



Building Act 2016

Director's Determination – Protection Work

I, Andrew Timothy Goldsworthy, in my capacity as Director of Building Control, and acting pursuant to section 20(1)(e) of the *Building Act 2016*, hereby make the following Determination.

Determination title	Protection Work
Description	This Determination specifies the circumstances when an owner must perform protection work as required by Part 6 of the Act
Version	Version 1.1
Application	For the purposes of 20(3)(b) of the Act, this Determination applies from date of its approval until its revocation
Date of Director's approval	15 October 2018

Andrew Timothy Goldsworthy

**Acting Director of Building Control
Consumer, Building and Occupational Services**

Document Development History

Version	Application Date	Reason	Sections amended
1.1	15 October 2018	Minor Revisions	Revision of clause numbering.
1.0	08 May 2018	Original release	-

Introduction to Director's Determination – Protection Work (explanatory information)

Building work may sometimes adversely affect adjoining properties. Owners proposing to perform work have obligations under the *Building Act 2016* to protect adjoining property from potential damage. If building work is close to the boundary with adjoining premises, protection work may be required to ensure that the premises and structures on it are not affected.

- This Determination specifically defines the circumstances when owners are required to comply with those legal requirements to perform protection work.
- Protection work should not be confused with general construction work, as it is inherently different in nature, even though protection work may be part of, or associated with, a particular building or demolition project.
- The legal obligation to perform protection work is in addition to requirements of work health and safety laws designed to achieve a safe workplace.

The policy of including protection work provisions as law is two-fold:

- Owners are not to suffer wrongful disturbance, or an interference by others, with the enjoyment of their premises; and
- To provide fairness (“natural justice”) to adjoining owners, to be notified about new work that may affect their premises and to be reassured that appropriate measures are in place to protect their interest before any work commences.

Requirements relating to protection of adjoining property have been the law in Tasmania for over 50 years. The current provisions are contained in Part 6 of the *Building Act* and Regulation 16 of the *Building Regulations 2016*.

Some plumbing work, such as deep trenching, may also require the performance of protection work. In this Determination, the collective term “Construction work” therefore includes any building, demolition or plumbing work that could adversely affect adjoining premises.

- For a more detailed explanatory information on the protection work requirements of the *Building Act*, please refer to the **Director's Guideline - Protection Work**.

Mandatory requirements of this Determination:

1.0 Interpretation

Except as provided below, the terms used in this Determination are the same as those defined in the *Building Act 2016* and the *Building Regulations 2016*.

“Construction work” means performance of building, plumbing or demolition work.

“Protection work” means work that provides protection from damage to the adjoining premises, or users of those premises. This work includes, but is not limited to:

- Underpinning, including vertical support, lateral support, protection against variation in earth pressures, ground anchors and other means of support for the adjoining property;
- Shoring up of the adjoining property including retaining walls and bored piers;
- Overhead protection for adjoining property;
- Other work designed to maintain the stability of adjoining property or to protect it from damage from building work including retaining walls and bored piers;
- Any work or use of equipment necessary for the construction, maintenance or removal of building work or equipment, whether or not the work or equipment is carried out or used on, over, under, or in the air space above the land on which the building work is, or is to be carried out, or the adjoining property.

“Zone of Influence” in relation to excavations or trenching, means the zone (e.g. either side of the excavation) in which there may be an influence on the excavation, including possible ground collapse.

- Mechanical plant, vehicles, storage of materials (including excavated material) or any other heavy loads should not be located in the ‘zone of influence’ of an excavation unless a ground support system installed.

2.0 Circumstances requiring performance of Protection work:

2.1 The performance of protection work for compliance with Part 6 of the Act is required either:

1. If the circumstances in clauses 2.2 to 2.9 will occur (or have been caused) as a result of construction work on the owner's premises; or
2. In any other circumstances, a building surveyor, after an analysis of risks, decides that the construction work requires performance of protection work, after taking into account (but not limited to) the following matters:
 - location of the premises
 - the proximity of proposed works to adjoining buildings on or near the boundary.

- the nature of the proposed construction work including its engineering or architectural design;
- risk of:
 - falling objects
 - the fall or dislodgement of earth or rock
 - falls from one level to another
 - a person falling into an excavation
- site conditions including:
 - the possible instability of any adjoining structure caused by the excavation
 - the possible instability of an excavation, due to persons or plant working adjacent to the excavation or the placement of excavated materials, plant or other loads in the zone of influence
 - any previous disturbance of the ground including previous construction work or excavation
 - the presence of or possible inrush of water or other liquid
 - vibration and hazardous noise, and
 - overhead essential services (power lines) or ground mounted essential services (transformers, gas and water meters).

2.2 Protection of people during construction work

The users of roads, footpaths or adjoining premises, who may be at risk from the performance of construction work on the owner's premises.

2.3 Excavations or trenching work

Excavations for construction work, where that work could cause damage, instability or collapse of the adjoining premises:

- along the boundary of premises; or
- within three metres of any building on adjoining premises; or
- to a level below that of the footings of a building on adjoining premises; or
- for the particular ground conditions or soil type of the allotment, where the excavation's zone of influence will extend into adjoining premises and may adversely impact on it.

2.4 Excavations or voids that are a danger to the public

Construction work that creates excavations or voids that are a danger to the public including:

1. a void or excavation that adjoins a public way, path or road; or
2. the construction site has not been secured or fenced and members of the public could gain access (even if access is unauthorised) and there is:
 - a risk of a person falling two metres or more, and
 - a trench with an excavated depth of 1.5 metres or more.
 - when trenching, for the purposes of the owner, is required through premises of an adjoining owner.

2.5 Work on external walls

When cutting away any:

- footings of an adjoining building; or
- chimney breasts, jambs or flues or other projections of a party wall or external wall;

in order for the owner to erect an external wall against a party wall or another external wall.

2.6 Work on party walls or party fences

1. a party wall is to be built, added to, or demolished; or
2. a party wall is to be repaired or underpinned; or
3. where the owner intends to erect a party fence wall or to demolish and rebuild it as a party wall; or
4. for a building that is connected to another by arches, or communications over public ways, or over passages belonging to another owner, if there is a need to rebuild or to repair those structures.

2.7 Work on adjoining walls

Where the building owner intends to cut away or demolish part of any wall or building of an adjoining owner, in order to erect an upright wall against it.

2.8 Work on retaining walls

When a retaining wall is to be built on the boundary of premises; *except* where a retaining wall may be erected as Low Risk Work by an owner or competent person (as Determined by the Director to be Low Risk Work).

2.9 Demolition work

Where the demolition of any structure may adversely affect:

- the structural integrity of; or
- cause damage to

any other nearby building, and not just any immediately adjacent buildings.