

CONSTRUCTION

Business Operating Reductions

Stage 4 restrictions

What are the new restrictions for construction sites?

From 11:59 pm on Friday 7 August the following changes will need to be adopted by all Melbourne construction sites.

All sites will:

- Have a High Risk COVIDSafe Plan in place that is regularly updated. Where practicable COVIDSafe Plans should be designed with input from employees and their representatives
- Allow no more than one worker per four square metres of enclosed workspace.

All employees, supervisors and on-site specialists will be:

- prohibited from car-pooling to and from work
- be required to inform their employer if they share accommodation with anyone working at another high-risk workplace
- required to limit movement between multiple sites and observed enhanced PPE and hygiene measures if working between sites.

Each small-scale construction site will:

- reduce the number of people on-site to five people plus a supervisor at any one time
- limit movement of workers between different sites where possible, and only with appropriate guidance
- supervisors can move between sites and specialist contractors can move between up to three sites per week, subject to enhanced COVID safe practices.

Each large-scale construction site will:

- be limited to a daily maximum of workers on site calculated as the higher of:
 - 25% of their baseline workforce; and
 - 5 workers.

All workers count towards the applicable daily worker limit with the exception of workers specifically dedicated to oversight of COVID safe functions in the workplace.

Baseline workforce is the average daily number of workers on site across the project lifecycle, as derived from the project's resourcing plan as at 31 July 2020. The resourcing plan and calculation are subject to audit. Project lifecycle commences from the date of on-site mobilisation and ends at handover.

- Limit movement of workers between different sites. Specialist contractors that need to move between sites should visit no more than three sites per week. All workers moving between multiple sites must observe enhanced PPE and hygiene measures.

Each early stage residential land development site will:

- follow density restrictions of no more than 10 workers per hectare.
All workers count towards the density restrictions.

- limit movement of workers between different sites where possible, and only with appropriate guidance.

Application

Do the restrictions apply to all construction sites?

All construction sites are required to have a High Risk COVIDSafe Plan and must follow density restrictions of no more than one worker per four square metres in enclosed spaces.

Additional restrictions apply to:

- Workers visiting multiple sites
- Early stage residential land development sites
- Small scale construction sites
- Large-scale construction sites

What is considered a large-scale construction site?

A construction site is considered large scale for the purposes of these guidelines if it is:

- Permitted to be (at completion) more than three storeys high (excluding basement), or
- Larger than 1,500m² floor size or
- Any office or retail fit-out, or
- Industrial, large format or retail use

What is considered an early stage residential land development project?

An early stage residential land development project comprises all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings on that site (including site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure). Once subdivision occurs, the construction of that dwelling on that part of the site is regarded as a small scale construction project. For large scale residential development (e.g. retirement village) with a single entity responsible for construction, once dwellings are commenced, it will be considered large scale construction.

What is considered to be a small scale construction site?

A small scale construction site is a construction site that does not meet the definition of a large scale construction site.

What is considered to be construction of critical and essential infrastructure?

Construction of critical and essential infrastructure is not subject to business operating reductions. It means:

- (a) construction or maintenance (including civil works and building activities) of critical and essential infrastructure that is urgently required for the purposes of sustaining human health, safety and wellbeing, regardless of whether those activities are privately or publicly funded;
- (b) activities prescribed by government from time to time as “State Critical Infrastructure Projects”;
- (c) construction and maintenance for the purposes of national security and defence; and
- (d) activities that are deemed by Government to have satisfied the test in (a) and endorsed by the Chief Health Officer on a case by case basis.

The expectation is that very few activities will meet the above tests. Project proponents can contact COVID-19Team@ecodev.vic.gov.au to apply for a determination by the Chief Health Officer.

What are the rules for civil construction?

All civil works and all building and construction activities (whether publicly or privately funded) are subject to the large scale, small scale and early stage residential land development project tests and restrictions, unless those activities:

- constitute construction of critical and essential infrastructure (see above); or
- constitute critical repairs to any premises where required for emergency and safety (as provided for by the Stage 4 Restrictions “Permitted Work Premises” published on the DHHS website (refer <https://www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19>)).

Are the restrictions on construction the same in regional Victoria as they are in metropolitan Melbourne?

No. These further restrictions apply to all works in metropolitan areas under Stage 4 restrictions.

What are the arrangements for the wearing of personal protective equipment by workers on site?

Workers should wear the required personal protective equipment at all times. Specialist contractors who may be required to move between sites will require enhanced PPE and hygiene measures and be restricted to attending only one site on any given day.

The Victorian Government is working closely with industry – and will ensure they have the most appropriate personal protective equipment for every setting.

Industry will be required to have personal protective equipment and there will be checks to ensure they do. If businesses are struggling to get the personal protective equipment they need, Government is available for advice and support.

Reduced operations requirement

What is the level of permitted operation for large-scale construction sites?

Worksites must not exceed a daily maximum of workers on site calculated as the greater of:

- 25 per cent of their baseline site workforce (calculated below); and
- 5 workers.

All workers count towards the applicable daily worker limit with the exception of workers specifically dedicated to oversight of COVID safe functions in the workplace.

How is baseline site workforce defined for large scale construction sites?

Baseline workforce is the average daily number of workers on site across the project lifecycle, as derived from the project’s resourcing plan as at 31 July 2020.

The resourcing plan and calculation are subject to audit.

Project lifecycle commences from the date of on-site mobilisation and ends at handover.

What is the definition of a worker?

Workers refer to people working on a site including, but not limited to, owners, managers, employees, contractors, workers on labour hire and security.

It does not include workers specifically dedicated to oversight of COVID safe functions in the workplace e.g. workers doing additional cleaning of high-touch points or overseeing the implementation of COVID safe practices.

Workers do not include suppliers and deliveries (e.g. concrete trucks, concrete testers and the like) who are only present onsite for a short period of time and these do not count towards the daily worker limits.

What is the definition of specialist contractors

- Mobile Cranes – Operators and dogman
- Concrete trucks
- Concrete pump operators
- Electricians
- Plumbers
- **Tile layers**
- Concreters
- Gold Class riggers
- Steel fixers
- Post Tensioners
- Truck Drivers
- Vertical access Riggers
- Welders
- Precast installers
- **Corkers**
- **Floor layers**
- Scaffolders
- Internal Glaziers
- Asphalters
- Carpenters
- Plasterer
- Carpet layer
- Sprinkler fitters
- Solar installers
- Security system installers

What about architects, surveyors, auditors, building inspectors and engineers?

Workers that provide architecture, engineering, surveying, building inspection or compliance services or statutory functions must work from home where possible. Where these workers are required to attend sites for inspection and safety purposes, they are counted as workers. Workers in this category who need to move between sites should visit no more than three times a week, except where those visits are required to meet a minimum statutory obligation or requirement

What about specialists who provide safety services?

Specialists who install critical OHS equipment including scaffolding, safety rails, guardrails, stair void protection systems, other critical safety equipment/installations and those who conduct safety inspections and training talks are not limited to three sites per week.

Documentation

What documentation is required?

Specified worksite operators will be required to declare in an attachment to their COVIDSafe Plan:

- the location and nature of the activities undertaken at sites intended to continue restricted operations;

- (if applicable) the baseline workforce levels calculated for each site and the methodology and time period used to establish these levels;
- the restricted workforce levels proposed for each site during the restriction period calculated in compliance with the order; and
- that the operator will retain and agrees to make available for inspection the business records and calculations used to establish the restricted workforce levels and demonstrate compliance with those restricted workforce levels through the period to which the restriction apply.

Compliance and enforcement

Government is introducing a specified worksite reporting regime supported by independent compliance reviews and site inspections. The process is being established to ensure the specified worksites comply with the intent of the order and can provide independently verifiable evidence of their compliance during and after the restriction period.

What documentation do I need to retain?

The COVIDSafe Plan and attachment (as specified above) must be retained and be available for inspection on request. It will not be otherwise be submitted to or endorsed by the Victorian Government.

Operators will also be required to retain and make available for inspection evidence of compliance with the daily workforce limits, including roster, time and attendance, payroll and other site attendance records.

Who will enforce these restrictions?

Authorised officers will be undertaking site inspections for workplaces subject to reduced operation requirements to ensure they are complying and have a complete High Risk COVIDSafe Plan.

How will compliance be monitored?

Site operators will be randomly selected for independent compliance review and asked to demonstrate compliance with the order. To facilitate these compliance reviews which will take place both during and after the Stage 4 restriction period, operators will be required to retain and make available for inspection site rosters, time and attendance data, payroll data and other site attendance records as requested.

Compliance reviews will be conducted by independent agents appointed by the Victorian Government for this purpose.

Further information

Please call the Business Victoria hotline on 13 22 55 or visit the Business Victoria website.