

ADVICE TO LVML MEMBERS – STAGE FOUR RESTRICTIONS

Updated 11.00am Monday August 10, 2020

LVML has updated the advice received to address concerns from members and provide further clarity around some areas of the current restrictions.

We will continue to make updates as new information becomes available.

We suggest you check the business.vic.gov.au site regularly.

If you unsure if a current job you are working on must halt, please contact the hotline to determine if works are permitted.

(NB: Wait times are now in minutes, not hours)

Business Victoria Hotline
13 22 15

INTRODUCTION

Stage Four restrictions will remain in place until at least September 13th 2020, unless otherwise specified by the Victorian Government.

Clear directives have now been provided regarding which areas of residential construction can continue to operate.

For many members and businesses operating in the landscaping industry, this means they must cease work for the duration of the Stage Four restrictions.

The limited number of businesses that can operate during the restriction period will need to adhere to Covid Safe guidelines as issued by the [Victorian Government](https://www.vic.gov.au).

If you are unsure if your work falls into one of the permitted categories, or cannot adhere to Covid Safe guidelines, LVML's advice is to stop work.

LVML will continue to provide updates as more information is available.

For all details relating to large-scale construction sites, small-scale construction sites and residential land development sites, refer to:

CONSTRUCTION SECTOR GUIDANCE

READY RECKONER

CLASS OF WORK	WHAT CAN I DO?	WHAT CAN'T I DO?
Landscape Designer	Designers must work from home	NO site visits NO client consults in their home
Landscape Architect	Architects must work from home. 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	NO visits to work sites for any other reason than that given, left. It is not anticipated many Landscape Architects will need to attend sites for the purposes outlined. If so, however, all Stage 4 Restriction guidelines must be followed (Permits, COVID Plans, PPE etc).
Residential Landscape Builder	<p>INHABITED / OCCUPIED PREMISES¹</p> <p>1. Work on any current job ONLY TO MAKE IT SAFE, then pack up and leave. You have until 5pm Aug 17th to secure the safety of the site</p> <p>2. Carry out emergency works e.g. retaining wall collapse and then ONLY to secure the site and make it SAFE</p>	<p>Landscaping is NOT an essential service.</p> <p>Inhabited/Occupied residences <u>cannot</u> have builders or workers on site under the stay-at-home orders (except for emergency repairs or for safety purposes).</p>
	<p>UNINHABITED / UNOCCUPIED PREMISES¹</p> <p>Work on a small-scale construction site can proceed if</p> <ol style="list-style-type: none"> 1. Landscaping is a supplementary trade required to complete the project under another builder 2. The project was contracted directly by your business <p>Refer to the Construction Sector Guide for full details. Restrictions apply:</p> <ul style="list-style-type: none"> • High Risk COVID Safe Plan • Worker Numbers/Density (1 per 4sqm) • PPE/Masks • Permits for Workers 	<p>Some exceptions MAY apply if you are working on a Holiday House, for example, and the residents are not living there and will not be using the house during Stage 4.</p>

CLASS OF WORK	WHAT CAN I DO?	WHAT CAN'T I DO?
Residential Maintenance	ONLY if the works are in support of a Permitted Business e.g. medical suites that remain open AND FURTHER ONLY if to address health and safety concerns	Maintenance is NOT an essential service. You are NOT to work for the duration of the lockdown.
Commercial Landscape Builder	CIVIL and LARGE-SCALE PROJECTS ONLY Refer to the Construction Sector Guide for full details. Restrictions apply: <ul style="list-style-type: none"> • High Risk COVID Safe Plan • Worker Numbers/Density (1 per 4sqm) • PPE/Masks • Permits for Workers 	
Commercial Maintenance	ONLY if the works are in support of a Permitted Business e.g. shopping centre, hospital, parks, gardens AND FURTHER ONLY if to address health and safety concerns	In ALL other situations. Commercial Maintenance is NOT an essential service. You are NOT to work for the duration of the lockdown.
Supplier	Supply covers a wide variety of businesses. Refer also to 'Further Notes' <ul style="list-style-type: none"> • Retailers can continue to supply to trades where those trades are Permitted Work Premises, and the general public (ONLY contactless delivery/pick up) • Nurseries can continue to operate as they fall under the heading of Agriculture 	

** Trades people and builders can only visit a residential premise for construction works if the property is fully vacated and no-one will be residing there during the period of Stage 4 restrictions. Works can proceed on vacated properties in line with the small-scale restrictions on residential construction.*

DO YOU STILL HAVE QUESTIONS?

See the next pages for Further Details, FAQ's, Regional Advice, and a full set of links to all documentation relevant to the Stage 4 Restrictions applicable.

FURTHER NOTES LANDSCAPE BUILDER MEMBERS

For all details relating to large-scale construction sites, small-scale construction sites and residential land development sites, refer to:

CONSTRUCTION SECTOR GUIDANCE

Landscape works on small-scale construction sites (e.g. a new home build/knockdown rebuild **already in progress** and where **no one resides** at the property)

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.

For landscaping works (non-building construction) on inhabited residential properties, there are **limited** circumstances where construction works can be undertaken:

- Construction trades have until **Monday 17th August** to complete current works in progress but **only to a stage where they can be left safe and secure, and will not cause injury or property damage**, for the duration of the lockdown period.
 - Please note, this does not mean you can keep working as normal until the deadline. The only works that can be carried out are **those essential for the safety and structural integrity** of the site. Finishing touches like painting and rendering that are not essential for site safety should not be carried out.
 - These works must be complete by 5pm and staff must be home before the 8pm curfew comes into effect.
- For the duration of the Stage Four restrictions, tradespeople **can only attend a property for the purpose of emergency repairs, or to address an urgent health or safety issue.**
 - No specific guidelines have been provided as to what is considered an emergency or health and safety issue so common sense must apply. A burst water pipe is an emergency, an unsightly, overgrown lawn is not. A disabled access ramp that has fallen into disrepair is a safety issue, discolouration of stone pavers is not.

LANDSCAPE GARDENER MEMBERS

Domestic gardening services, e.g. lawn mowing, can no longer be provided from 11.59pm (Wednesday 5th August). This includes Body Corporate works carried out under a fixed contract, and all other contracted domestic maintenance works.

For the duration of the Stage Four restrictions, domestic gardening services **can only be provided for the purpose of emergency repairs, or to address an urgent health or safety issue.**

For works in progress, such as an open irrigation ditch, **the August 17th deadline applies** (as above) to allow time to leave the site in a safe and secure state. The only works that can be carried out are **those essential for the safety and security** of the site.

LANDSCAPE DESIGNER MEMBERS

Landscape designers can continue to work remotely but cannot attend a client's property under any circumstances. All consultations and meetings must be conducted remotely.

SUPPLIER MEMBERS

- **Permitted wholesaler and/or manufacturers** can continue to supply to trades.
- **Retailers** can continue to supply to **Permitted** trades and the general public (contactless delivery/pick only up for the general public).
- **Nurseries** are able to operate as a Permitted Industry. Farming activities and other operations relating to horticulture, irrigation, permaculture, and the flower industry are covered under this directive.

For any supply business permitted to operate, all Stage 4 Restrictions apply:

- [COVID Safe Plan](#)
- Worker Numbers/Density (1 per 4sqm)
- PPE/Masks
- [Permits for Workers](#)

COMMERCIAL MEMBERS

- Commercial construction can continue to operate, or new works can commence. All Stage 4 Restriction Requirements to work must be adhered to.
- Essential Commercial maintenance for the safety and upkeep of public and recreational spaces, such as parks, gardens, golf courses can continue. Members may also continue to carry out commercial maintenance works where the client remains open as a permitted business e.g. shopping centres, medical suites or operational educational facilities.

ALL BUSINESSES THAT ARE PERMITTED TO WORK

While any Permitted work is undertaken as described under the Construction Sector Guidance directive, all businesses must:

- [Have a Covid Safe Plan and/or a High Risk COVID Safe Plan](#) as required
 - there is an exemption for small business with less than five employees however, LVML's advice is to have a plan in place regardless as best practice.
 - [Click here for Covid Safe Plan FAQ's.](#)
- [Issue their staff with a Permitted Worker Permit](#)
- [Keep a workplace Attendance Register](#)

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

- prohibited from car-pooling to and from work
 - An exception applies for apprentices:
An adult can take an essential worker to and from their place of work without a worker permit, if the worker is their dependant and unable to transport themselves.
If needed, authorities must be able to confirm that travel is in accordance with the worker permit
- required to inform their employer if they share accommodation with anyone working at another high-risk workplace e.g. healthcare or aged care workers
- required to limit movement between multiple sites and observed enhanced PPE and hygiene measures if working between sites.

ADVICE TO REGIONAL LVML MEMBERS STAGE THREE RESTRICTION ADVICE

Regional members can continue to operate under Stage three restrictions.

Can you leave your house to go to work?

If you can work from home, you must do so.

However, if you cannot do your work from home, you can go to work. When at work, you should maintain physical distancing by keeping at least 1.5 metres between you and others and practice good hygiene - wash your hands and cough and sneeze into a tissue or your elbow.

You must wear a face covering when you leave home, this includes wearing your face covering while at work, unless you have a lawful reason for not doing so. This also includes when you are travelling for work purposes, for example either to or from work on public transport or in shared cars with people outside your household. For more information visit the face coverings page.

If you are unwell, you must stay home and you should also get tested for coronavirus (COVID-19) and remain at home until you receive a negative test result.

Can building sites remain open?

Yes. Building sites can remain open. The construction industry is encouraged to review the relevant guidance and implement appropriate measures on their construction sites in order to keep staff safe. Additional restrictions apply in Melbourne, refer to Stage Four advice outlined above.

To get to work, I need to travel through metropolitan Melbourne – am I able to travel through this area?

Yes. Travelling through metropolitan Melbourne is allowed.

Whilst not specified, LVML's recommendation for anyone who cannot avoid travelling through metropolitan Melbourne is to err on the side of caution by:

- Not stopping in metropolitan Melbourne if it can be avoided
- [Carry a Permitted Worker Permit](#)
- [Complete a Covid Safe Plan](#) to ensure you are doing the utmost to protect staff and clients and to be prepared to take action if a positive case impacts your business.

Refer to the FAQ appendix (p. 6) for further information regarding working in Stage Four regions.

FREQUENTLY ASKED QUESTIONS

How does the 'no tradespeople on properties unless it's an emergency' rule work?

Trades can only enter a residential property to address an emergency. There are no hard and fast guidelines as to what an emergency is under current restrictions so common sense must apply.

A burst water pipe or fallen tree is an emergency. A leaky irrigation system that could be addressed by simply turning off the tap is not an emergency.

For all 'emergencies' the main considerations are, if left in its current state for six weeks will it:

- Cause injury?
- Cause damage to property?

If the answer is yes, then it's an emergency repair and is permitted within the premises.

How does the August 17th deadline work?

Trades have until **Monday 17th August** to complete current works in progress but **only to a stage where they can be left safe and secure, and will not cause injury or property damage**, for the duration of the lockdown period.

Please note, this does not mean you can keep working as normal until the deadline. The only works that can be carried out are **those essential for the safety and structural integrity** of the site. Finishing touches like painting and rendering that are not essential for site safety should not be carried out.

What about fences?

Fences can only be erected for the purpose of making a site or residence secure. For instance, a fence can be erected to make a construction site secure.

A fence can also be erected or repaired to make a residential property secure where required, e.g. to keep children and pets inside the yard, install or repair a pool safety barrier.

Cosmetic works, such a painting, or replacing a timber fence with colourbond is not essential work and cannot be carried out.

Can employees work on multiple sites?

Wherever possible you should have one dedicated crew per site for the duration of Stage Four restrictions. However, if it is absolutely necessary crews can work on multiple sites provided:

- You abide by guidelines such as the 5 person / 25% of employees on site restrictions as they apply to your business.
- A log must be kept recording which site workers attended, on which date/s and at what times
- Shifts aren't blended

Can a business owner/site supervisor visit a construction site/s for quality control or supervision purposes?

It is discouraged but is allowed if necessary provided:

- You keep your time on site to a minimum
- Keep a log of which site you attended, on which date/s and at what times
- Avoid visiting more than one site per day

Can I, or my staff, travel and work between Stage Three (regional) and Four (metro) regions?

Travel from regional Stage Three locations into metro Stage Four locations is permitted. While in Stage Four locations you must abide by ALL Stage Four requirements including:

- You must carry a Permitted Worker permit
- Have a Covid Safe Plan
- Keep a log of all sites visited on what date/s and at which time/s, and keep a record of all contacts including phone numbers
- Must not carpool
- Adhere to all restricted operations guidelines including observing social distancing, wearing face coverings, practicing good hygiene and abiding by guidelines such as the 5 person / 25% of employees on site restrictions as they apply to your business.

Travel from metro Stage Four locations into regional Stage three locations is permitted, though it is discouraged to prevent further spread of Covid 19 into regional Victoria. While in Stage Three locations, you must continue to observe ALL Stage Four requirements and behave as though you are still in metropolitan Melbourne. This includes:

- Only working on construction sites. **You cannot enter a residential property in a Stage Three location** unless it is for the purpose of emergency repairs.
- Carrying a Permitted Worker permit
- Having a Covid Safe Plan
- Keeping a log of all sites visited on what date/s and at which time/s, and keep a record of all contacts including phone numbers
- Must not carpool
- Adhering to all restricted operations guidelines including observing social distancing, wearing face coverings, practicing good hygiene and abiding by guidelines such as the 5 person / 25% of employees on site restrictions as they apply to your business.

Can I be fined for working when I shouldn't be?

Yes, all workers and employers can be fined. It should be noted that your CLIENT can also be fined for allowing you to enter their premises for any reason other than emergency works.

SUMMARY OF LINKS TO ALL REQUIRED DOCUMENTATION AND TEMPLATES

See next page.

SUMMARY OF LINKS TO ALL REQUIRED DOCUMENTATION AND TEMPLATES

[Construction Sector Guidance](#)

[High Risk COVID Safe plan and COVID Safe Plan templates and advice](#)

[Permitted Worker Scheme](#)

[Workplace Attendance Register](#)

Additionally, and most importantly, there are several 'Directions from the Public Health Commander' that underpin ALL of the advice given, referred to as the legal instruments.

The Directions can be found on the DHHS website on [this page](#). Scroll to the bottom of the page to locate them.

The main Directions you need to be aware of are highlighted below.

We have not included links as these documents are updated regularly without announcement.

State of Emergency	+
Area Directions	+
Detention Directions	+
Stay at Home (Restricted Areas)	+
Stay at Home Directions (Non-Melbourne)	+
Restricted Activity (Restricted Areas)	+
Restricted Activity Directions (Non-Melbourne)	+
Permitted Worker and Childcare Permit Scheme Directions	+
Workplace Directions	+
Workplace (Additional Industry Obligations) Directions	+