

# **APPENDIX A**

  

## **PLAN OF MANAGEMENT**

  

### **AND**

  

## **HOUSE RULES**

  

### **(DRAFT)**

## **1.0 Purpose of this Plan of Management (PoM)**

- 1.1 The purpose of this Plan of Management (PoM) is to ensure that the boarding house is operated and managed in an acceptable manner so as to ensure occupant and neighbouring amenity is not compromised by the use of the premises as a Boarding House.
- 1.2 The PoM has been prepared as part of a development application to Penrith Council.
- 1.3 To achieve this, the PoM has been drafted with the following matters in mind:
  - a. to maintain the internal and external appearance of the premises.
  - b. to ensure a person is readily contactable to assist in the ongoing implementation of this PoM.
  - c. to ensure that this PoM is enforceable as it will form part of the consent conditions.
  - d. to make provision for this plan to be amended from time to time with the approval of the Council in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.
  - e. To ensure the operation of the boarding house is controlled by the PoM and the Boarding House Rules.
  - f. to adopt and conform with the Boarding Houses Act, 2012.
  - g. to identify the hours of use for the communal room and outdoor communal area which is 7am to 10.00pm daily.
  - h. To set out the maximum occupants per room and on the site at any given time.
  - i. To identify the garbage collection protocols.
  - j. to adopt the development consent as part of the PoM which is attached at **Annexure A**

## **2.0 Primary Person Responsible**

- 2.1 The owner of the premises is responsible for ensuring that this PoM is properly implemented at all times. The owner to exercise this through the appointed Property Manager or 'Manager' who must principally reside on site (see cl. 3.1 below).
- 2.2 The Manager on behalf of the owner to ensure that all occupants are given a copy of this PoM and a document called "Boarding House Rules" ("the Rules") at the time they commence their occupancy. The Rules are to include a policy statement for occupants of the Boarding House directed to the objects set out above. The Rules include guidelines for the conduct of occupants to minimise inappropriate behaviour that might reduce any impacts on other occupants and neighbour's amenity. The Rules must not be inconsistent with this PoM or the conditions of development consent.
- 2.3 All tenants in the boarding house are to sign an agreement undertaking to comply with the Rules.
- 2.4 The Manager is to enforce all the Rules of the Boarding House.

- 2.5 The Manager is to remove any person from the Boarding House who fails to comply with any Rule after one warning, unless a serious breach occurs in which case no warning is required. If that person fails or refuses to leave the Boarding House, the Manager is to contact the NSW Police immediately. The owner must (if requested to do so) assist the Manager to the extent necessary to give effect to this provision.
- 2.6 The Manager is to maintain a register of occupants who have been evicted from the Boarding House and ensure that those people are prevented from entering the premises in the future. The register shall be kept on the premises at all times and available for inspection by NSW Police or Council if required.
- 2.7 The Manager is to take all reasonable steps necessary to ensure that occupants of the Boarding House do not affect the amenity of neighbours. The Manager may evict occupants who unreasonably affect the amenity of the neighbours of the Boarding House. The owner must (if requested to do so) assist the Manager to the extent necessary to give effect to this provision.
- 2.8 The Manager or owner is to ensure that a list of the Rules to be displayed in the entrance, communal room, rooms of the Boarding House.
- 2.9 A sign to be displayed at the entrance to the Boarding House advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises.
- 2.10 A contact mobile phone number for the Manager is to be displayed at the entrance to the boarding house.

### **3.0 Responsibility of the Manager**

- 3.1 The owner will appoint a Manager. The Manager is to have the appropriate skills to administer the PoM, and Boarding House Rules and assist in dispute resolution. The manager shall reside on site within the allocated managers residence.
- 3.2 The Manager is to ensure all occupants are provided with an Occupancy Agreement and Boarding House Rules.
- 3.3 The owner is to ensure a contact number is available for occupants to contact the Manager in the case of an emergency.
- 3.4 The Manager shall inspect the premises regularly to ensure compliance with all relevant provisions of this PoM and the House Rules, and any applicable conditions of development consent.
- 3.5 The boarding house common areas shall be professionally cleaned on a weekly basis by a contractor employed by the owner/manager or as required to ensure a clean state is maintained.
- 3.6 All waste bins shall be collected weekly or as required to ensure no adverse odours or rubbish accumulates on the site at any time.
- 3.7 Providing assistance where possible and as reasonably practical to occupants who are in need of health, personal and or community services for example by providing information, and referral for occupants so that they can obtain necessary assistance as required.

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#### **4.0 Rental Terms & Fees etc**

- 4.1 All tenants must be provided with and sign an Occupancy Agreement stating the rental per week and the relevant price increase if any so it is clear as to the cost of the occupancy and the term.

#### **5.0 Residents Register**

- 5.1 The manager is to keep a register which to include the occupant's name, previous address and license details if any.
- 5.2 Only two residents to be registered at any one time to occupy any one room maximum and if under 16sqm but more than 12sqm the max occupancy is 1 person. There is to be no more than 2 boarders in any room at any one time. Inspections may be undertaken by Council from time to time to ensure that this is being satisfied.

#### **6.0 Occupancy Principles**

In accordance with the Boarding Houses Act, 2012, the following Occupancy principles shall apply:

- 6.1 State of premises  
A resident is entitled to live in premises that are:  
a) reasonably clean, and  
b) in a reasonable state of repair, and  
c) reasonably secure.
- 6.2 Rules of registrable boarding house  
A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house. The boarding house is to be registered with Council before it is occupied.
- 6.3 Penalties for breaches of agreement or house rules prohibited  
A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.
- 6.4 Quiet enjoyment of premises  
A resident is entitled to quiet enjoyment of the premises.
- 6.5 Inspections and repairs  
A manager or owner is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.
- 6.6 Notice of increase of occupancy fee  
A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee or at the end of the 3 month term.
- 6.7 Utility charges  
(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:  
a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and

- b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:
  - a) the supply of electricity, supply of gas, supply of oil, the supply of water, the supply of any other service prescribed by the regulations.

#### 6.8 Payment of security deposits

- (1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:
  - a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
  - b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.
- (2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:
  - a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
  - b) any occupation fees or other charges owing and payable under the occupancy agreement or the Act,
  - c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy, the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor (occupant is required to pay for any lost keys and associated fees),
  - d) any other amounts prescribed by the regulations.
- (3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.
- (4) In this clause: security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:
  - a) any failure by the resident to comply with the terms of an occupancy agreement, or
  - b) any damage to the boarding house caused by the resident or an invitee of the resident, or
  - c) any other matter or thing prescribed by the regulations.

#### 6.9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction. The notice or advice is to be provided by email and a hard copy provided to the boarding room occupied by the occupant. Manger to make written note in diary of this task.

6.10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor, the manager of the boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

6.11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

6.12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

**7.0 Safety & Security**

The Manager and, where necessary or appropriate, the owner are to ensure all safety requirements of the Boarding House are met at all times, including ensuring the following:

7.1 Emergency access routes are clear.

7.2 Any items that are a fire hazard are removed from the premises without delay.

7.3 Maintenance of all fire safety measures including any required smoke detectors/alarms, sprinklers, emergency lighting and fire exits and ensure that regular inspection and certification is carried out.

7.4 CCTV surveillance of the basements, common areas and entry is to be maintained in good working order and viewable and accessible by the Manager. The managers room shall be fitted with screens to view all CCTV coverage within all internal common areas of the building plus entry door.

7.5 Access is to be programmed to restrict access to any level other than the residents level of occupation.

7.6 Providing assistance where possible and as reasonably practical to occupants who are in need of health, personal and or community services.

7.7 Consideration is given to designation of suitably located smoking and non-smoking rooms, to avoid congregation of smokers on the public and communal areas and nuisances to other residents from emanating smoke.

7.8 Contacting NSW Police of any suspected criminal activity, or of any domestic violence or disturbance.

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## **8.0 Cleaning & health**

- 8.1 The premises are to be professionally cleaned on a weekly basis. All emptied bins shall be collected and cleaned the same day following on site collection. Management of the bins is the responsibility of the on site Manager.
- 8.2 The manager is to ensure that the grounds of the Boarding House are maintained in a reasonably clean and tidy manner at all times.
- 8.3 Specific garbage room is allocated for use of the boarding house residents. Garbage room to be cleaned weekly or as required and provided with hot and cold water with floor waste.

## **9.0 Public Complaints Resolution Procedure**

- 9.1 The Manager is to maintain a complaint register of public (external) complaints.
- 9.2 This register is to comprise forms to be completed by the Manager, occupants and or complainants. The form is to record the name, addresses, phone number details and date of any person making a complaint. Only complaints where all the above information is given are to be recorded in the register. The complaints book is to be kept on site and available for inspection by Council or NSW Police as required.
- 9.3 The Manager (or, where appropriate, the owner) is to respond by telephone to a complaint whether written or oral within 24hrs by telephone (provided that the complainant has provided a phone number).
- 9.4 The Manager is to respond within 7 days to a complaint in writing.
- 9.5 Where required, the Manager is to use best endeavours to arrange a meeting with complainants. The owner to be present at such meetings if practical. The Manager is to keep minutes of such meetings and keep these minutes in a public Complaints Resolution Procedure Register. This register is to be made available to the Council for inspection on 7 days' notice.
- 9.6 If a matter of complaint cannot be resolved and the complainant wishes to escalate the complaint, the matter may be referred to the Council or Community Justice Centre for resolution by the complainant.

## **10.0 Variations to this Plan of Management and the House Rules**

- 10.1 This approved Plan of Management (incorporating the House Rules) may be varied from time to time by the Council, on the application of the owner, without the need for formal modification of the development consent.
- 10.2 The object of this clause is to facilitate timely and responsive alterations to the Plan of Management (and House Rules) where Council agrees that such alterations are appropriate and beneficial in preserving and enhancing residential amenity for occupants and/or for the locality. House Rules to be formed using the items at 10.4 below and other key outcomes within this PoM.
- 10.3 The House Rules may be incorporated into the Occupancy Agreement.

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## 11.0 Boarding House Rules

The Boarding House Rules to include the following:

- Alcohol is not to be consumed outside of the Boarding House except within the designated outdoor communal area. The use of the communal areas is restricted to use between 7.00am and 10.00pm each day. No intoxicated persons shall be permitted within the communal areas.
- No illicit drugs or illegal activity shall be permitted within the Boarding House and its immediate environs.
- Occupants to have a swipe card to the Boarding House, which is not to be given to any other person. Loss of the swipe card will result in cost to the boarder.
- The maximum number of persons permitted within the room shall be as per the signed occupancy agreement, and in no case exceed two (2) adults per room.
- All communal areas of the Boarding House not to be used by occupants between the hours of 10.00pm in daylight saving and 7.00am the next day.
- No smoking in the premises or within the external communal area at any time.
- Occupants to place all empty containers/bottles/cans and other rubbish in bins provided in the communal areas and / or in the garbage room. There shall be no littering.
- Occupants conduct is to be quiet, orderly and lawful at all times when residing at the Boarding House, this includes not causing nuisance from noise from amplified music, radios, televisions, loud talking, banging of doors, or any other activities etc. maintaining the reasonable amenity of neighbours (both within and external to the premises) is a fundamental obligation of all tenants.
- Occupants to comply with all requests of the owner/Manager or they are liable to eviction.
- Occupants to keep their room and bathroom clean at all times and make their room available for inspection by the Manager once a week.
- No parties are permitted on the premises unless attended by the occupants only, and only subject to the prior approval of the manager who may impose conditions at his absolute discretion. No loud music to be played in the external communal area.
- The manager at their absolute discretion may ask any person to vacate the communal areas.
- No guests or invitees are permitted to remain on the premises between the hours of 10.00pm and 7.00am, unless prior approval is obtained by the manager and this only applies to a room with one (1) boarder registered. An additional fee may be payable, and under no circumstances is the occupancy of the room to exceed 2 persons.
- The use of the car spaces shall be allocated by the manager at his absolute discretion. The manager shall undertake an induction of the lift and its use plus entry doors etc with swipe cards.



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- Any disabled person shall have precedence to the use of the accessible sized parking spaces. The manager has the right to rescind any permission to use the carpark area.
  - No person shall park within the designated disabled parking space unless displaying a valid disabled permit.
  - No clothes, washing, towels, surfboards or other items are to be placed on any window or balcony.
  - No pets are permitted on the premises.
  - No prostitution shall be permitted on the premises.
  - Maximum number of boarders on site excluding manager is 124 without the managers room.
  - Garbage bins are to be placed in the bin store room and collected on the site weekly or as required to ensure a clean and healthy premises.
  - The operator shall adopt all of the required conditions of consent