

GUEST HOUSE POLICY



**MUNISIPALITEIT
RICHTERSVELD
MUNICIPALITY**

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1.2 BACKGROUND AND PROBLEM DEFINITION

A substantial proportion of guest accommodation establishments in the Richtersveld municipal area are conducted by families/occupants from their residences.

As with some other home occupations, residential based guest accommodation and commercial based guest accommodation have unique land use characteristics that require guidelines and regulations to manage and control any potential impact of the land use activity on its surrounding environment. While zoning regulations remain the most effective mechanism to manage and control, policies in support of these regulations can provide further guidance to public regulating authorities (in the exercising of discretion when considering applications for such activities), applicants and operators to ensure a uniform approach. The importance of formalising this approach is further emphasised by the expected increased demand for tourist accommodation in future (as a result of the growth of the sector). In the context of this, it is therefore the aim of this policy to provide a rational land use management framework to guide guest accommodation related land uses in support of existing and future zoning scheme regulations and set a uniform approach to assessment of guest accommodation related land use applications and land use activities and the exercising of discretion in this regard. Land use management and the control over guest-accommodation establishments are dealt with mainly in terms of the legislation listed below. In order to set the context for this policy, it is important to understand the relevance of the following related legislation and policies. A fundamental principle in applying policy as proposed in this document is that policy cannot be inconsistent with regulations or any other existing law. Where a policy conflicts with any form of legislation, the latter therefore enjoys precedence.

2.1 South African Constitution, 1996 (Act 108 of 1996)

In Section 156(1) (read together with Schedules 4 and 5) of the South African Constitution, 1996 (Act 108 of 1996), municipal planning and land use management are designated as functions and competency of local government: *“(1) A municipality has executive authority in respect of, and has the right to administer - (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and (b) any other matter assigned to it by national or provincial legislation.”*

Policy is a mechanism at the hands of local government in support of the statutory development control function of the municipalities Department of Planning and Building Development Management in so far as guest accommodation related land usage are concerned. In terms of Section 22, every citizen has the right to choose their trade, occupation or profession freely (i.e. the right to economic opportunity). Such trade, occupation or profession may however be regulated by law. The “environmental guarantee” clause (Section 24) in the Bill of Rights section of the Constitution, states that every person shall have the right to an environment that is not harmful to their health or wellbeing, and to have that environment protected for the benefit of present and future generations, through reasonable legislative and other measures.

Therefore, in weighing up the rights and obligations conferred upon a guest accommodation enterprise owner and that of the general public, it is stated in Section 36 that any limitation

on these rights (i.e. restriction of the number of rooms for tourists) must be reasonable and justifiable. This in turn requires that any such limitation must address the actual problem and that its purpose could not have been achieved through other less restrictive means. In support of Council's land use management function, this policy must achieve an appropriate balance between these rights.

2.2 National Environmental Management Act, 2009 (Act 107 of 2009) (or NEMA in short)

The act establishes principles for decision-making, acknowledging that all elements of the environment are linked and interrelated. Section 2 sets the principles to address the importance of the environment, with Section 2(4) focusing on sustainable development. Sustainable development requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations. Activities identified in terms of Section 24(2)(a) of the Act may not commence without environmental authorisation from the competent authority after an investigation and assessment of the potential impact in terms of Regulations 22 to 26 of the Environmental Impact Assessment Regulations (2006), as promulgated in terms of Section 24(5) of this Act. Although components of other guest accommodation categories may also trigger it, resorts, lodges and hotels or other tourism and hospitality facilities situated in protected areas require environmental authorisation in terms of the Act.

2.3 Northern Cape Spatial Planning and Land Use Management Bill, 2012

To provide for the spatial planning, land use management and development of land in the Northern Cape Province in a sustainable manner, by means of the coordination and alignment of land use, land development policies, plans and systems of all spheres of government through the development of a single spatial structuring system, which ensures that sustainable development is developmental, consistent, uniform, transparent and inclusive in nature

2.4 Existing Zoning Scheme regulations

Zoning of land determines the use rights attached to a particular land unit (eg residential, business, industrial, etc). Zoning also outlines the parameters within which land may be developed (eg height of buildings, building lines, etc). Zoning therefore shapes the built and natural environment and aim to protect and upgrade the general welfare, public health and safety of the inhabitants of the municipal area. A fundamental principle in applying policy as outlined in this document is that policy must conform with existing zoning scheme regulations. Where a policy is in conflict with a zoning regulation, the latter shall enjoy precedence.

2.7 Richtersveld Local Economic Development Strategy

This strategy focuses on the core economic competencies and on those human development issues that impact most directly on residents' economic livelihoods. This will be achieved by increasing the number of economic opportunities by growing the economy through sector support and coordination of area targeting and management.

Richtersveld has embarked on a pro-active approach to identify sectors and clusters of the economy in which they are globally competitive and which possess local and global growth potential. Tourism was identified as one of these growth sectors where the municipality must provide specific support to realise growth opportunities and minimise growth constraints, and thereby also contribute towards job creation. This policy will also play a role in small business development by providing clear guidelines for accommodation establishments.

3.1 JUSTIFICATION FOR A POLICY

Disparities currently exist in the implementation of guest accommodation related land use applications within the municipal area. This can be attributed to a number of reasons, including:

- historic differences created by a range of existing zoning scheme provisions;
- location/area specific requirements; and
- a lack of provision for certain land use categories as a result of new land use trends (i.e. bed and breakfast, backpackers lodge, spa/hydro, etc).

It is further Council's responsibility to balance the needs of its residents with that of the need to enable local economic opportunities through supporting the guest accommodation sector. Attempting to replace these previous disparate approaches and policies, this policy is therefore considered justified.

3.2 BASIC UNDERLYING PRINCIPLES

This policy is based on the following underlying principles:

- Compliance with and conformance to other existing legislation, eg zoning schemes
- Promotion and safeguarding of the amenity and quality of life enjoyed by residents in local areas through appropriate land use controls
- Balancing the need for access to economic opportunities and support of / guidance to the guest accommodation industry with the above
- Promoting a responsible and sustainable approach to facilitating guest accommodation opportunities
- Clearly stating Council's land use requirements for establishments in the guest accommodation industry

4.1 AREA OF APPLICATION

This is a land use management policy to guide the effective and responsible development of guest accommodation establishments in Richtersveld municipality.

When adopted, this policy will apply on a municipal area-wide basis within the area of jurisdiction of the Richtersveld as guidelines for the assessment of proposals for guest accommodation establishments. This policy addresses business and leisure / recreational related forms of guest accommodation.

4.2 EXISTING ZONING SCHEME REGULATIONS

Where an existing zoning regulation prescribes standard development parameters (i.e. height, building lines, parking), this policy does not replace these similar provisions, but is applied where such a provisions does not exist, or in addition to such provisions. Where similar land use categories (i.e. bed and breakfast, guest-house) do exist in existing zoning schemes, this policy is applicable to the extent that it is not in conflict with these regulations.. Forming part of a suite of land use management policies, as part of Council's Land Use Management System; this policy only deals with land use management and related regulatory aspects. Beyond the provision of land use guidelines for assessing proposals and establishing and managing such enterprises, the policy does not get involved in any other sectoral support or economic development strategies and initiatives.

A policy serves as a framework of pro-active guidance, determines a course of action and facilitates decision making. The overall intended outcome of this policy is to provide coherent land use management guidelines for guest accommodation establishments that will facilitate appropriate land use and development.

Specific objectives of this policy include:

- creating a uniform point of departure;
- providing appropriate guidance for land owners, applicants and developers in formulating proposals;
- guiding assessors and decision makers in exercising their discretionary powers;

- informing the current process of developing a unified Richtersveld Zoning Scheme and supplementing and supporting the subsequent implementation thereof;
- setting equitable standards across the Richtersveld by establishing uniform assessment criteria, definitions, land use guidelines and development parameters;
- facilitating economic development and access to economic opportunities in balance with social and environmental integrity and sustainability and
- facilitating orderly development.

6.1 ACCOMMODATION TYPOLOGY

For the purpose of this policy, guest accommodation establishment categories identified are set out below. Note, these categories are for the purposes of grouping together sets of assessment criteria and guidelines and are not to be confused with land use types and zones (or their ancillary uses) specified in a zoning scheme.

- Camping
- Bed and breakfast establishment
- Guest-house
- Backpackers' accommodation (including boarding-house)
- Self-catering apartments
- Hotel
- Resort (tourist) accommodation

These categories can be further described and defined as follows:

CAMPING

Informal temporary accommodation in a unique environment. A property used for erection of tents or other temporary structures for temporary accommodation for visitors or holiday-makers, which includes ablution, cooking and other facilities that are reasonably and ordinarily related to camping, for the use of such visitors, and includes a caravan park, whether publicly or privately owned, but which excludes the alienation of land on the basis of time sharing, sectional title, share blocks or individual subdivision; and excludes resort accommodation or mobile homes. Tents Caravans

BED AND BREAKFAST ESTABLISHMENT

Accommodation in a dwelling house or second dwelling unit for transient guests. A dwelling-house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that the primary use of the dwelling house concerned shall remain for the living accommodation of a single family. Second dwelling

GUEST-HOUSE

Accommodation in a dwelling house or second dwelling unit for transient guests. A dwelling-house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment, and may include business meetings or training sessions for resident guests.

Second dwelling

Lodges Cottages

Self-catering units

Guest farm

Meeting / function rooms

BACKPACKERS' ACCOMMODATION

Accommodation and communal facilities in a building or free standing buildings for transient guests. A building where lodging is provided, and may incorporate cooking, dining and

communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms / beds are rented for residential purposes, youth hostel, and backpackers' lodge; but does not include a hotel, dwelling house, second dwelling or group house.

Backpackers lodge

Boarding house

Youth Hostel

Hostel

SELF-CATERING APARTMENTS

Accommodation for non-permanent residents and transient guests. A building or group of buildings consisting of separate accommodation units, each incorporating a kitchen / -ette facility, and which may include other communal facilities for the use of transient guests, together with such outbuildings as are normally used therewith; which are rented for residential purposes and may include holiday flats; but does not include a hotel, dwelling house, second dwelling or group house.

Communal facilities

HOTEL

Large scale accommodation for transient guests incorporating various ancillary facilities.

A property used as a temporary residence for transient guests, where lodging and meals are provided, and may include:

- a restaurant or restaurants;
- associated conference and entertainment facilities that are subservient and ancillary to the primary use of the property as a hotel; and
- premises which are licensed to sell alcoholic beverages for consumption on the property, but does not include an off-sales facility or a dwelling house.

Restaurant and/or bar

Conference facilities

Entertainment facilities

Wellness centre and spa/hydro

Gymnasium

RESORT ACCOMMODATION

Tourist accommodation in a purpose built development. Harmoniously designed and built guest accommodation for holiday or recreational purposes consisting of multiple free standing, linked or single structures, which:

- consist of a single (private or public owned) enterprise or, where inside the urban edge, of normal township establishment;
- provides overnight accommodation by means of short term rental or time sharing;
- where inside the urban edge, allows for alienation of individual units by means of time sharing, sectional title division, share block ownership or subdivision and full separate title;
- does not include a hotel and
- may include ancillary facilities which are reasonably and ordinarily related to resort housing such as ablution facilities, tourist facilities, recreation facilities, sports facilities, lecture rooms, restaurant, conference facilities, spa/hydro, wellness centre, caravan park and camping.

Resort housing

Dwelling-units

Mobile homes

Chalets

Cottages

Wellness centre and spa/hydro

Tourist facilities

Recreation facilities

Sports facilities
Lecture rooms
Restaurant
Conference facilities
Camping site
Tents & caravans

6.2 ASSESSMENT CRITERIA

The table below provides an explanation of the land use criteria on the basis of which the policy guidelines are set out. Guidelines are set out for each of the 7 accommodation categories identified in section 6.1 above.

Purpose Explanation of what the land use entails and what types of land use activities are associated with the land use.

Scale Description of the typical scale of the development as determined by its physical size (i.e. height, coverage, floor area ratio) and the number of occupants/guests (i.e. beds, staff, rooms). **Location** Description of the desirable characteristics of the location and of the land use.

Self-catering Clarification of the use of self-catering facilities.

Liquor use Clarification regarding the serving of alcoholic beverages.

Ancillary facilities List typical ancillary facilities that can be used by guests.

On-site residence of management Clarification regarding permanent residence of the owner or management.

Parking requirements, off-street and on-street.

Loading Provision for loading and/or deliveries.

Staff facilities Provision of staff facilities and accommodation.

Signage Size and location of outdoor signage.

Environmental / heritage impact Mitigating the impact of the land use on the surrounding environment.

The following guidelines augment existing zoning scheme provisions and are to be applied in the assessment of development applications in terms of the current zoning schemes. In addition, they will also assist in formulating appropriate conditions or restrictions to be imposed where such applications are approved.

6.2.1 Camping

Purpose

- Temporary accommodation by way of tents or caravans for visitors, including ablution, cooking and other facilities for the use of these visitors.
- Consist of multiple free standing or linked structures of a temporary nature, and may include caravans and tents, but excludes mobile homes.
- Purpose built development, often in a unique environment.
- Day visitors may be permitted and facilities for their use can be provided.
- Ownership status of the enterprise may be either public or private.
- To provide a more affordable form and particular style of accommodation for tourists and visitors.

Scale

- Generally camping establishments should be restricted to a low impact scale and intensity in keeping with the context of the area and its surrounding character.
- Form and scale of development determined by development parameters of particular zone and set out on SDP.
- No individual subdivision permitted.
- To ensure low impact (and low built up character) and compatibility with its surrounding environment.

- Limitation on development of permanent structures to maintain character.

Location

- Often located in a unique and attractive natural environment or on urban outskirts / outside the urban edge, but not essential.
- Supporting requirements of PSDF for a resource based location.

Self-catering

- Permitted by definition.
- Cooking and braai facilities are provided for residents, including day visitors.
- Forms inherent part of the attraction of a camping site.

Liquor use

- Depending on zoning scheme requirements, selling of liquor for on-site consumption by residents may be permitted, subject to a separate liquor licence application.
- Liquor trading hours as per Liquor Trading hour Bylaw.
- To ensure compliance with Liquor legislation, but allow for diverse range of facilities / services to guests.

Ancillary facilities

- Subject to zoning scheme requirements and an application in this regard, a place of entertainment may be provided, with the size and nature of the facilities to be determined by an SDP.
- May also include offices, restaurant, conference facilities, ablution facilities, tourist shop, sports and other communal facilities related to the camping use.
- Complimentary (but strictly ancillary) land uses to enhance camping character of establishment.

On-site residence

- Permanent accommodation may be provided on-site for the manager / owner of the establishment.
- To accommodate operational requirements and support proper management of the establishment.

Parking

- In addition to individual stands, on-site visitor parking requirements shall be determined as per SDP submitted for each application.
- Local circumstances will dictate.

Loading

- Where necessary, loading requirements to be determined by SDP.
- Local circumstances will dictate.

Staff facilities

- No accommodation to be provided for staff. ▪ To prevent staff accommodation being used by visitors.

Signage

- Only single un-illuminated sign / notice, not projecting over the street and not exceeding 1m², allowed.
- Must comply with Council's Outdoor Advertising Bylaw
- To prevent oversized signage that might be detrimental to visual integrity of the area.

Environmental/ heritage impact

- No disturbance from loud music or other source, or any other activities constituting public nuisance shall be permitted.

- Specific arrangements for the appropriate on-site storage and disposal of refuse / solid waste to be incorporated and set out on SDP.
- To protect amenity enjoyed by surrounding residents.

6.2.2 Bed and breakfast establishment

Purpose

- Provision of limited accommodation to transient guests.
- Dominant use of property shall remain for accommodation of a single family.
- Part of a dwelling house or second dwelling converted to accommodate transient guests.
- Breakfast is usually served to residents; other meals may also be provided, but for resident guests only.
- Guests may share communal facilities with host family.
- Bathroom facilities may or may not be en-suite or private.
- Except between a second dwelling and main dwelling, rooms must inter lead to ensure buildings can revert back to single dwelling use.
- To provide small scale guest accommodation in a conventional residential neighbourhood setting.
- To enable more optimal use of existing single dwelling infrastructure.

Scale

- No more than 10 rooms and no more than 20 paying lodgers / guests per land unit.
- No more than 3 employees shall be engaged by the owner as part of the establishment.
- Second business on same premises as the bed and breakfast establishment not permitted.
- Scale restricted to ensure single dwelling character of premises is maintained.

Location

- Must retain residential character of the area, particularly with regard to streetscape.
- Any new structure or alteration to the property to accommodate the bed and breakfast component to be compatible with residential character of area, particularly with regard to streetscape, and shall be capable of reverting to use as part of dwelling, second dwelling or outbuildings.
- Appearance and scale of the dwelling-unit to be maintained in context of neighbourhood.
- Retain single residential character of premises through imposing conditions relating to:
 - landscaping;
 - street elevation and streetscape;
 - parking;
 - signage;
 - architecture / aesthetics.
- To ensure residential character of neighbourhood is not compromised.

Self-catering

- Guest rooms shall not be converted to, or used as, separate self-catering dwelling units.
- Meals only supplied to guests/ lodgers, employees and bona fide residents.
- Only one kitchen permitted per dwelling. Self-catering not permitted.
- Limitation on services to non-residents to restrict scale and ensure single dwelling character is maintained.

Liquor use

- Subject to obtaining a liquor licence, alcoholic beverages sold only for on-site consumption with meals, to resident guests.
- To ensure compliance with Liquor legislation and single dwelling character is maintained.

Ancillary facilities

- A place of entertainment, functions, conference facilities or other events not permitted.
- To prevent noise nuisance and ensure reasonable amenity to neighbours.

On-site residence

- Proprietor of establishment (or manager) shall reside on the property at all times.
- Proprietor may reside in a second dwelling. ▪ to ensure single dwelling character of property is maintained.

Parking

- Provide on-site parking as follows
 - 1 bay / dwelling, plus
 - 1 additional bay / guest room.
- Owner's parking space may be in form of garage.
- Except where on-site parking / drop-off space is provided, guests may not arrive by 30 seater (or larger) bus.
- To prevent on-street parking that may adversely affect traffic flow, the streetscape or neighbourhood character generally.

Loading

- If necessary, designated guest parking bays may be shared as temporary loading space.
- To prevent on-street loading for same reasons as above.

Staff facilities

- No more than 3 employees shall be engaged by the owner as part of the establishment.
- Bona fide staff quarters shall not be regarded as rooms for lodgers/guests and may not be converted to guest accommodation.
- No more than 3 staff members shall be employed in direct support of the establishment at any given time.
- To restrict scale of operation and ensure staff quarters aren't used by visitors as additional accommodation.

Signage

- Only a single un-illuminated sign / notice, not projecting over a street in accordance with Council's Outdoor Advertising By-law and not exceeding 0,5m² allowed.
- To prevent oversized signage that might be detrimental to visual integrity of the area.

Environmental/ heritage impact

- Any alteration or new structure shall be compatible with the residential character of the area.
- No activities constituting a source of public nuisance shall be carried out.
- No disturbance from loud music or other sources after 23:00, except with separate approval from Council.
- To protect amenity enjoyed by surrounding residents.

6.3.3 Guest-house

Purpose

- Dwelling-house or second dwelling used for supplying of lodging and meals to transient guests for compensation.
- May include business meetings or training sessions for resident guests.
- Part of a larger single family dwelling house or second dwelling converted to accommodate transient guests, exceeds bed and breakfast establishment restrictions.
- Breakfast is usually served to residents; other meals may also be provided, but for resident guests only.
- Guests may share communal facilities with host family, may also include communal areas for exclusive use by guests.
- Bathroom facilities may or may not be en-suite or private.
- Part of the accommodation may be provided in a second dwelling.

- Except between a second dwelling and the main dwelling, rooms must inter lead to ensure buildings can revert back to single dwelling use.
- To provide small to medium scale guest accommodation in a conventional residential neighbourhood setting.
- To enable generating economic income opportunities from a residential dwelling building.

Scale

- Exceeds restrictions of a bed and breakfast establishment, ie more than 10 rooms / 20 paying lodgers / guests per land unit.
- Maximum size of 30 persons or 15 rooms permitted.
- Form and scale of development determined by development parameters of particular zone (i.e. floor space, building lines, height) and set out on SDP.
- Council may determine / restrict the number of establishments in a locality / guest rooms per establishment and lay down conditions necessary to mitigate the impact of the establishment, in order to protect the area's character.
- Buildings can be free standing or linked structures, but residential character of particularly streetscape to be retained.
- Second business (or home occupation) on same premises as guest house establishment not permitted.
- Scale restricted to ensure the nature of the establishment remains compatible with surrounding residential character.

Location

- May not gain vehicular access from a public road with a reserve narrower than 9m.
- With regard to maximum number of establishments in a particular locality, cumulative impact on services infrastructure must form part of assessment.
- Desirable locations that are encouraged include:
 - properties larger than 800m²;
 - properties near intersections and collector (class 4 and higher) roads;
 - properties near public open spaces / areas / amenities;
 - near or within neighbourhoods and areas designated for higher density and mixed use development.
 - larger ones closer to local nodes or main roads
- Encourage location in higher intensity land use areas in order to reduce impact on quiet single dwelling neighbourhood character.

Self-catering

- Meals supplied to guests / lodgers, employees and bona fide residents only.
- Self-catering by means of a kitchenette (self-catering unit)s only, may be permitted; no fully self-contained units or self-catering apartments permitted.
- To provide more flexibility in responding to current trends, but prevent creation of fully fledged separate dwelling.

Liquor use

- Subject to obtaining liquor licence and separate departure / consent application in terms of the zoning scheme (where required in terms of the scheme), alcoholic beverages only sold for consumption on-site with meals, to resident guests.
- Permitted liquor trading hours as per Liquor Trading hour By-law.
- To ensure compliance with Liquor legislation and prevent possible increase in scale of services provided in order to protect residential amenity and character of surrounding area.

Ancillary facilities

- A place of entertainment is not permitted.
- Where ancillary activities such as restaurants, lecture room, spa / hydro and wellness centre, small conference facilities or similar types of services are provided and depending on

the zoning scheme, these are subject to a separate consent application to Council, if required by such zoning scheme.

- In addition, such facilities / services may only be provided for the benefit of resident guests and must therefore relate to the extent of the guest-house establishment to ensure they are not used by the general public.
- To prevent noise nuisance and parking problems and ensure reasonable amenity to neighbours.

On-site residence

- Proprietor (or full time manager) of establishment shall reside on the property at all times.
- Proprietor / manager may reside in a second dwelling.
- To ensure residential character of property is maintained, as well as proper on-site management at all times.

Parking

- Provide on-site parking as follows
 - 1 bay / dwelling, plus
 - 1,25 additional bays / guest; room.
- Owner's parking space may be in form of garage.
- Except where on-site parking / drop-off space is provided, guests may not arrive by 30 seater (or larger) bus.
- Where on-site provision not possible, parking may be provided on abutting or nearby property, subject to a notarial tie being registered, or similar agreement, as approved by Council.
- To prevent on-street parking that may adversely affect traffic flow, the streetscape or area character generally.

Loading

- Provide on-site space for loading and deliveries.
- Depending on scale of establishment, designated guest parking bays may be shared as temporary loading space.
- To prevent on-street loading for same reasons as above.

Staff facilities

- No more than 5 staff members plus a manager shall be employed in direct support of the establishment at any given time.
- Bona fide staff quarters shall not be regarded as rooms for lodgers/guests and may not be converted to guest accommodation.
- To restrict scale of operation and ensure staff quarters aren't used by visitors as additional accommodation.

Signage

- Only a single un-illuminated sign / notice, not projecting over a street and not exceeding 0,5m², allowed.
- All outdoor signage to comply with Council's Outdoor Advertising By-law.
- To prevent oversized signage that might be detrimental to visual integrity of the area.

Environmental/ heritage impact

- Any alteration or new structure shall be compatible with the character of the surrounding area.
- Where located in historic precincts / heritage areas, external appearance / façade to be sensitive to this attribute and taken into account in design.
- Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered and applied.
- No activities constituting a source of public nuisance shall be carried out.

- No disturbance from loud music or other sources after 23:00, except with separate approval from Council.
- To protect amenity enjoyed by surrounding residents and character of the area.

6.2.4 Backpackers' accommodation

Purpose

- Building where lodging is provided, which may incorporate cooking, dining and communal facilities for the use of lodgers, as well as associated outbuildings.
- Includes a building in which beds / rooms are rented for residential purposes such as a youth hostel and/or backpackers' lodge.
- Excludes a hotel, dwelling house, second dwelling or group house.
- May contain communal areas such as kitchen and dining areas and meeting rooms for the exclusive use of lodgers.
- Include a boarding-house.
- To facilitate provision of flexible, affordable accommodation with associated communal facilities for transient guests in appropriate, accessible locations.

Scale

- Form and scale of development determined by development parameters of particular zone (i.e. floor space, building lines, height) and the building context and set out on SDP.
- No general restriction on number of rooms / beds, must be locally appropriate in context of the building characteristics and surrounding area.
- Council may however determine / restrict the number of beds / rooms per establishment in cases and lay down conditions necessary to mitigate the impact of the establishment, in order to protect the area's character.
- Accommodation can be provided from a converted building and buildings can be free standing or linked structures.
- To ensure a scale and form appropriate and sensitive to the local building and surrounding area context.

Location

- Not supported on a single residential zoned property, subject site must have suitable general residential, mixed use or commercial zoning.
- Locational criteria that should be considered include:
 - proximity to public transport routes, commercial centres and tourist activities.
 - character of the surrounding area;
 - localities near intersections and collector / main roads
 - mixed use or commercial locations (including areas designated for high density development) are encouraged
- To ensure contextually appropriate development, with maximum accessibility for transient guests which are normally less dependent on private transport.

Self-catering

- Meals and beverages supplied to resident guests only.
- In case of rooms, self-catering by means of kitchenettes (self-catering units) only, may be permitted.
- To allow flexibility to guests with regard to catering arrangements but prevent creation of separate (self-contained) dwelling units.

Liquor use ▪ Subject to obtaining liquor licence and separate departure / consent application in terms of the zoning scheme (where required in terms of the scheme), alcoholic beverages only sold for on-site consumption by resident guests.

- No on-site liquor selling / licence permitted at establishments located in single residential areas.

- Permitted liquor trading hours as per Liquor Trading hour By-law.
- To ensure compliance with Liquor legislation and prevent possible increase in scale of services provided / frequenting of the establishment by general public to ensure reasonable surrounding amenity appropriate to the location.

Ancillary facilities

- Depending on the zoning scheme, ancillary tourist facilities are permitted, but a place of entertainment is not permitted.
- Such facilities / services may only be provided for the benefit of resident guests and must therefore relate to the extent of the establishment to ensure they are not used by the general public.
- To prevent escalation of the establishment beyond the intended scale.

On-site residence

- Full time manager is required, may reside on-site. ▪ To ensure proper on-site management at all times.

Parking

- Provide on-site parking as follows:
 - 1 bay per 6 beds for backpackers' lodge.
 - 1.25 bays per bedroom for boarding-house.
- In addition to car parking, sufficient space to be provided on-site for shuttles, buses and overland trucks.
- To prevent on-street parking that may adversely affect traffic flow, the streetscape or area character generally.

Loading

- Where possible, provide on-site space for loading and deliveries.
- To prevent on-street loading for same reasons as above.

Staff facilities

- Staff facilities are permitted, such as sleeping quarters, offices and a lounge.
- To cater for operational requirements.

Signage

- Only a single un-illuminated sign / notice, not projecting over a street and not exceeding 0,5m², allowed.
- All outdoor signage to comply with Council's Outdoor Advertising By-law.
- To prevent oversized signage that might have an adverse visual impact on the surrounding area.

Environmental/ heritage impact

- Any alteration or new structure shall be compatible with the character of the surrounding area.
- Where located in historic precincts / heritage areas, external appearance / façade to be sensitive to this attribute and taken into account in design.
- Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered and applied.
- No activities constituting a source of public nuisance shall be carried out; Council may restrict activities it considers likely to cause such a public nuisance.
- No disturbance from loud music or other sources after 23:00 in purely residential areas and after 24:00 in all other areas, except with separate approval from Council.
- Specific arrangements for the appropriate on-site storage and disposal of refuse / solid waste to be incorporated and set out on SDP.

- To ensure a reasonable and contextually appropriate level of amenity to surrounding residents and inhabitants and protect the character of the area.

6.3.5 Self-catering apartments

Purpose

- A building or group of buildings consisting of separate accommodation units rented for residential purposes, each incorporating a kitchenette / full kitchen, but may also include an option of meals being provided communally to guests.
- May include communal areas for the exclusive use by lodgers / transient guests.
- Include holiday flats, but exclude hotel, group housing, dwelling house or second dwelling.
- To provide a flexibility accommodation option in line with current trends for transient guests, visitors and tourists.

Scale

- Form and scale of development determined by development parameters of particular zone (i.e. floor space, building lines, height) and the site context and set out on SDP.
- No general restriction on number of units must be locally appropriate in context of the building / site characteristics and surrounding area.
- Council may however determine / restrict the number of units per development in cases and lay down conditions necessary to mitigate the impact thereof, in order to protect the area's character.
- To ensure a scale and form appropriate and sensitive to the local building / site and surrounding area context.

Location

- Not supported on a single residential zoned property, subject site must have suitable general residential, mixed use or commercial zoning.
- Locational criteria that should be considered include:
 - proximity to public transport routes, commercial centres and tourist activities.
 - character of the surrounding area;
 - mixed use or commercial locations (including areas designated for high density development) are encouraged
- To ensure contextually appropriate development, encouraged in high intensity land use areas / precincts.

Self-catering

- By definition, self-catering either in the form of a kitchenette (self-catering units) or full kitchen per unit is permitted, but an option may also be included to provide meals communally to resident guests.
- To allow flexibility to guests with regard to catering arrangements.

Liquor use

- Unless meals also provided communally to resident guests, no on-site liquor selling / licence permitted.
- To protect amenity and character of the area.

Ancillary facilities

- Tourist and other ancillary facilities normally associated with a **hotel**, such as restaurants, tourist shop, sport facilities, banquet hall, spa/hydro and wellness centre and conference facilities, not permitted.
- To restrict establishment / development to an appropriate scale.

On-site residence

- Depending on zoning scheme, staff quarters are permitted.

- To accommodate operational requirements.

Parking

- Provide on-site parking as follows:
 - 1.5 bays per unit.
- Except where on-site parking / drop-off space is provided, guests may not arrive by 30-seater (or larger) bus.
- To prevent on-street parking that may adversely affect traffic flow, the streetscape or area character generally.

Loading

- Provide on-site space for loading and deliveries.
- Depending on scale of establishment, designated guest parking bays may be shared as temporary loading space.
- To prevent on-street loading for same reasons as above.

Staff facilities

- Staff facilities are permitted, such as sleeping quarters, offices and a lounge.
- Bona fide staff quarters shall not be regarded as rooms for lodgers/guests and may not be converted to guest accommodation.
- To cater for operational requirements but prevent escalation of development beyond intended scale.

Signage

- Only a single un-illuminated sign / notice, not projecting over a street and not exceeding 0,5m², allowed.
- All outdoor signage to comply with Council's Outdoor Advertising By-law.
- To prevent oversized signage that might have an adverse impact on the visual integrity of the surrounding area.

Environmental/ heritage impact

- Any alteration or new structure shall be compatible with the character of the surrounding area.
- Where located in historic precincts / heritage areas, external appearance / façade to be sensitive to this attribute and taken into account in design.
- Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered and applied.
- No activities constituting a source of public nuisance shall be carried out.
- No disturbance from loud music / other sources after 23:00, except with separate approval from Council.
- Specific arrangements for the appropriate on-site storage and disposal of refuse / solid waste to be incorporated and set out on SDP.
- To protect amenity enjoyed by surrounding residents and character of the area.

6.2.6 Hotel

Purpose ▪ Property used as temporary residence for transient guests, where lodging and meals are provided.

- May include a restaurant(s), conference and entertainment facilities that are subservient and ancillary to the dominant hotel use
- May also include a premises licensed to sell alcoholic beverages for consumption on-site, but doesn't include an off-sales facility.

- Also doesn't include dwelling house or dwelling unit..
- Purpose built building, which may consist of multiple free standing structures or a multiple storey single structure.
- To provide high end accommodation options for transient guests, visitors and tourists.

Scale

- Form and scale of development determined by development parameters of particular zone (i.e. floor space, building lines, height) and the site context and set out on SDP.
- No general restriction on number of rooms, must be locally appropriate in context of the building / site characteristics and surrounding area.
- Council may however determine / restrict the number of guests/rooms per development in cases and lay down conditions necessary to mitigate the impact thereof, in order to protect the area's character.
- To ensure a scale and form appropriate and sensitive to the local building / site and surrounding area context.

Location

- Locational criteria that should be considered include:
 - scale of operation;
 - character of the surrounding area;
 - proximity to public transport routes, commercial centres and tourist amenities.
- A range of locations are supported, including business district areas, medium to high density residential areas, mixed use areas and resorts.
- Accommodate hotel in most locations, but excluding single residential dwelling based area.

Self-catering

- Meals and beverages provided to residents and casual guests.
- Self-catering by means of kitchenette in rooms (selfcatering units) may be permitted.
- To allow flexibility to guests with regard to catering arrangements.

Liquor use

- Include premises licensed to sell alcoholic beverages for consumption on the property, but does not include an off sales facility.
- Subject to obtaining liquor licence, alcoholic beverages may be sold for on-site consumption by guests, including with meals in a restaurant or in a bar facility.
- Permitted liquor trading hours as per Liquor Trading hour By-law.
- To ensure compliance with Liquor legislation, but allow for diverse range of facilities / services to guests.

Ancillary facilities

- Associated restaurant(s), conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel.
- Premises licensed to sell alcoholic beverages for consumption on-site.
- Depending on the zoning scheme, other ancillary services / facilities may include lecture rooms, a tourist / gift shop, sports facilities, banquet hall, spa / hydro and wellness centre, bar facility or any other facility which is reasonably and ordinary related to a hotel.
- Subject to zoning scheme requirements, a place of entertainment may be provided, with the size and nature of the facilities to be determined by an SDP.
- To enable provision of a wide variety of complimentary services and facilities available to guests.

On-site residence

- Permanent accommodation may be provided on-site for the manager of the establishment, as well as bona fide staff quarters.
- To accommodate operational requirements and support proper management of the establishment.

Parking

- Provide on-site parking as follows:
 - 1 bay per bedroom, plus 20 bays if licensed.
- In addition to car parking, sufficient space to be provided on-site for shuttles and buses.
- To prevent on-street parking that may adversely affect traffic flow, the streetscape or area character generally.

Loading

- Sufficient dedicated on-site loading and delivery space to be provided, and set out per SDP.
- To prevent on-street loading for same reasons as above.

Staff facilities

- Staff facilities are permitted, such as sleeping quarters, offices and a lounge.
- Bona fide staff quarters shall not be regarded as rooms for guests and may not be converted to guest accommodation.
- To cater for operational requirements but prevent escalation of development beyond intended scale.

Signage

- All outdoor signage to comply with Council's Outdoor Advertising By-law.
- To prevent inappropriate signage that might have an adverse impact on the visual integrity of the surrounding area.

Environmental/ heritage impact

- Any alteration or new structure shall be compatible with the character of the surrounding area.
- Where located in historic precincts / heritage areas, external appearance / facade to be sensitive to this attribute and taken into account in design.
- Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered and applied.
- No activities constituting a source of public nuisance shall be carried out; Council may restrict activities it considers likely to cause such a public nuisance.
- No disturbance from loud music or other sources after 23:00 in residential areas and after 24:00 in all other areas, except with separate approval from Council.
- Council may prescribe specific hours for special events that may cause public nuisance, and prescribe specific mitigating measures to be implemented in such cases.
- Specific arrangements for the appropriate on-site storage and disposal of refuse / solid waste to be incorporated and set out on SDP.
- To ensure a reasonable and contextually appropriate level of amenity to surrounding residents and inhabitants and protect the character of the area.

6.3.7 Resort accommodation Purpose

- Harmoniously designed and purpose built guest accommodation units on a short term rental or time sharing basis for holiday or recreational purposes, often in a unique environment.
- Consists of multiple free standing, linked or single structures and is a single (private or public owned) enterprise.

- Or, where inside the urban edge, consist of normal township establishment and allows for alienation of individual units by means of time sharing, sectional title, share block or subdivision and full separate title.
- Does not include a hotel, but may include ancillary facilities which are reasonably related to resort housing such as ablution facilities, tourist facilities, recreation facilities, sports facilities, lecture rooms, restaurant, conference facilities, spa/hydro, wellness centre, caravan park and camping.
- To provide accommodation for tourists and visitors in a unique recreational / holiday setting and context.

Scale

- Form and scale of development (including number of units / density) to be determined:
 - on proposal merits if no policy or spatial framework exist;
 - by contextual informants such as environmental sensitivity, views, carrying capacity for the environment, etc.
 - by the development parameters of particular zone (i.e. floor space, building lines, height) where applicable
 - and set out on a SDP
- Mobile homes in a mobile home park subject to any Council's by-law relating to parks for caravans and mobile homes.
- To ensure a contextually appropriate scale of development in harmony with its surroundings and with an acceptable environmental impact.

Location

- Council may determine / restrict the number of units per development and lay down conditions necessary to mitigate the impact thereof, in order to protect the surrounding environment, area's carrying capacity etc.
- Outside urban edge, no individual subdivision / separate title units / township establishment permitted.
- Locational criteria that should be considered, include:
 - If outside urban edge, proximity to a unique natural / recreational resource.
- To capitalise on opportunities provided by natural / recreational assets / features, but ensure a contextually appropriate development sensitive to its surroundings.

Self-catering

- In addition to an option to provide meals communally (eg in the form of a restaurant) to resident guests, self-catering may be permitted (eg separate kitchen per unit or cooking / braai facilities in case of camping).
- To provide for a flexible range of options regarding catering arrangements.

Liquor use

- Subject to obtaining liquor licence and separate departure / consent application in terms of the zoning scheme (where required in terms of the scheme), alcoholic beverages may be sold for onsite consumption by resident guests, including with meals in a restaurant or in a bar facility.
- Permitted liquor trading hours as per Liquor Trading hour By-law.
- To ensure compliance with Liquor legislation, but allow for diverse range of facilities / services to guests.

Ancillary facilities

- Depending on the zoning scheme, ancillary / complimentary activities / facilities may include ablution facilities, lecture rooms, restaurants, a tourist shop / facilities, recreation facilities, walking or cycling trails, horse riding, conference facilities, recreation facilities, sports facilities, spa / hydro and wellness centre, caravan park and camping and any other use which is reasonably related to resort accommodation.

- Subject to zoning scheme requirements and an application in this regard (where required in terms of the scheme), a place of entertainment may be provided, with the size and nature of the facilities to be determined by SDP.
- To capitalise on locational opportunities and maximise recreational potential and holiday experience.

On-site residence

- Permanent accommodation may be provided on-site for the manager / owner of the establishment, as well as bona fide staff quarters.
- To accommodate operational requirements and support proper management of the establishment.

Parking

- On-site parking requirements to be determined on merit, and set out per SDP.
- In addition to car parking, sufficient space to be provided on-site for shuttles, buses and overland trucks.
- To ensure orderly parking arrangements and prevent any unsafe traffic conditions on abutting public roads.

Loading

- Dedicated on-site loading and delivery space to be determined on merit, and set out per SDP.
- To ensure orderly loading / delivery arrangements and prevent any unsafe traffic conditions on abutting public roads.

Staff facilities

- Staff accommodation is permitted, such as sleeping quarters and a lounge.
- Bona fide staff quarters shall not be regarded as rooms for lodgers/guests and may not be converted to guest accommodation.
- To cater for operational requirements but prevent escalation of development beyond intended scale.

Signage

- All outdoor signage to comply with Council's Outdoor Advertising By-law
- To prevent inappropriate signage that might be detrimental to visual integrity of surrounding area.

Environmental/ heritage impact

- Any new structures must be sensitively designed in context of the character of the surrounding environment and Council may impose a condition requiring submission and approval of an Architectural Design Guide.
- Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered and applied.
- No activities constituting public nuisance shall be permitted. Council may restrict activities it considers likely to cause such a public nuisance.
- No disturbance from loud music or other sources after 23:00 in residential areas and after 24:00 in other areas, except with separate approval from Council.
- Specific arrangements for the appropriate on-site storage and disposal of refuse / solid waste to be incorporated and set out on SDP.
- To protect the character and amenity of the surrounding area.

7.4 NON-COMPLIANCE

Where appropriate, the provisions of this policy will be incorporated into conditions of approval of land use applications for guest accommodation establishments. Where, in Council's opinion, any contravention of such conditions of approval occurs, enforcement thereof will be undertaken in terms of the provisions of the relevant applicable planning legislation, e.g. SPLUMA. This may include serving a written notice on the alleged offender, requiring such person or persons to rectify the contravention. The persons on whom such a notice is served must comply with such directive within the time period stipulated, failing which, Council may proceed to prosecute any such offender in a Court of Law.

7.5 POLICY REVIEW

This policy should be reviewed once a year.

AUTHORITY

**RICHTERSVELD MUNICIPALITY
GUEST HOUSE POLICY**

ATTENDANCE AND PUNCTUALITY POLICY

Approved Date: 31 May 2023

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