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K A M R A T A L - P E R I T I

*To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community*

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## CONSTRUCTION SITE MANAGEMENT REGULATIONS

So now we have them, and not a moment too soon. Yes! Real, wholesome regulations to help organise our construction sites and reduce the habitual disturbance and consistent nuisance omnipresent building works cause all around us, sometimes barely tolerable, but never as annoyingly intrusive as when those cranes turn up right next door. Our plight is well known. Who can we call to silence that mind-numbing din? How do we stop our walls shuddering all hours of every day? Should we have to file reports to clear up clouds of dust covering our neighbourhood? What do we have to do to get some rest? And do you remember the road? It was almost decent before works commenced.

Well, as of the beginning of November, matters should improve. For a start, certain sites (for the present those of a larger size and/or those in areas deemed to be of 'high development intensity') will necessarily display a board listing the site owner/developer and his/her *perit*, the development permit number, the main contractor and other companies involved in the works. The sign board will be required to identify the person or persons named the 'Site Manager' in the *Environment Management Construction Site Regulations* (Legal Notice 295/2007). This is a new role in the industry given statutory status through these new regulations.

Not to be mistaken for the *Project Supervisor* (labelled Health and Safety Officer in the template of the notice board attached to the Legal Notice) who is similarly appointed by the owner, it is the *Site Manager* that takes on responsibility for ensuring compliance with the provisions of these regulations.

And although at first glance it may appear comforting for the public to have several names to contact should something go amiss, it does get confusing who to hold responsible for what. For while the *Project Supervisor* is concerned with ensuring compliance with Legal Notice 281/2004, *Work Place (Minimum Health and Safety requirements for Work on Construction Sites) Regulations*, the *Site Manager* (whether this same *Project Supervisor*, the owner of the site, his/her *perit*, or a completely independent person) is limited to seeking to restrict environmental damage and social nuisance caused by site activity. The *perit's* attention appears to become more focused on - though evidently not only limited to - ensuring the quality of construction and compliance of the works with the approved designs and specifications.

A certain amount of overlap is therefore inevitable, and regrettably the legislation sheds little light to clarify this point, or to suggest which of the different contacts should be approached for the various specific issues that may arise during the course of the works.

It is also unclear what qualifications and competences *Site Managers* and *Project Supervisors* are expected to have and who will assess them, certify their 'competence' (undefined in the law), and licence them to take on their new roles. Yet if an owner of a project can simply appoint himself *Site Manager*, we can perhaps safely assume that no qualifications are necessary, making the whole exercise somewhat less credible. For even if one were to ignore potential conflicts in the roles of the owner/*Site Manager*, surely this is still not the safest way to guarantee the system is as self regulatory as would be hoped.

The *Kamra tal-Periti* does however welcome the enactment of the Construction Site Regulations. The Council of the *Kamra* sees their introduction, even if only gradually, as a step towards a better quality environment for our towns, villages and neighbourhoods, and looks upon them as a means of raising the standards of the construction sector. Although you will most likely still be woken up early by noisy machinery on weekdays or Saturday morning, and you may still hear the site team pack as you sit down to your evening meal (since permissible working hours are allowed to stretch from 7.00am to 8.00pm, they are hardly any more restrictive than current practice), you may, on the other hand, expect building sites to be properly secured and safer in future, since substantial fines will be imposed for sites without adequate hoarding.

Noisy machinery will need to be muffled to minimise noise pollution, a healthy measure for construction workers as well as the neighbours. All dust generating equipment will need to be equipped with dust extraction and recovery devices (sanders and planers, cutters of chasings, etc, excluding though, for reasons yet to be explained, that greatest of all dust generating villains - the band saw). When the regulations are eventually complied with, all dust creating activity will need to be carried out in sealed environments preventing the escape of dust to outdoor public spaces. The regulations impose that sites are to be kept clean, cleared regularly and frequently of all unwanted waste; they require that loose building material is stored and transported in sealed containers; they stipulate that no soiled water is discharged to the streets and surroundings; they even insist that our roads are to be cleaned at the end of every day. We will, of course, suspend judgement for the present on the ability of the responsible authority (MEPA) to enforce these regulations effectively.

Some aspects of the legislation warrant further refinement. It remains unclear what happens in those not infrequent cases where a *perit* is not retained to follow works post completion of the structure. Neither is there mention of when the guarantees are to be released; on issue of the Compliance Certificate or on release of a Final Compliance Certificate, a practice almost completely forgotten?

Absurdly lenient are the additional fines imposed for offences committed on sites of '*historical or environmental importance*' including those in, or in the vicinity of, World Heritage Sites, listed buildings, Heritage Parks, and Nature Reserves (the selection being strangely reserved for the Minister), all of which betrays an element of imprudent carelessness towards cultural and environmental heritage of national significance.

All in all, the new legislation should ultimately prove beneficial. None would dispute the need to act to safeguard the quality of life of those affected by developments; and while the law may not be perfect, some may claim that even this much is too good to be real, a slap in the face of the excesses of our developers/contractors and the entire construction industry.

The success of the legislation hinges, however, on effective monitoring and enforcement and on the wholehearted commitment and cooperation of all stakeholders. For all to appreciate the benefits of the law and to understand the implications is therefore essential and Government and/or the responsible authority should embark on information campaigns, to *periti*, contractors, developers/owners, project managers and prospective site managers through a series of seminars dealing with the provisions of the Regulations. The Council of the *Kamra* offers its full support for the preparation of future events organised in this respect.

The *Kamra* has already proposed that the site notices required for construction sites are issued through the *Kamra tal-Periti* itself. The *Kamra* sees its involvement as one way to help ensure an adequate level of standardisation and conformity, and better control over the relevance and quality of the information displayed in the interest of all citizens. Look out for one at a site near-by soon.

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