In 2018 and 2019, the Friends of Hawker Village (FOHV) made submissions on a proposal to build a “boarding house” comprising 24 bedrooms in an RZ1 area of Giralang (DA 201732840). We are, therefore, pleased to see this attempt to clarify different types of housing and their appropriate location. Attached is a compilation of the hierarchy of accommodation types from the current Territory Plan Definitions, where listed, and from other sources where not listed. We have serious concerns regarding the new definition of a boarding house and the possibly negative impacts of co-housing in established residential areas.

Definitions

The definition of boarding house appears to have become corrupted over the years. Traditionally, the word ‘board’ described a table and was associated with the provision of a meal. A boarder was someone who received a meal for payment at another person’s house.\(^1\) A lodger was someone who resided in another person’s house, again for payment. A boarding house was a place, usually a home, at which board was furnished, often with lodging.\(^2\) A boarding school was a school that provided board and lodging.\(^3\) In both cases, provision of board and lodging was in a property where the owner was responsible for providing these services. Some supervision was usually applied, either by the owner or a resident manager.

\(^1\) The Shorter Oxford English Dictionary, Oxford University Press, 1973
\(^2\) Macquarie Dictionary, Macquarie University NSW, 1981
\(^3\) Ibid
The revised definition proposed in DV 365 is:

**Boarding house** means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the boarding house, and/or may also include shared facilities, such as communal living area, bathroom, kitchen or laundry facilities. A boarding house is not licensed to sell liquor under the *Liquor Act 2010*.

Firstly, we presume that the introduction of a minimum three-month occupancy period for boarding houses is designed to allow B&B-type arrangements in RZ1. These are similar arrangements to a boarding house but are usually for short periods of a few days, hence they would not comply with the proposed definition of *boarding house* nor that of *guest house*. Whilst there is no mention of B&Bs in the legislation, we note the definition that “A commercial accommodation unit may comprise a **dwelling** but not a room or suite of rooms within a **dwelling**”. This means that B&Bs and boarding houses are not classified as commercial activities, as long as they comprise a single dwelling, as per the definition in the *Planning and Development Regulations 2008*.

Secondly, the Notes on p.15 of the Proposed Changes to the Territory Plan state that:

A boarding house provides long term accommodation and where meals, laundry or other services are provided to the residents. A boarding house is most often in the form of separate bedrooms within a building.

This explanation is not explicit in the proposed definition which does not describe the type of accommodation nor does it *require* the provision of any services or supervision. The proposed wording can be interpreted as meaning that such services *may* be provided but only to the residents.

In these respects, it is not particularly different from the definition of co-housing:

**Co-housing** means a development with separate *dwellings* or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.

In relation to this definition, the inclusion of the word ‘bedrooms’ in the shared indoor components is questionable. Presumably, the separate dwellings might have more than one bedroom or more than one resident. If the intention is to provide a bedroom available for temporary guests of residents, then this should be made clearer. As it stands, there seems to be no significant difference between an unsupervised “boarding house” and a co-housing development where the design is such that it cannot easily be unit-titled.

If a boarding house was permitted to have the proposed 10 bedrooms this would enable 20+ people to reside at a single property in a residential zone (along with a similar number of vehicles). Accommodation of this scale is unacceptable in residential zones. FoHV are,
therefore, concerned to note in the current RZ1 – Suburban Zone Development Table, that both boarding and guest houses are permitted. DV 365 does not make any mention of guest houses so, presumably, it is intended that this provision will continue. In Definitions, Part A – Definitions of Development in the Territory Plan, as at 13 December 2019, boarding houses are listed alphabetically with no Umbrella Term. Guest houses, on the other hand, are listed under the Umbrella Term of Commercial Accommodation Use. DV 365 is contradictory in banning boarding houses from RZ1 but continuing to allow guest houses there.

The current definition of a guest house is the use of land for one or more commercial accommodation units and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non-occupant members of the public. Without the requirement for the provision of meals and no limitation on number of units a guest house is not dissimilar in many respects from a boarding house or co-housing. Guest houses need to be prohibited in Residential Zones or, at a minimum, prohibited in RZ1 and RZ2.

Uniformity

The proposed definitions do not explain where certain existing residences fit under the definitions. As an example, 3 Rosewood Place, Hawker was built as a standard large family home but is now used as multi-rental premises. It is not known whether the owner currently resides there on a permanent basis but at least three unrelated people occupy the bedrooms and share the use of the bathroom, kitchen and laundry facilities on a long-term basis. No services are provided. The tenants are not a group of friends and do not live cooperatively when it comes to meals or laundry. They have become tenants separately, so the premises do not qualify as a group house under a standard residential Tenancy Agreement. This is an RZ1 area. Does this use of a family home qualify as a boarding house or co-housing? Is it appropriate in an RZ1 area given that neither boarding houses nor co-housing will be permitted in RZ1 under DV 365?

It is impossible to control the nature of private accommodation arrangements. We suggest a different definition of boarding house that will attempt to ensure that it is an accommodation arrangement that is small scale, appropriate for residential areas and does not negatively impact on the residential amenity of others. Co-housing has the flavour of build-to-rent (or a small caravan park or motel) and block consolidation could enable very inappropriate developments in established residential zones.

Like B&Bs, all boarding house arrangements, guest houses and co-housing are potentially commercial in nature. Unless they are required to operate on a very small scale they should not be permitted in established residential zones.

Co-housing is similar to the housing arrangements of the early kibbutz in Israel where a small community lived on a farm. Here, the residents had private living quarters but ate in a communal dining room and shared other communal facilities. Residents were united in a common purpose to make their farm successful and, hence, to guarantee comfortable living. Co-
housing will be a different environment where there is no united purpose and no over-arching authority. It is not appropriate for and should not be permitted in either RZ1 or RZ2 areas.

**Suggested changes to DV 365:**

Whilst Variation 3.1.1 to the RZ1 Suburban Zone Development Table will specifically prohibit boarding houses, there is no such prohibition for co-housing or guest houses. This is possibly an oversight and co-housing and guest houses need to be inserted into RZ1 – Suburban zone developments table – PROHIBITED DEVELOPMENT.

3.1.2-5 Co-housing and guest houses are inappropriate in these residential zones and should be permitted within commercial zones only.

Element 8 – Co-housing is inappropriate in these residential zones.

Element 6 – The maximum number of bedrooms for a boarding house in RZ2 should be 4 (10 bedrooms is the scale of a small motel).

Suggested definition:

**Boarding house** means the use of land to provide the residents with a principal place of residence for 3 months or more within a private single dwelling. The lessee must reside on the premises and provide morning and evening meals. A boarding house is not licensed to sell liquor under the Liquor Act 2010.

Finally, DV 365 does not include reference to guest houses despite its being a permitted use in RZ1. As a guest house is defined as commercial accommodation, it is not appropriate in residential zones and this needs to be reflected in the legislation.

Whilst DV 365 is a step in the right direction, FoHV finds it to be an inadequate response to limiting the scale of certain types of development in residential zones, in particular, boarding houses, guest houses and now co-housing. So long as legal interpretation relies on the actual words used, rather than the intent, more precise descriptions are needed. A thorough review of the definitions of each of these accommodation types and determination of appropriate limitations needs to be undertaken to ensure they do not negatively impact on the residential amenity of residents in established suburbs.

2 March 2020
### HEIRARCHY OF COMMERCIAL ACCOMMODATION

<table>
<thead>
<tr>
<th>Current Definition</th>
<th>Description</th>
<th>Approved use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bed and Breakfast</strong></td>
<td>[A bed and breakfast room is part of a private family house.]</td>
<td>Not defined or mentioned in any zone.</td>
</tr>
<tr>
<td>[A bed and breakfast (typically shortened to B&amp;B or BnB) is a small lodging establishment that offers overnight accommodation and breakfast.]</td>
<td><strong>NB</strong> Brackets indicate another source where not included in Territory Plan.</td>
<td></td>
</tr>
<tr>
<td><strong>Boarding house</strong></td>
<td>Other terms:</td>
<td>RZ1, RZ2, RZ4, RZ5</td>
</tr>
<tr>
<td>means the use of land to principally provide long-term accommodation where meals, laundry or other services are provided only to those residents of the boarding house, and which is not licensed to sell liquor.</td>
<td>Lodging house Private hotel Serviced room</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial accommodation unit</strong></td>
<td>A commercial accommodation unit may comprise a dwelling but not a room or suite of rooms within a dwelling.</td>
<td></td>
</tr>
<tr>
<td>means a room or suite of rooms that is made available on a commercial basis for short-term accommodation. It does not include any associated facility such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which is also available for use by non-occupant members of the public.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Guest house</strong></td>
<td>[Guest house is generally a larger property with more than 5 bedrooms.]</td>
<td>RZ1, RZ2, RZ3, RZ4, RZ5</td>
</tr>
<tr>
<td>means the use of land for one or more commercial accommodation units and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non-occupant members of the public. [Larger guest houses have common guest areas such as a lounge and dining room.]</td>
<td>[A hostel is budget accommodation with a minimum of one dormitory and a common area.] Other terms: Chalet Farmstead accommodation Tourist lodge Youth hostel</td>
<td></td>
</tr>
<tr>
<td><strong>Hotel</strong></td>
<td></td>
<td>Prohibited RZ1, RZ2, RZ3, RZ4. In RZ5, not mentioned as permitted or prohibited</td>
</tr>
<tr>
<td>means the use of land for one or more commercial accommodation units and where the premise is licensed under the Liquor Act 2010. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non-occupant members of the public. A motel may be licensed under the Liquor Act 2010.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Motel</strong></td>
<td></td>
<td>Prohibited RZ1, RZ2, RZ3, RZ4, RZ5</td>
</tr>
<tr>
<td>means the use of land for one or more commercial accommodation units and where the units are provided with convenient space for parking of motor vehicles. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non-occupant members of the public. A motel may be licensed under the Liquor Act 2010.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5 Meaning of dwelling

(1) In this regulation: Dwelling —
   (a) means a class 1 building, or a self-contained part of a class 2 building, that —
      (i) includes the following that are accessible from within the building, or the self-contained part of the building:
         (A) at least 1 but not more than 2 kitchens;
         (B) at least 1 bath or shower;
         (C) at least 1 toilet pan; and
      (ii) does not have access from another building that is either a class 1 building or the self-contained part of a class 2 building; and
   (b) includes any ancillary parts of the building and any class 10a buildings associated with the building.

(2) In this section: kitchen does not include —
   (a) outdoor cooking facilities; or
   (b) a barbeque in an enclosed garden room.