

4.5 FCRM BUILDING STANDARDS OF OCCUPANCY POLICY

4.5.1 PURPOSE

The purpose of these guidelines is to provide a framework for the consistent application of the Building Standards of Occupancy Policy, for the preparation of the Building Standards Report required by the Alpine Standard Lease.

4.5.2 BACKGROUND

All new leases at Falls Creek are required to use a standard document format acceptable to the Minister, known as “the alpine standard lease”. The alpine standard lease requires the Board to prepare a Building Standards Report for the purpose of providing a record of the Tenant’s response to the matters relating to the Standards of Occupancy and for reference during negotiations for a new lease.

The Falls Creek Alpine Resort Management Board (“the Board”) has developed and formally adopted a policy and these guidelines will be used as a basis for the Building Standards Inspection Report required every three (3) years under the alpine standard lease.

4.5.3 DEFINITIONS

Bed Audit means an on-site verification by the Board of the number of beds contained within a site, which is used to calculate contributions to the annual service charges. Definition of a bed is contained within the Falls Creek Service Charges and Capital Ingoings Policy.

Board means the Falls Creek Alpine Resort Management Board.

Building Standards Report means the report to be prepared by the Board under Clause 12 of the alpine standard lease specifying whether the premises meet the Standards of Occupancy. A template report can be found in Appendix 2.

Building Compliance Report means a report prepared by the Municipal Building Surveyor, or a report prepared by a registered building surveyor appointed by the lessee and subject to acceptance of the Board, which assesses current compliance of any improvements on the site, and specifies matters requiring rectification prior to the granting of a new lease. Refer to the Building Compliance Report Guidelines for further information.

FCRM means Falls Creek Resort Management

Fully Enclosed Commercial Area means the area of commercial space contained within a site, and is used to calculate contributions to the annual services charges. Definition of FECA is contained in the Falls Creek Services Charges and Capital Ingoing’s Policy.

Municipal Building Surveyor means the person authorised by the Board under section 192(1) of the *Building Act 1993* to fulfill the Board's responsibility to administer and enforce Parts 3, 4, 5, 7 and 8 of the *Building Act 1993* and the Building Regulations within the resort.

Standards of Occupancy means a standard determined by FCRM, acting reasonably, for the Tenant's improvements taking into account, without limitation:

- (a) contemporary standards; and
- (b) the need for regular maintenance and upgrading of the exterior and interior of the Tenant's Improvements to meet visitor expectations.

4.5.4 SCOPE

This policy applies to all existing alpine standard leases.

4.5.5 POLICY

It is FCRM policy that:

A Building Standards Report will be prepared by FCRM, in accordance with Clause 12 of the lease and at their cost, to assess the standard of occupancy against contemporary standards as detailed in the template report in Appendix 1. A Building Standards Report is required every three years throughout the life of the lease, initially occurring no later than the start of the first declared ski season three years after the date of commencement of the lease. Thereafter, a building standards report is required at intervals of no greater than three years. Where a Building Standards Report has not been previously prepared in relation to an existing alpine standard lease, it will be completed within 3 years of the date of adoption of the "Building Standards of Occupancy" policy by FCRM.

At the time of inspection, the Municipal Building Surveyor will also inspect the maintenance of Essential Safety Measures, and a Bed Audit and FECA assessment may also be conducted by FCRM.

The minimum standard of occupancy is compliance with all building regulatory requirements applicable to the particular class of building at the date of original construction (subject to any subsequent permitted alterations or extensions to the building), along with any required retrospective regulatory matters, or regulatory matters which in the opinion of the MBS present a risk to the life, health, safety or amenity of building occupants or the public. Additional matters will be assessed against contemporary standards as detailed in the Standards Guidelines below. All premises must be kept in good repair and condition and clean and tidy in accordance with the obligations of their lease.

4.5.6 COMMUNICATION

FCRM will notify site holders that a Building Standards Report is required to be prepared by issuing the site holder with a “notice of entry for inspection” letter as contained in Appendix 1. The letter will nominate a date for the inspection to be carried out. It is expected that should this not be convenient for the site holder, that an alternative time and date would be offered by the site holder, within a month of the date originally proposed by the FCRM. FCRM will provide the site holder with the Building Standards Report within one month after the inspection has been carried out.

FCRM will also provide a letter one year prior to any subsequent inspection, to remind site holders of their obligations under the lease, that a Building Standards Report is due in the next 12 months and to list the items raised from the previous report.

4.4.5 REFERENCES

4.4.6 AUTHORISATION

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By: Director EDLM
By: