

Application for consent to an informal occupancy agreement with another City of Kalamunda Community Group in regard to a facility under lease or licence

Date of form – 3 November 2017

1. Introduction

- (1) This form is to be completed and submitted to the **City of Kalamunda (Property Services Team)** by Lessee or Licensee community group tenants (**the applicant**) of City buildings seeking the City's consent (in its capacity as Landowner) to an informal occupancy agreement with another Community Group in regard to a facility under lease or licence.
- (2) The applicant is responsible for:
- providing the third party community group with a copy of the lease/licence and any other information relating to the building capacity (i.e. Health Services Accommodation Certificate as a Public Building, plumbing and electrical capacity, septic tanks and leach drains); and
 - gaining the new Group's acknowledgement to comply with the lease/licence terms (in particular but without limitation, the agreed purpose of the lease/licence and the term of the lease/licence). A copy of the acknowledgement should be provided with this form.

Where the applicant is seeking grant funding assistance from the City to allow the additional occupancy, approval of this application does not represent an approval of funding.

X.....Signed by applicant in acknowledgement

2. Applications involving a Food Business Registration

- » The City will only consider applications for an informal sub-lease involving an "Application for a Food Business Registration" from a third party where there is an ancillary benefit to the applicant. Full details of the Food Business proposed to operate from the premises must be provided with this form.
- » If a consent is given, generally the term of the approval for the Food Business Registration will be for no more than the maximum of the remaining current term of the lease or licence (i.e. a fresh approval may be required when an additional term is available under the lease or licence).
- » This application relates only to areas completely within the Leased/Licensed Premises area. It is the applicant's responsibility to confirm that the Informal Occupancy Arrangement/Food Business will be located wholly within the leased/licenced premises area.
- » Applications for a Food Business Registration require formal Health approval from the City of Kalamunda as the Local Government Authority. This process is treated separately and independently. Enquiries should be made to the City's Health Services Department for clarification of the respective Local Government procedures.
- » The applicant is responsible for obtaining Health Services approval and for meeting all associated requirements (including Maintenance of Premises) of the City's Health Services.
- » Where works to the building are required to satisfy any conditions imposed for progressing a Food Business Registration, the City may also require the applicant to complete an "Application to Undertake Improvements or Alterations" form and be subject to the associated procedure for considering such a request.

- » It is the applicant's responsibility to:
- » confirm that the proposed area for the Food Premises Business and the structure is appropriate for the planned use, with all costs met by the applicant; and
- » maintain the area to support retention of a Food Business Registration.
- » The applicant will be responsible for any damage that may occur to the facility as a result of the operation of the Food Business from the premises and will compensate the City fully for any costs incurred in remedying such damage. Where the damage is covered by the City's Building Insurance, the City may seek reimbursement of the building insurance excess from the applicant.

3. Notes

- » Approval of the application will not constitute agreement by the City of Kalamunda to contribute to any of the costs of the works identified as being required to satisfy the City's Health Services, Planning or Building Services.
- » The City of Kalamunda will not reimburse any costs nor will it be responsible for defective workmanship or any costs for rectification of defective or unsatisfactory work.
- » **More than one formal tenant:** Where there is more than one formal tenant leasing the premises (e.g. on a seasonal basis):
 - that other tenant will be required to apply for and gain all necessary approvals for a Food Business Registration/arrangement with a different third party.
 - If the other joint tenant wishes to be a party to the same arrangement applied for here, the other tenant will need to sign this application in support of the request and to acknowledge that they are bound to the conditions contained in this application.
 - Where the joint tenant does not wish to be a party to this agreement, if the agreement is consented to by the City, the informal sub-tenant's use will only be possible for the same occupancy period as the applicant tenant.
- » The applicant acknowledges that they, as lessee, remain responsible for the premises at all times and that all matters arising in regard to the premises will be dealt with by the City through themselves as the Lessee.
- » The applicant is responsible for completing all relevant forms and providing these to the City so that the City can, if required, sign the forms as landowner.
- » The applicant is responsible for documenting the agreement between themselves and the new Club, including addressing all risks that may arise e.g. considering such things as Public Liability Cover and the like. A copy of the documented agreement is to be provided for the City's records.
- » The applicant is responsible for checking the background, suitability, legal framework (*) and solvency of the proposed sub-lessee. (*e.g. an Incorporated Association).
- » The applicant acknowledges that the City's expectation is that the monetary charge to a sub-lessee will be on a recovery of costs basis, which may include the Lessee's costs of managing the arrangement e.g. provision of keys, security codes, telephone and correspondence expenses.

For further information contact the City of Kalamunda Property Services Team on 9257 9999.

4. Facility Details

Building Name:	
Building No:	
Address of Building / Facility:	

5. Reason for request

6. Area proposed for inclusion in the Food Business area

*(Please provide sketch. Additional plans or other technical drawings may be attached. Plans of the existing premises may be available by request through Property Services. Generally the site plan should be drawn on a scale of no less than 1:500 showing the area for inclusion in the Food Business Registration. **The applicant is responsible for confirming that the Food Business Registration area proposed is located within the Leased/Licensed Premises area.***

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7. Obligations on the Facility User / Applicant

The Facility User / Applicant must hold a current Contents Insurance policy that incorporates personal liability cover for the duration of the lease/licence or agreement, as well as during the duration of any construction, installation, improvements or additions. Submission of the request does not constitute approval for a Food Business Licence or for any changes to the premises required by respective authorities.

8. Acknowledgement

By submitting this request the Applicant acknowledges and will be bound by the above conditions, including accepting responsibility to obtain Health Services Approval and any other approvals required. Should the third party fail to pay any fees/costs associated with the sub lease or Food Business Registration, the Applicant acknowledges that it is responsible to make payment when requested to do so by the City.

Authorised person acting on behalf of Applicant

Name _____

Club name _____

Position in Club _____

Telephone Number _____

Email _____

Postal address _____

Signature _____

Return this Form to:

2 Railway Rd, Kalamunda, WA 6076

PO Box 42, Kalamunda, WA 6929

Telephone: (08) 9257 9999 Fax: (08) 9293
2715

E-mail Address:

enquiries@kalamunda.wa.gov.au

Website: www.kalamunda.wa.gov.au