.

I, ..... am:  CPEng ..... #  Reg Arch ..... #  
(Name of Design Review Professional)

I am a Member of:  IPENZ  NZIA and hold the following qualifications:.....

The Design Review Firm issuing this statement holds a current policy of Professional Indemnity Insurance no less than \$200,000\*.

The Design Review Firm is a member of ACENZ:

SIGNED BY ..... (Signature) .....  
(Name of Design Review Professional)

ON BEHALF OF ..... Date .....  
(Design Review Firm)

*Note: This statement shall only be relied upon by the Building Consent Authority named above. Liability under this statement accrues to the Design Review Firm only. The total maximum amount of damages payable arising from this statement and all other statements provided to the Building Consent Authority in relation to this building work, whether in contract, tort or otherwise (including negligence), is limited to the sum of \$200,000\*.*

This form is to accompany **Form 2 of the Building (Forms) Regulations 2004** for the application of a Building Consent.  
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**FORM OF PRODUCER STATEMENT PS3 – CONSTRUCTION**

At project completion, this form shall be completed by the building contractor and supplied to the Engineer.

**ISSUED BY:**.....  
(Building Contractor)

**TO:** .....  
(Owner/Principal)

**IN RESPECT OF:**.....  
(Description of Contract Works)

**AT:**.....  
(Address)

**T/A:**..... **BUILDING CONSENT No:**.....  
(Territorial Authority / Building Consent Authority)

The above Building Contractor has contracted to the above Owner/Principal to carry out and complete certain building works in accordance with the contract, titled

..... (“the contract”)  
(Title of building contract)

I ..... a duly authorised representative of the  
(Builder’s Authorised Agent)

above building contractor, believe on reasonable grounds that the above building contractor has carried out and completed

All            Part only as specified in the attached particulars

of the building works in accordance with the contract.

.....  
(Signature of Authorised Agent on behalf of the Building Contractor)

.....  
(Date)

.....  
(Address)

*This producer statement is confirmation by the builder(s) that they have carried out the building work in accordance with the drawings, specifications (and site amendments) that are part of the contract / building consent documents.*

*Work covered by this statement should have been supervised and checked by suitably qualified tradespersons.*

*The Engineer requires this producer statement and a copy of the T/A’s building consent conditions, to confirm that items of the contract that he has not personally examined, have in fact been built according to the documents, so that the Engineer may issue appropriate documents to the T/A for it to release the Code Compliance Certificate.*



Building Code Clause(s).....

# PRODUCER STATEMENT – PS4 – CONSTRUCTION REVIEW

(Guidance on use of Producer Statements (formerly page 2) is available at [www.ipenz.nz](http://www.ipenz.nz))

ISSUED BY:.....  
(Construction Review Firm)

TO:.....  
(Owner/Developer)

TO BE SUPPLIED TO:.....  
(Building Consent Authority)

IN RESPECT OF:.....  
(Description of Building Work)

AT:.....  
(Address)

Town/City:..... LOT..... DP..... SO.....  
(Address)

We ..... have been engaged by .....  
(Construction Review Firm)

To provide  CM1  CM2  CM3  CM4  CM5 (Engineering Categories) or  observation as per agreement with owner/developer.....

or  other ..... services  
(Extent of Engagement)

in respect of clause(s) ..... of the Building Code for the building work described in documents relating to Building Consent No. .... and those relating to

Building Consent Amendment(s) Nos. .... issued during the course of the works. We have sighted these Building Consents and the conditions of attached to them.

Authorised instructions/variation(s) No. .... (copies attached) or by the attached Schedule  have been issued during the course of the works.

On the basis of  this review  these review(s) and information supplied by the contractor during the course of the works and **on behalf of the firm** undertaking this Construction Review, **I believe on reasonable grounds** that  All or  Part only of the building works have been completed in accordance with the relevant requirements of the

Building Consent and Building Consent Amendments identified above, with respect to Clause(s)..... of the Building Code. I also believe on reasonable grounds that the persons who have undertaken this construction review have the necessary competency to do so.

I, ..... am:  CPEng ..... #  Reg Arch ..... #  
(Name of Construction Review Professional)

I am a Member of:  IPENZ  NZIA and hold the following qualifications:.....

The Construction Review Firm issuing this statement holds a current policy of Professional Indemnity Insurance no less than \$200,000\*.

The Construction Review Firm is a member of ACENZ:

SIGNED BY.....(Signature).....  
(Name of Construction Review Professional)

ON BEHALF OF ..... Date.....  
(Construction Review Firm)

*Note: This statement shall only be relied upon by the Building Consent Authority named above. Liability under this statement accrues to the Design Firm only. The total maximum amount of damages payable arising from this statement and all other statements provided to the Building Consent Authority in relation to this building work, whether in contract, tort or otherwise (including negligence), is limited to the sum of \$200,000\*.*

This form is to accompany **Forms 6 or 8 of the Building (Form) Regulations 2004** for the issue of a Code Compliance Certificate.

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