

Industry Restart Guidelines Early Stage Land Development FAQs

September 2020



Log of Changes



Pg(s)	Change	Reason



Where can I find more information about restrictions impacting the construction industry?

The fundamental enforceable requirements for the construction industry are published in the [Workplace Directions and Workplace \(Additional Industry Obligations\) Directions](#).

Further information to help you keep your construction business compliant is available on the Business Vic website (<https://www.business.vic.gov.au>) with the following fact sheets:

- large-scale construction
- small-scale construction
- early stage land development
- general and safety information for construction

Additional best practice information developed by industry in partnership with unions is also available and can assist operators in implementing change.

This includes the

Corona Virus (COVID-19) guidelines for the Building and Construction industry Victoria
https://www.vba.vic.gov.au/_data/assets/pdf_file/0020/116417/COVID-19-Guidelines-for-the-Building-and-Construction-Industry-Revision-7.pdf

There is also a range of COVIDSafe Worksite Resources available in 16 languages developed in partnership with industry bodies and unions
<https://www.culturalpulse.com.au/covidsafe-worksite-resources/>

For small scale construction, the HIA guidelines are also available

Housing Industry Association “Making Space on Site” guidelines

<https://hia.com.au/covid-19/managing-workplace-safety-and-employees-mental-health/making-space-on-site>

FAQs: Early Stage Land Development



What are the restrictions under the Second Step ('Restricted') for construction sites?

All sites must:

- Have a High Risk COVIDSafe Plan in place that is regularly updated.

Where practicable, COVIDSafe Plans should be designed with input from workers and their representatives.

- Allow no more than one worker per four square metres of enclosed workspace.
- Have a PPE training plan .
- Have a cleaning log on display in shared workplaces and publicly accessible areas.
- Require workers to declare in writing at the start of each shift, but before entering the work premises, that the worker is:
 - free from COVID-related symptoms; and
 - has not been in contact with a confirmed case; and
 - has not been directed to self-isolate or self-quarantine.
- Not allow workers to attend the workplace if they are awaiting coronavirus (COVID-19) test results or have symptoms.

All employees, supervisors and on-site specialists are:

- prohibited from car-pooling to and from work, except in limited circumstances
- required to limit movement between multiple sites and observed PPE and hygiene measures if working between sites.

What are the restrictions under the Second Step ('Restricted') restrictions for early residential construction sites?

Each early stage land development site will:

- follow density restrictions of no more than 20 workers per hectare at any one time.
- All workers count towards the density restrictions.

What is considered an early stage land development project?

An early stage 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 or industrial or commercial development on that site. This includes site remediation and site preparation works, construction of utilities and roads, bridges, stormwater/flood management works and trunk infrastructure.

For residential developments, once subdivision occurs, the construction of that dwelling on a part of the site is regarded as a small scale construction project. For large scale residential development (e.g. retirement villages) with a single entity responsible for construction, once dwellings are commenced, it will be considered large scale construction.

In relation to early stage land development for industrial or commercial development, once construction of a building, warehouse or physical structure has commenced, it will be considered a large-scale construction site.

Are early stage land development sites subject to the same site restrictions (such as limited movement between sites, with a limit of five sites per week for specialist contractors) as other construction sites?

No. Early stage land development sites are subject to different restrictions. Early stage land development sites are recommended to minimise movement of workers across sites and move as much activity outside as possible. Under the Second Step, density restrictions of no more than 20 workers per hectare apply.

As with other construction sites, the common requirements that apply across all restriction levels also apply to early stage land development sites.

FAQs: Permitted Workers Onsite



Can supervisors and/or managers move between construction sites?

The restrictions are designed to limit movement as much as possible.

If there is a genuine reason why the early stage land development supervisor/manager cannot be limited to one site, the employer must have systems of work in place to minimise the number of workers working across multiple sites and maintain a record of all workers who do so.

Are concrete truck drivers included as workers in the daily worker limits?

No. Concrete drivers who are present onsite for a short period of time are considered delivery drivers and do not count towards the daily worker limits.

Can I attend on-site if I have confidential documents or mail I need to access in a restricted area, but I am not a permitted worker?

No. You cannot attend work on-site if you are not a permitted worker working in a permitted industry in an approved category for on-site work.

Workers who breach the Permitted Worker Scheme, including workers who travel to a worksite without a Permitted Worker Permit, are subject to on-the-spot fines of up to \$1,652 (for individuals).

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 early stage land development sites can visit no more than three sites per week under the Second Step ('Restricted'), except where those visits are required to meet a minimum statutory obligation or requirement. Worker movement restrictions are lifted under the Third Step ('Open with a COVIDSafe Plan').

Are commercial cleaners allowed to operate?

Yes, commercial cleaners can continue to operate under the Second Step ('Restricted') where the cleaning services are required for the operations of a Permitted Work Premises, or for a Closed Work Premises where there are safety or environmental obligations. Furthermore, any cleaning service that relates to the coronavirus (COVID-19) health response is considered Permitted Work Premises under the current health directions and are allowed to operate.

FAQs: Permitted Workers Onsite



Are apprentices counted in the worker limits for construction projects?

Yes.

Under the Second Step, are landscape architects permitted on-site?

Yes, landscape architects are classified as specialist contractors, and can attend construction sites if their work cannot be completed from home. Workers engaged in constructing landscapes, landforming and the provision of retaining walls and paths, decks, fences and garden planting, are permitted to work on construction projects as workers and must comply with rules relevant to those sites.

Landscaping and gardening services businesses with a valid ABN can operate at occupied premises from the Second Step, under the conditions that work can be safely conducted entirely outside, contact-free, and by one person operating alone at all times. Permitted landscaping and gardening services:

1. Basic landscaping and landscape architecture
2. Mowing, edging and lawn care
3. Plant fertilising, pruning and watering
4. Tree lopping, stump grinding and other arborist services
5. Gutter cleaning
6. Other general garden maintenance

See more:

<https://www.dhhs.vic.gov.au/professional-scientific-technical-services-covid-19>

What are the requirements for wearing personal protective equipment (PPE) by workers on site?

Workers must wear the required personal protective equipment (PPE) at all times on site. Workers should be encouraged to use their own face coverings. Where a worker cannot access the required PPE, the employer must provide the required PPE. Employers must provide any specialist PPE for workers where that specialist PPE is required in order to carry out the worker's role. The requirement for a workplace to provide information, instruction and training for PPE applies across all restriction levels.



What is the definition of specialist contractors?

- Appliance installers
- Asphalters
- Brick layers
- Cabinet installers
- Carpenters
- Carpet layers
- Caulkers
- Cladding installers
- Concreters
- Earthworks and drainage specialists
- Electricians
- Engineers
- Fencers
- Floor installers
- Floor layers
- Flora and fauna specialists
- Garage door installers
- Gas contractors
- Geotechnical specialists
- Gold class riggers
- Heritage and cultural heritage specialists
- Insulation installers
- Joiners
- Landscape architects
- Mechanics who install and repair plant
- Mobile Cranes – Operators and dogmen
- Painters
- Plasterers
- Plumbers, including roof plumbers
- Post Tensioners
- Precast installers
- Renderers
- Retaining wall specialists
- Security system installers
- Set out specialists
- Sewer contractors
- Shower screen/mirror installers
- Solar installers
- Sprinkler fitters
- Steel fixers

- Telecommunications installers
- Termite specialists
- Tile layers, including roof tilers
- Traffic engineers
- Vertical access riggers
- Water proofers
- Welders
- Window and glass installers/glaziers
- Window shutters and blind installers

Will there be any changes to the specialist contractors list?

The specialist contractor list may be updated from time to time to reflect changes in public health advice or directions issued by the Chief Health Officer.

I'm not on the specialist contractor list. How many sites can I visit a week?

Unless you are on the specialist contractor list or otherwise permitted (e.g. safety specialist, undertaking statutory functions or site supervisor for small-scale construction), you can only work at one site while the Workplace (Additional Industry Obligations) Directions are in place.

These limits are in place because coronavirus (COVID-19) has been spread across worksites by workers moving from one site to another.

'Concreters' are included in the list of specialist contractors. Does this include associated trades, such as site set-out specialists?

Yes, a reference to 'concreters' under the specialist contractors list includes associated trades, including site set-out specialists.



Are repairs and maintenance allowed at permitted workplaces?

Repairs and maintenance can occur at a Permitted Work Premises if they are required for the operations of that premises. It is up to the operator of the workplace to determine whether repairs and maintenance are required for this purpose.

Are builders allowed to carry out maintenance and warranty work to meet contractual requirements after the property has been handed over?

Under the Second Step ('Restricted'), maintenance and repairs activities for inhabited properties can only be completed for emergency reasons or environmental obligations. All other maintenance and warranty work must be deferred.

Work at vacant properties must be undertaken in accordance with small-scale construction rules.

Can builders attend prospective sites for the purposes of tendering upcoming projects, where it cannot be done remotely?

Builders can only attend prospective sites where the property is unoccupied.

Are client meetings on-site permitted?

Under the Second Step ('Restricted'), client (or agent) contract meetings including document signing, material selection and final inspections are to be conducted remotely where possible. If not reasonably practicable, on-site meetings for the minimum number of people required is permitted by appointment only and with physical distancing.

Under the Third Step ('Open with a COVIDSafe Plan'), on-site meetings are permitted by appointment. All parties should observe the appropriate physical distancing measures.

Can site inductions be held indoors?

Site inductions should be conducted outdoors where practicable. Where required to be indoors, numbers should be limited to comply with density quotients for the room being used.

Can landscaping and gardening take place during the Second Step?

Landscaping and gardening services businesses with a valid ABN can operate from the Second Step, under the conditions that work can be safely conducted entirely outside, contact-free, and by one person operating alone at all times. Permitted landscaping and gardening services:

- Basic landscaping and landscape architecture
- Mowing, edging and lawn care
- Plant fertilising, pruning and watering
- Tree lopping, stump grinding and other arborist services
- Gutter cleaning
- Other general garden maintenance

Is cutting or drilling in roadways and concrete in support of essential services (NBN, gas, water, power) permissible work?

Yes, this activity is considered ancillary in support of ensuring supply of essential services and contractors can apply for a permitted work permit.

Can work continue at a construction site for the purpose of making the site safe for shutdown?

Yes, providing the work is undertaken in line with the Workplace Directions and Workplace (Additional Industry Obligations) Directions.

Can I attend on-site if I need access to specific equipment or technology?

Workers who require certain technology or equipment to complete their work sufficiently (e.g. urban planners and designers who require specialised computers) and who cannot access this technology remotely are permitted to attend on-site under the Second Step ('restricted').

Workers must only attend when it is necessary to use the equipment, and leave the site as soon as the required work is completed.

Under the Third Step, workers should still work from home where possible. On-site/office-based activities will resume with density quotients applied.

FAQs: Critical and Essential Infrastructure



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 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.

Are Council, Federal Government or University projects included in the exemption list?

Council, university and federally funded projects must comply with the same construction rules for large scale, small scale and early stage residential land development project, unless those activities constitute:

- construction of critical and essential infrastructure and has received an exemption by the Chief Health Officer; or
- 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); or
- construction for the purposes of national security or defence.

The current list of State Critical Infrastructure Projects that are exempted projects can be found at www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19

I think my project is critical and essential infrastructure. How do I get an exemption from the restrictions?

In very limited circumstances, an exemption can only be considered for a 'large-scale' construction project if it assessed as critical and essential AND is urgently required AND is required for the purposes of sustaining human health, safety and wellbeing.

Any exemption must be deemed by the Victorian Government to meet those criteria and endorsed by the Chief Health Officer. It is expected only a small number of projects would meet that criteria. If you wish to apply for an exemption, you can contact COVID-19Team@ecodev.vic.gov.au.

You will need to include details on:

- the nature of the project;
- what stage it is in;
- site information including indications of where concentration of workers will occur during the day;
- workforce profile information;
- a strong rationale against the three criteria above;
- provide options around staging differently, deprioritising some work and reducing the workforce;
- details of any additional mitigations that will be taken beyond those that are standard for large-scale construction projects; and
- a clear articulation of the consequences of not receiving an exemption.

The current list of State Critical Infrastructure Projects that are exempted projects can be found at www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19.



Are specialists who provide safety services limited in the number of sites they visit each week?

Specialists who provide safety services which enable a permitted work premises to safely undertake permitted activity are not limited in the number of sites they can visit per week. However, they should try to limit the number of sites visited in a week.

This includes specialists who install critical OHS equipment, including scaffolding, safety rails, guardrails, stair void protection systems, other critical safety equipment/installations, traffic controllers, asbestos removalists, and those who conduct safety inspections (including fire safety services) and training talks.

What constitutes an emergency or safety reason for repairs?

Emergency repairs are urgent repairs and maintenance which must be undertaken to ensure safe and secure use and occupancy of properties and work premises, prevent individuals (including workers) from injury, to prevent property damage or damage to goods, or for urgent repair to an essential service (for example for example fixing a roof or restoring an electricity connection). If you need to have a tradesperson over, maintain your distance, wear a face covering and minimise physical contact through contactless payment or another non-cash method.

Can I carry out work where a building has not been vacated to address matters associated to a Notice or Order that has been issued by a Private Building Surveyor or Municipal Building Surveyor?

Yes, if the works constitute critical repairs required for emergency or safety.

Where the Notice or Order that has been issued by a Private Building Surveyor or Municipal Building Surveyor requires works that are to address matters that have been identified as a safety matter and/or is a danger to the life, safety or health of any member of the public or of any person using the building/land/place of public entertainment or to any property, the required works can be carried out if a building is occupied.

Works can also be undertaken where safety or emergency service(s), installation(s) or equipment have not been maintained in accordance with the occupancy permit.

Can more workers than the limit come on site if there is an emergency?

Yes. Emergency responses or repairs are not impacted by restrictions.

How many workforce bubbles are permitted on-site?

Workforce bubbles aim to minimise movement of workers across sites. Employers must comply with mandatory restrictions on numbers of workers and worker movements between sites. Employers are encouraged to operate one workforce bubble on a work site or ensure there are mitigations to limit movement between multiple workforce bubbles.



Do the restrictions apply to all construction sites?

There are common requirements that apply to all workplaces, including construction sites, and across all restriction levels. All construction sites, regardless of the level of restriction that applies, are required to have a High Risk COVIDSafe Plan, must follow density restrictions of no more than one worker per four square metres in enclosed spaces, and must comply with other additional obligations. These additional obligations are set out in the Workplace (Additional Industry Obligations) Directions.

Additional restrictions apply to:

- workers visiting multiple sites
- early stage land development sites
- small-scale construction sites
- large-scale construction sites.

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

No. The further restrictions apply to all works in metropolitan Melbourne under the Second Step ('Restricted') and will move in line with the roadmap steps.

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.

For the purposes of calculating workforce capacity caps, 'workers' does not include workers specifically dedicated to oversight of COVIDSafe functions in the workplace, such as workers doing additional cleaning of high-touch points or overseeing the implementation of COVIDSafe practices. It also does not include suppliers and deliveries (e.g. concrete testers and the like) who are only present on-site for a short period of time.

Can new construction contracts in metropolitan Melbourne be signed and started?

Construction contracts can be signed and started if they are works relating to a permitted construction work premises, including:

- Building and non-building construction (including

- Construction of critical and essential infrastructure and services to support these projects; and
- Critical repairs to any premises, are allowed, where required for emergency or safety.

Employers of a permitted construction work must have a High Risk COVIDSafe Plan in place for each workplace/site.

If there are separate contracts/projects being carried out concurrently within the same building, are these treated as individual projects for the purposes of operating reductions?

No, not under the Second Step ('Restricted'). All workers on a site count towards the daily worker limit, with the exception of:

- Workers specifically dedicated to oversight of COVIDSafe functions in the workplace.
- Workers undertaking emergency repairs and maintenance.
- Workers engaged as suppliers and in deliveries (e.g. workers operating concrete trucks, concrete testers and the like) who are only present on-site for a short period of time.

Each construction site must have a High Risk COVIDSafe Plan in place.

Is there an exemption process for civil construction?

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

- Are any works up to (and including) the 'Base Stage' works, or following the 'Fixing Stage' for small-scale residential construction, under the definition of the Domestic Building Contracts Act 1995;
- Constitute construction of critical and essential infrastructure; or
- Constitute critical repairs to any premises where required for emergency and safety, as provided for by the Permitted Work Premises list published on the DHHS website

FAQs: Compliance & Enforcement



What documentation is required?

Specified worksite operators will be required to declare in an attachment to their COVIDSafe Plan (state-wide) and High Risk COVIDSafe Plan (metropolitan Melbourne only):

- 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
- That the operator will retain and 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 restrictions apply.

What documentation do I need to retain?

The COVIDSafe Plan (regional Victoria and metropolitan Melbourne) and High Risk COVIDSafe Plan (metropolitan Melbourne only) must be retained and be available for inspection on request.

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.

Does Government need to approve my High Risk COVIDSafe Plan?

No. You do not need to submit or seek approval of your High Risk COVIDSafe Plan. However, you must have the plan in place and comply with all the relevant requirements. You must produce this plan upon request by WorkSafe or other relevant authorities.

How will compliance be monitored?

Site operators will be selected for independent compliance review and asked to demonstrate compliance with the order. To facilitate these compliance reviews operators will be required to retain and make available for inspection project resourcing plans, site rosters, time and attendance data, payroll data and other site attendance records as requested by relevant authorities.

All members of the community can report a suspected breach of public health restrictions, including isolation, a mass gathering or business breaches, by contacting the Police Assistance Line on 131 444 or reporting it online at police.vic.gov.au/palolr

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.

If our workers inform us that they share accommodation with anyone working at another high-risk workplace, what do we do with that information and what actions are we expected to take?

Details of workers who share accommodation with individuals who work at other high-risk workplaces will help support contact tracing in the event of a positive case. If your employee discloses that they live with another person who works in a high-risk workplace, you should retain this information in worker records.

However, workers are not required to inform their employer if they share accommodation with anyone working at another high-risk workplace.