

## PRACTICE NOTE 58-2018

*This updates the previous Practice Note-2007-58 issued August 2007*

### Purpose

This practice note provides guidance to building practitioners on the taking precautions to protect the public during the carrying out of building work.

### Background

Building work is carried out within an allotment. However, the construction process will require materials and equipment to be brought into the site and there may also be materials or equipment that could fall from the site to neighbouring property. The building work might also impact on structures on adjoining property, for example, when excavations on the building site destabilise footings of a structure on the adjoining property.

To protect adjoining property from potential damage, the building permit applicant, the designer, builder and the relevant building surveyor (RBS) are to give thought to these matters before the building work commences.

If there is a risk of damage to an adjoining property that is privately owned, the protection work process must be followed. Practice Note 20 deals with the protection work process.

If there is a risk to the public, public property or public space, regulation 116 provides that precautions must be taken as required by the relevant building surveyor.

### What is public protection?

Precautions required under regulation 116 are for the protection of the general public. This is not a requirement intended for the safety of construction workers. Construction workers safety is covered under Occupational Health and Safety legislation. However, in certain instances, precautions required under the Regulations may also serve to protect workers.

Precautions to protect the public can include parra webbing, chain mesh fencing, solid hoardings, scaffold, gantries and partial or full road closures.

The precautions that should be taken will depend on site specific circumstances.

### When are precautions required?

When assessing an application for a building permit, the RBS must consider possible risks to public safety arising from the proposed building work.

The following situations are examples of when the RBS may determine that precautions to protect the public are required:

- building façade works - new openings, erection of signage;
- verandah and balcony construction;
- excavation for footings along a boundary adjoining a footpath, road or public space;
- excavation for a basement or for multi-storey construction;
- retaining walls above and/or below ground;
- tilt panel construction;
- front fence construction;
- dwelling or garage construction near a street alignment/boundary; and
- multi-storey construction near a boundary.

## Relevant Building Surveyors Responsibilities

The RBS must assess the documentation in the building permit application and consider the extent of proposed building work and the risk the public may be exposed to as a result of that work.

Once the RBS determines that precautions are required, the applicant will need to provide the details of the type and method of precautions proposed.

The RBS must assess the proposed precautions and if satisfied, approve the precautions. Precautions must be appropriate for the type of building work proposed and its potential impact on the public.

If the proposed precautions involve projection beyond the street alignment, a report and consent from the relevant council must be obtained prior to the building permit being issued, unless a local law is in place and the precautions comply with the local law.

### What documentation should be provided?

The minimum documentation provided to the RBS should cover all of the following:

- site plan - showing subject allotment, adjoining properties, public space (footpath, road, lane, park area etc);
- elevations - building, hoarding, fencing etc (fully dimensioned);
- sections - building, hoarding, show access for pedestrians, street furniture etc (fully dimensioned);
- hoarding plan - location of the hoarding, width of street, footpath, street furniture, pedestrian access etc; work method statement - breakdown of work stages and precautions to be used. This statement can include timings for the precautions, the period for which the hoardings will be in place;
- council guidelines - some councils produce guidelines setting out their minimum requirements;
- certification of structural details including computations;

- services plans - location of underground pipes, electricity power lines, gas mains etc;
- works program, indicating proposed precautions schedule and staged occupation of the building; and
- protection of pedestrians (traffic management plan).

## Consent and report of council

### What if there is a local law in place

Councils may already have a local law outlining requirements for precautions to protect the public involving the erection of precautions over the street alignment. If the precautions comply with such a law, there is no need to apply for a report and consent, however the RBS must still assess and approve the precautions as part of the building permit. If the RBS is unsure or has concerns about the proposed precautions, they should consult with the council.

Some councils may require that a permit be taken out for the occupation of public land. Each council will differ in what local laws they have how they are administered. There will usually be an associated fee and requirements for public liability insurance.

The RBS should advise the applicant that any council permits may need to be obtained and associated fees paid, prior to any occupation of public land.

### Precautions over the street alignment

In the absence of a local law, where the proposed precautions project beyond the street alignment, a report and consent from the relevant council must be obtained before the building permit is issued.

Each council will have a process for assessing applications for precautions over the street alignment. In some councils, the department responsible for issuing the report and consent may also have guidelines setting out specific requirements to be followed within that municipality.

## Who is responsible for approving the type of precautions when a report and consent is required?

When a report and consent is applied for, the type and method of precautions are assessed by council to determine their appropriateness. Therefore, when the precautions to protect the public include taking precautions over a street alignment, the precautions are approved not only by the RBS, but also by the council as part of a report and consent or pursuant to a local law.

In the process of approving the protection method, the RBS may require the precautions to be assessed by a structural engineer for their structural stability.

## Precautions where the building work is in an existing building

In some instances, building work is proposed to an existing building and the work will take place while parts of the building remain occupied by the public. This might be due to partial hand over of a building or where work is carried out on an existing building.

The RBS must consider the need to require precautions to protect the public before the commencement of building work and also during the building process if unforeseen issues arise. It is especially important that the RBS considers the adequacy of precautions throughout the construction process where partial occupation of the building is proposed.

When it is proposed to have the building remain occupied whilst the building work is being carried out, the RBS needs to consider the occupants' safety. The occupants could be at risk from the building work but also if any essential safety measures in the occupied part of the building are likely to be disrupted during the work. These risks need to be mitigated by the precautions taken.

## When do precautions need to be inspected?

### During the assessment of the building permit application

When assessing proposed precautions, the RBS can determine whether a site inspection needs to be carried out as part of the assessment, as well as whether the building permit will contain inspections relating to the precautions.

The RBS may choose to carry out a site inspection as part of the assessment process, allowing them to become familiar with the building site, ensure that the details provided are correct and that the precautions proposed are appropriate for the type of building work, its location and uses.

### After the precautions are in place

Regulations 116 requires precautions to be approved by the RBS before the building work is commenced.

For building work involving the demolition of removal of a building regulation 168 provides that the completion of any precautions required to be taken under regulation 116 is a mandatory notification stage.

For swimming pool and spa construction, regulation 169 provides that the completion of any precautions required to be taken under regulation 116 is a mandatory notification stage.

Where a mandatory notification stage is not prescribed, the RBS may wish to conduct a site visit to inspect the precautions prior to commencement of the building work. If the RBS wants to do this, they will need require notification for an inspection as a condition on the building permit.

## During the building works

Where the public land, building or space is being occupied, or where potential risks to the public are changing as the building work progresses, regular attendance at the site may be necessary to monitor the precautions. A risk-based approach will identify changing circumstances that may require alterations to the precautions.

Any variation to the precautions approved under report and consent will need to be resubmitted to council, for either an amendment to the original report and consent, or a new application.

## Administration

Regulation 44(1)(l) requires a document setting out any requirement of the relevant building surveyor under regulation 116 to take precautions to protect the safety of the public to be lodged with the building permit documents pursuant to section 30(1A) of the Act.

Regulation 203(l) requires a document setting out any requirement of the relevant building surveyor under regulation 116 to take precautions to protect the safety of the public to be lodged with the occupancy permit documents pursuant to section 73(1A) of the Act.

## Further Information

### Want to know more?

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or call 1300 815 127.

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