MOTIONS FOR PROJECT REMEDIATE

**MOTIONS TO CONSIDER PROJECT REMEDIATE – ELIGIBILITY (stage 1)**

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| **MOTION**  Lodgement of request for eligibility for project | THAT, The Owners – Strata Plan No [insert number] pursuant to the *Strata Schemes Management Act 2015* (**the Act**), RESOLVE to approve an application to the NSW Department of Customer Service (Office of Project Remediate) to do the following:   * determine eligibility for Project Remediate (to replace all combustible cladding within the building); * approve contractors/experts and consultants to carry out inspections, investigative testing (both invasive and non-invasive) and inspect any records of the Owners Corporation required to prepare a report on the status of the combustible wall cladding within the building.   *Explanation: The NSW Government has prepared a system for the remediation of strata buildings that have combustible composite panelling (combustible cladding) called Project Remediate.*  *The first phase of Project Remediate is a determination of eligibility and if eligible an inspection/testing regime to prepare a report on the combustible cladding so that a remedial design can be prepared.*  *During the remedial design phase the Owners Corporation will be given the opportunity to adopt a design and ultimately contractors to undertake the remedial works. These to be determined at a later meeting.*  *Attached to the agenda for this meeting is the information document Strata Guide to Project Remediate on the process and general information relating to Project Remediate.*  *Owners are encouraged to review these documents and further information on the NSW Department of Customer Service website:* ***nsw.gov.au/project-remediate*** *relating to the project*. |
| **MOTION**  Delegation of function | THAT, The Owners – Strata Plan No [insert number] delegate to the Strata Manager and/or Strata Committee the function applying to Project Remediate and co-ordinate any access to the building for inspection/investigative purposes and all things necessary to complete the requirements of the preceding motion approval.  *Explanation: The Owners Corporation delegates the administrative functions of executing any application and all things necessary to allow the preceding motion to be undertaken.* |

MOTIONS FOR PROJECT REMEDIATE

**MOTIONS TO CONSIDER PROJECT REMEDIATE – CONFIRM REMEDIAL REPORT AND DESIGN APPROVAL (stage 2)**

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| **MOTION**  adoption of remedial report and approval of design for remedial works | THAT, The Owners – Strata Plan No [insert number] pursuant to the *Strata Schemes Management Act 2015* (**the Act**), RESOLVE to do the following as a result of the application to the NSW Department of Customer Service (Office of Project Remediate) for the remedial works to replace the combustible composite panelling on the building (at no cost):   * to approve the report by [insert details] dated [insert date] detailing the remedial repairs required to the combustible cladding in the building; * adopt and approve one of the design reports from [insert details] dated [insert date] and [insert details] dated [insert date] attached to the meeting agenda.   *Explanation: The Owners Corporation applied to the NSW Department of Customer Service (Project Remediate) for assistance with remediation of its combustible cladding.*  *The Office of Project Remediate has obtained an expert report on the remedial works required and preliminary designs of those works (at no cost).*  *The Owners Corporation is now to consider the various design options and if approved the design shall be finalised, tenders prepared, quotations obtained from suitable contractors and works contracts prepared.*  *Once all prepared a further meeting will need to be convened to approve the contractor, enter into the Project Remediate interest free loan, raise funding for repayment of the loan facility and adoption of all reports/designs.*  *Owners are encouraged to review the Strata Guide to Project Remediate previously provided or available on the NSW Department of Customer Service website:* ***nsw.gov.au/project-remediate*** *which details the system.* |
| **MOTION**  Delegation of function | THAT, The Owners – Strata Plan No [insert number] delegate to the Strata Manager and/or Strata Committee the function of executing any document or notifying Project Remediate concerning the preceding motion approvals  *Explanation: Following approval of the reports and determination of the design the Owners Corporation delegates the administrative functions of preparing any document or notification.* |

MOTIONS FOR PROJECT REMEDIATE

**MOTIONS TO CONSIDER PROJECT REMEDIATE – ADOPT FINAL DESIGNS AND ENGAGE CONTRACTORS (stage 3)**

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| **MOTION**  adoption of remedial report and approval of design for remedial works | THAT, subject to the following 4 motions being approved, The Owners – Strata Plan No [insert number] pursuant to the *Strata Schemes Management Act 2015* (**the Act**), RESOLVE to do the following concerning the remediation of the combustible cladding as attached to the meeting agenda at Annexure [insert details].   * approve the Deed of Novation for the remedial report prepared by [insert details] dated [insert date]; * approve the design prepared by [insert details] dated [insert date]; * approve the Deed of Novation of the designs prepared by [insert details] dated [insert date]   *Explanation: The Owners Corporation applied to the NSW Department of Customer Service (Project Remediate) for assistance with remediation of its combustible cladding.*  *The Office of Project Remediate has obtained a final design for the remedial works required, completed a tender process based on that design and a suitable contractor under a standard building contract for the works under the design to be completed.*  *The Owners Corporation is now to consider whether to adopt the original remedial report (and novate the contract with them), approve the final remedial design (and novate the contract with them), approve the contractor under the tender and finally approve the interest free loan facility with the NSW Government to cover the costs of the works.*  *This and the following motions are to facilitate that final phase of Project Remediate.*  *Owners are encouraged to review the Strata Guide to Project Remediate previously provided or available on the NSW Department of Customer Service website:* ***nsw.gov.au/project-remediate*** *which details the system.* |

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|  | **MOTION TO APPROVE LOAN DOCUMENTS AND WORKS** |
| **MOTION**  Engagement of contractor | THAT, subject to the preceding motion and the following 3 motions being passed, The Owners – Strata Plan No [insert number] RESOLVE to enter into the building contract with [insert details] dated [insert date] to undertake the remedial works to replace the combustible cladding in the strata scheme as approved in the preceding motion and recommended by the Owners Corporation’s expert following a tendering process (as per Annexure [insert details]).  *Explanation: The successful tenderer has been chosen by Project Remediate to carry out the remedial works in the designs prepared under Project Remediate.* |
| **MOTION**  Engagement of superintendent | THAT, subject to the 2 preceding motions and the following motion being passed, The Owners – Strata Plan No [insert number] RESOLVE to engage [insert details] to be the Superintendent of the remedial building contract in the preceding motion as per their contract attached to this Agenda at Annexure [insert details].  *Explanation: Following approval of a suitable contractor to undertake the remedial works in the preceding motions, the Owners Corporation is to appoint a Superintendent to manage the remedial works and building contract.* |
| |  |  | | --- | --- | | **MOTION**  approval of loan facility | THAT, The Owners – Strata Plan No ??? RESOLVE to enter into the loan facility with the Department of Customer Services in the terms and conditions contained in the Loan Agreement attached to this Agenda at Annexure ??  *Explanation: Following previous resolution of the Owners Corporation to seek a loan facility for the remedial works to the composite panelling in the strata scheme the Department of Customer Services has agreed to offer a loan on the terms and conditions contained in the Loan Agreement.* |   **MOTION**  determination of repayment contributions for loan facility | THAT, subject to the 3 preceding motions being passed, The Owners – Strata Plan No [insert number] RESOLVE to enter into the loan facility with the Department of Customer Services (Project Remediate) in the terms and conditions contained in the Loan Agreement attached to this Agenda at Annexure [insert details].  *Explanation: Following previous resolution of the Owners Corporation to seek a loan facility for the remedial works to the composite panelling in the strata scheme, the NSW Department of Customer Services has agreed to offer a loan on the terms and conditions contained in the Loan Agreement.*  THAT, The Owners – Strata Plan No [insert number] RESOLVE pursuant to section 81(4) of the *Strata Schemes Management Act (2015) (****Act****)* to raise alevy contribution in the amount of [insert amount] to repay the loan facility.  That, The Owners – Strata Plan No [insert number] further resolve to raise the levy contribution in accordance with the following regular periodic instalments:   1. [insert date and amount]; and 2. [insert date and amount] etc,   AND:   1. be paid, in accordance with section 83 of the Act, upon the service on owners of the lots of a written notice of the contributions.   *Explanation: Following the preceding motion to approve the loan facility for the remedial works to the composite panelling in the strata scheme the Owners Corporation is required to levy owners for the repayment of the loan.* |
| **MOTION**  Delegation of function | THAT, The Owners – Strata Plan No [insert number] delegate to the Strata Manager and/or Strata Committee the function of undertaking the following:   1. executing the loan facility (if approved); 2. executing the building contract (if approved); 3. executing the Superintendent agreement; 4. executing all other documentation required for the remedial building works to be undertaken including but not limited to any application for local Council consent; 5. notifying the Owners Corporation’s insurer that the remedial works are being undertaken and ensure that the Owners Corporation’s insurer places a notation on the insurance policy of the remedial building works being undertaken.   *Explanation: Following approval of the loan facility, building contract and Superintendent agreement the Owners Corporation delegates the administrative functions of executing all agreements and ensuring insurance details are updated.* |