



PRACTICE ALERT

8 October 2025

Defining scope for construction monitoring

Before you begin construction monitoring, it's important to clearly understand and communicate your responsibilities. Things you should remember:

- You must sight the issued building consent and read the conditions relevant to your discipline.
- You are monitoring against the granted consent, not re-checking the entire application.
- If you did not undertake the design, make that clear within the PS4 Schedule. Regardless of your involvement, explicitly state in the PS4 schedule what is and is not within your scope.
- Rely on specialist Producer Statements with quality assurance documentation for elements of proprietary design and for items outside the scope of your construction monitoring.

Altering the standard PS4 Producer Statement form		
Guidance/response	Why is this an issue?	What to do
Do not amend or alter the standard wording on producer statement forms. Instead, you should use the standard Engineering New Zealand/ACE NZ PS4 without edits.	<ul style="list-style-type: none">• The standard ENZ/ACE PS4 form has been carefully worded to be a statement of professional opinion, which ensures the civil liability being assumed is insurable.• Altering the form, for example by striking out clauses, changes the meaning of the certification, can create confusion for Building Consent Authorities (BCAs) and building owners, and undermines trust in your opinion.	<p>Keep the PS4 form itself intact.</p> <ul style="list-style-type: none">• If you need to include your scope, assumptions, qualifications, limitations or exclusions, state them in a separate, attached document (like a schedule or letter) and reference it on the PS4.• If a BCA requests a modified PS4, you should politely decline and explain that the attached schedule is the correct place to provide tailored context. If the BCA persists, contact Engineering New Zealand or ACE NZ so we can interact with the BCA.

	<ul style="list-style-type: none"> • Criminal liability can arise from issuing incorrect PS4s. The existence of reasonable grounds for the belief is a key factor in determining liability. Engineers issuing PS4s must maintain detailed records to support their professional opinion as required by the unaltered PS4. 	
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Schedule 1 work or work for which the BCA has given an exemption

Guidance/response	Why is this an issue?	What to do
<p>For work that is exempt under Schedule 1 of the Building Act or otherwise deemed exempt by the BCA, use the PS1A/PS2A/PS4A forms.</p> <p>MBIE has guidance on when work requires a building consent.</p>	<p>Standard PS4s refer to compliance with an issued building consent and its conditions. A standard PS4 is the wrong instrument if there is no consent.</p> <ul style="list-style-type: none"> • A common trap is crossing out the 'consent' language on a standard PS4 to use it for exempt work; the A-Series Producer Statements are specifically intended for this purpose. 	<p>Confirm the exemption pathway and your scope (eg structural only).</p> <ul style="list-style-type: none"> • Ideally, you should establish if the work will require consent prior to issuing a producer statement. However, if you prepared a PS1 and the project later proceeds as exempt, you should supersede the PS1 with a PS1-A.

PS4 requests when no PS1 was issued

Guidance/response	Why is this an issue?	What to do
<p>You should refuse to issue a PS4 if no PS1 was issued for that scope of work.</p>	<p>Why this matters:</p> <ul style="list-style-type: none"> • A PS4 confirms that construction aligns with the approved consent documents for the scope covered by a PS1. Without a PS1, there is no consented design to give an opinion relating to whether the work has been constructed in accordance with it. 	<p>The appropriate response is to provide a factual letter that describes what work you undertook and observed at the time. Do not provide current assessment of historical work.</p> <ul style="list-style-type: none"> • This letter should be accompanied by any site reports, photos and test results from the time of the work. • This allows the council (BCA) to form its own opinion of compliance from the historical information provided. • Be careful to note that the work that you carried out was completed X years ago.

Backdating and legal risks

Guidance/response	Why is this an issue?	What to do
Do not backdate a PS4 or PS4A.	<p>It is never acceptable to backdate a PS4. This action is considered fraud.</p> <ul style="list-style-type: none"> A good practice is to complete, sign, and date the PS4 as soon as your final inspection is complete and then keep it in the project file until it is requested. 	<p>Legal risks</p> <ul style="list-style-type: none"> Be aware that stating compliance without reasonable grounds can trigger section 40 of the Building Act, which carries potential criminal liability for both the authorising engineer and the firm. To control this risk, you must keep meticulous records (detailing what was done, when, by whom, and with what evidence), be explicit about your scope and any assumptions in the PS4 schedule and not be pressured into signing where evidence is insufficient.

Authority, responsibility and scope

Who can sign?	Professional responsibility
According to Engineering New Zealand policy, only a Chartered Professional Engineer (CPEng) should sign a PS4. The PS1, PS2 and PS4 should be signed by a CPEng who is acting within their competency and is authorised by their firm.	<ul style="list-style-type: none"> The person who signs the PS4 takes individual professional responsibility for its content. Inspections may be delegated to other competent personnel, such as a technician, but the signing CPEng remains fully responsible for the entire statement.

Engagement and conflicts of interest

- The engagement of an engineer for construction monitoring (CM) by a builder is not good practice, as it creates a potential conflict of interest.
- The preferred arrangement is for the construction monitoring engineer to be engaged directly by the property owner to maintain independence.
 - Design-build contracts are a recognised exception where this arrangement is inherent to the contract structure.

Building Consent Conditions

An example of Building Consent Conditions with the requirements for the construction monitoring engineer is shown below.

BUILDING CONSENT NOTES

Building:

Your project involves restricted building work. You should not start any building work until you have supplied the council with the names, licence numbers and other details of every licensed building practitioner who will carry out or supervise restricted building work on your site. Such a person may be a carpenter, roofer, external plasterer, bricklayer, blocklayer or foundations specialist.

If any of the nominated licensed building practitioners is replaced in the course of construction work, you must notify the council as soon as possible - and ideally before the original licensed building practitioner carries out or supervises any restricted building work.

You must collect a record of building work from each licensed building practitioner and submit this paperwork with your application for a code compliance certificate once building work is complete.

An engineer must inspect the following:

1. Slab Pre-pour

Please liaise directly with your engineer [REDACTED] to coordinate appropriate times for the inspections. It is important to note that the inspections listed above are additional to those required by [REDACTED]. We will require a copy of the engineer's site notes and PS4 as part of your application for a code compliance certificate at the completion of the building work.

This land is in a very high wind zone, as defined by standard NZS 3604:2011 Timber-framed buildings.

Planning:

The council has granted resource consent, and the proposal can proceed in accordance with the conditions of the consent [REDACTED]

Plumbing:

All drainage work must be done by an Authorised Person under the Plumbers, Drainlayers and Gasfitters Act 2006, the work must be supervised and inspected by a Certifying Drainlayer. The position of any existing drains is to be accurately located and proven clear of construction prior to work commencing. Where required you must submit an accurate "as-built" drainage plan at completion (the plan must show the buildings, site boundaries, fixtures, pipe locations/type/size/material, key features/inspection points and key set-out dimensions and invert levels or depths).

At least one inspection point must be raised to ground level

All gasfitting work must be done by an Authorised Person under the Plumbers, Drainlayers and Gasfitters Act 2006, the work must be supervised and inspected by a Certifying Gasfitter. The Certifying Gasfitter must submit a Gas Safety Certificate and as required a gas Certificate of Compliance at completion.

All new water supply connections and tobies require a completed Water Connection Application form (CAP-FORM-564) to be lodged with [REDACTED]. All work to, or new connections to council water mains must be undertaken only by Wellington Water Ltd approved contractors.

Important information about inspections

Book every inspection: It is vital you arrange an inspection at each stage listed above. This is a condition of your building consent. If you continue on without one, it is quite likely the council will later make you undo work in order to make an inspection possible (for example, removing plasterboard from interior walls, in the case of a pre-line inspection, so bracing, insulation and moisture content can be checked). Failure to get an inspection will also delay – and could jeopardize – your code compliance certificate.

Engineering inspections: When your building involves an engineer (whether for structural, fire design, mechanical or geotechnical work), the council recommends that you co-ordinate that person's site inspections, where applicable, with those by the council inspector. An inspection by an engineer does not cancel your obligation to call a council inspector if the work relates to the compulsory inspections listed above. Engineers must provide a PS4 producer statement confirming the work they have overseen complies with the submitted designs, as well as supplying site inspection notes detailing the type of inspection, what was inspected, where it was inspected and the extent of that inspection.

Be thorough: Before ringing to book, make sure you have completed every aspect of the stage you want inspected. If there is unfinished work, the inspector will have to return – and you will face an extra inspection fee. (You will not get a code compliance certificate until you have paid outstanding fees.)

Repair damaged footpaths and roads: Remember to repair any damage you have caused to kerbs, footpaths and road crossings in the course of construction work before booking your final inspection. The council will not issue a code compliance certificate unless you have completed this work.

Contact us: When you ring to book an inspection, be ready with your building consent number [REDACTED]. The council will need to know your name, phone number and the type of inspection you want. Inspection bookings are subject to availability. Phone [REDACTED] between 8am and 5pm Monday to Friday to book an inspection.

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