BUILDING WORKS PROTOCOL (BWP)
COTE D'AZUR – SP50785
(PLAIN ENGLISH VERSION)

The Building Works Protocol (the Protocol) has been established for Cote d'Azur, Strata Plan 50785 (Cote) in response to the increasing and ever-changing legislation regarding all Building Works and particularly, the Work Health & Safety Regulation 2011 (WH&S), previously known as Occupational Health & Safety (OH&S).

All Building Works at Cote are directly, or indirectly, related to the Environmental Planning and Assessment Act 1979 (the EP&A), the Home Building Act 1989 (the HBA) and the NSW Civil and Administrative Tribunal (NCAT), previously known as the Consumer, Trader and Tenancy Tribunal (CTTT).

This Protocol is essential in order to protect all of the Owners of Cote from any accident, loss or injury which may occur during Building Works. In the absence of the Protocol, the Owners Corporation (Cote OC) could be held liable for significant damages and loss.

Therefore, it is the responsibility of every Owner to ensure that all Building Works undertaken on their private Property and/or the Common Property, are strictly in compliance with this Protocol.

The Cote Executive Committee (Cote EC) has created numerous initiatives to assist every Owner to achieve this goal.

It is important to understand that the WH&S Regulations specifically require every person involved in Building Works, to be responsible for safe work conditions. It is no longer adequate to leave this responsibility to other people.

To safeguard the Owners, Tenants and Visitors of Cote and to ensure that we all enjoy our Cote Community, the following requirements have been defined.

Q. – What are Building Works?

At Cote, 'Building Works' are any activity which requires and/or results in the alteration and/or addition of any fixed part of private property and/or the Common Property, inclusive of any activities which create noise and/or nuisance of any kind to other Owners, Tenants and/or Visitors of Cote.

On this basis, Building Works cover a very wide range of activities and all of these activities must comply with the Protocol.

The Protocol has been established to encourage all Owners, the Cote OC, the Cote EC and all commercial and residential Owners and commercial operators to attend to improvements throughout Cote to the correct and proper standards and in a safe manner. This approach will assist in the long-term enjoyment and benefit of the total Cote Community.

A simple Flow Chart of the Protocol procedures has been established to guide the Building Works at Cote to ensure consistency and correct techniques are adopted. This Protocol applies equally to every Owner and also the Cote EC which represents the Cote OC.

In essence, the Protocol is quite simple and acknowledges that, although private ownership is applicable, we all belong to one (1) single Strata Scheme and therefore, are bound by the rules of that Strata Scheme.

To assist Building Works to promptly and properly occur at Cote, a Cote Building Committee (CBC) has been established to thoroughly assess all Building Works.

The CBC comprises members of the Cote EC, as well as independent building and other technical advisors. The Protocol is based on a simple 'application/approval system' which in some cases, will require Cote EC/Cote OC approval, in addition to Council approval.

It should be clearly noted that failure to comply with the Protocol may result in Building Works being immediately stopped, regardless of the cost or inconvenience. This Protocol is also embodied in the formal By-Laws of Cote and therefore, is supported by strong legal enforcement of any Stop Work Order issued by the Cote EC.

Every attempt will be made to avoid the issuance of a Stop Work Order. However, any breach of a safety requirement may immediately result in a Stop Work Order, potentially without notice.

It is hoped that this Protocol will promote an improved Cote Community for us all.

Should you have any enquiries, please refer to the Cote website and/or contact Nina Ashfield-Howell of Strata Title Management (Ph. 9540-4199, e. nhowell@stratatitle.com.au)

Cote Building Committee (CBC)

It is recommended that the CBC consist of at least three (3) members of the EC and three (3) non-EC members.

The role of the CBC is to give guidance to the requirements relevant to all Building Works and where a dispute arises, formal clarification from at least three (3) members of the EC would be preferred.

The non-EC members will consist of the Building Manager, John Stevens, Building Systems Manager, Carey Beebe, Structural and Remediation Engineer, John Forrest (Fozza), and other interested and experienced Owners.

A further role of the CBC would be to closely monitor and approve all Building Works and contracts and administration roles to avoid cost over-runs and unnecessary variation to scopes of the Building Works.

For both private and/or EC controlled Building Works, it is strongly recommended that standard Master Builders Association (MBA) type Contracts be adopted in all circumstances.

For Projects of varying value, different control mechanisms will be appropriate. These recommendations are listed below:

Building Works Cost	Contract Type	EC Financial Control	Quality Control	Contingency
<$10,000.00	Written Quote	Building Manager + CBC + EC	1 x EC Member	0%
$10,000.00 - $25,000.00	Small Works	Building Manager + CBC + EC	Building Manager + 1 x EC Member	10%
$25,000.00 - $50,000.00	Medium Works	Building Manager + CBC + EC	2 x EC Members + 1 x non-EC Member	15%
$50,000.00 - $150,000.00	Major Works	Building Manager + CBC + EC	2 x EC Members + 2 x non-EC Members	15%
>$150,000.00	Major Works Design & Construct	Professional Project Manager	2 x EC Members + Project Manager	5%

BUILDING WORKS PROTOCOL (BWP) FLOW CHART

COTE D'AZUR – SP50785

IDEA

DESCRIBE

DESCRIBE your IDEA(S) in words/sketches/drawings. The more detail, the better. A cost estimate would also help.

SUBMIT IT

SUBMIT your IDEA(S) to the Strata Manager – Strata Title Management (STM – Nina Ashfield-Howell), preferably via email.

WAIT

WAIT while your IDEA(S) are assessed by the Cote Building Committee (CBC). This will happen in <4 weeks.

The CBC will consider whether you need to:

1. Submit a D.A. to Council
2. Engage a PCA
3. Create a By-Law
4. Present to the full EC
5. Present to AGM

REVIEW

REVIEW the initial response/recommendations and/or additional information requested by the CBC.

REPLY

REPLY to the CBC, via STM, with all necessary information.

WAIT

WAIT for the final CBC conditions of approval. **DO NOT START YET.** If everything is OK, the final approval will be received in <4 weeks.

The CBC approval conditions will technically require:

1. All Contractor Licenses
2. WH&S statements
3. Insurance HOW
4. Appropriate Contracts/Agreements
5. Working hours

REVIEW

REVIEW **ALL** the processes and notifications requested **BEFORE** you start the Building Works.

START

START the Building Works but stick to the CBC requests and all will be good.

NOTIFY

NOTIFY the Building Manager (Herman) that you have started the Building Works and request an inspection by the Building Manager to ensure things remain safe and correctly done.

During the Building Works, you will need to submit:

1. Certificates
2. Warranties
3. Inspections Reports
4. Induction checklists
5. Safe Work Method Statement (SWMS)

ENJOY

ENJOY the completion of the job.