

17. **OVERSTRAND: POLICY FOR CONDUCTING AN ACCOMMODATION ESTABLISHMENT ON A SINGLE RESIDENTIAL ERF**

**Department: Town Engineer, Mr Kuchar (tel:028-313 8087)**

1. **Purpose of report**

To submit an item to Council regarding a policy for conducting an Accommodation Establishment in the Overstrand Municipal area.

2. **Background**

Previously the different Municipalities of the Overstrand had their own policies regarding Guest houses, Bed & Breakfast, Self Catering units and Back Packers.

As tourism is one of the key performances and development areas for the Western Cape, all issues dealing with tourism should be properly addressed.

In terms of the Cape Tourism Act together with Municipal Structures and Systems Act, Municipalities have received more definite functions in promoting and controlling tourism in its area.

In order to consider the policy on Accommodation Establishments there are a few functional areas to take into considering the policy. This would be discussed under the following headings:

**ECONOMIC AND TOURISM DEVELOPMENT**

Council has the duty to create the atmosphere and opportunities to promote Economic and Tourism Development in the area. From this stems the issues such as job creation. Therefore Council needs to create and facilitate the parameters in which this development is promoted and encouraged.

The demand for Accommodation Establishments is known fact and is currently being met by mostly Guest houses and B & B's. These are normally established in Single Residential areas subject to obtaining a departure or Special Consent from the Local Authority.

Council acknowledges this and therefore accommodate the demand for accommodation according to a policy.

**GUEST HOUSE OPERATORS**

As these people fulfil an important function not only in economic development but also in job creation. They further fulfil an important role in satisfying the demand for

alternate holiday housing. They are also crucial in the development of tourism and the development of the Overstrand's economy.

### RESIDENTIAL COMMUNITY

Although the development of tourism and economy are crucial, one should not leave the primary factor namely the residents from the equation. These people insist on the peacefulness and amenity of a residential neighbourhood according to its primary use as Single Residential.

These people's rights should be the highest priority and any impact on their privacy and general living conditions should be restricted or mitigated to acceptable standards.

### TOURISTS THEMSELVES

Lastly, the tourists and visitors to these accommodation establishments are also very important.

They should be assured of quality and value for money when making use of an accommodation establishment in the Overstrand.

To ensure this a policy should be implemented to ensure certain standards are upheld. This could be done by implementing certain monitoring as well as an accreditation system as currently employed by the different Tourism Bureaus to ensure minimum standards are met.

### 3. Conclusion

Taking cognisance of all the interested parties and the different functions that they fulfil, it is clear that Council needs a policy which would address the above issues. The policy was formulated after consultations with the various townships as well as tourism bureaus.

The policy will be discussed hereafter.

### DISCUSSION OF POLICY:

- A. Policy regarding Accommodation Establishments (Ref Guest Houses and B & B's)
  - a) Any Accommodation Establishment from 1 to 5 bedrooms to apply for a departure or a Special Consent

Previously Accommodation Establishments who conducted 1 or 2 rooms were not required to apply for a departure or Special Consent.

It was recently determined in a court case that all Accommodation Establishments including 1 and 2 bedrooms should apply for a departure or Special Consent according to the specifications of the Land Use Ordinance.

Further, the reason for restricting Accommodation Establishments to 5 bedrooms is the fact this activity is allowed in a Single Residential area where the characteristics should be preserved. The normal tendency in Single Residential areas is that dwellings have an average of 4 bedrooms. In order to lessen the impact of Residential Business activity on a residential area the number of rooms should be restricted.

It is also the intention that should an Accommodation Establishment cease it's activities, the house should revert back to it's original use of Single Residential. This policy would only be applicable on Single Residential even where the applicant applies for a departure or Special Consent. Should a person wish to conduct more than the prescribed 5 bedrooms on a Single Residential erf, he should apply for a Rezoning.

- b) Only one kitchen is allowed per Accommodation Establishment. (except in cases where a Self Catering unit has been approved. (Self Catering units discussed later in the item.)

The reason for this again is to comply to the a Scheme Regulations of which most applicable Town Planning Schemes determine that only one kitchen is allowed per Single Residential dwelling.

This is also to prevent people from illegally conducting Self Catering units on Single Residential erven.

Further again, this is to ensure that the Single Residential character is preserved.

- c) Meals to be served to Residents of the Accommodation Establishment

All meals could be served by an Accommodation Establishment subject to accreditation by the Tourism Bureau as well as the necessary Health Certificate.

- d) No facilities (Bar/Restaurant or any other) to be open and provide for non-resident of the Accommodation Establishment

All facilities provided on Accommodation Establishment premises should be restricted to the use by residents only.

The reason for this is to prevent Guest Houses to operate restaurants, bars, etcetera, serving the general public.

As the area in which such a Guest House is conducted, is Single Residential, one wants to protect the privacy, peacefulness and amenity of such a neighbourhood. It is also to restrict activities in these areas to an acceptable standard for a Single Residential area. It must also be remembered that an accommodation establishment is allowed to cater for residents of the establishment and not the general public.

e) No liquor to be sold on the premises

Liquor may be provided to guests on the premises but not by means of a cash bar. This policy again is to prevent the illegal sale of liquor from a Single Residential premises. Liquor is only to be sold where an applicable license has been obtained.

f) Parking to be provided within the erf boundaries

The provision of parking is normally the issue that is mostly objected against.

As tourists come and go at all hours the activity of door slamming and cars starting it should be mitigated to the extent of having least impact on adjoining properties.

The reason that parking should be provided within the boundaries is therefore to limit and restrict the impact on adjoining neighbours.

This is also a normal requirement with other businesses where they must provide the necessary parking in their own property. Further, parking may not be provided as directly off the street parking alongside each other. A Single Residential erf is only allowed access and egress to a maximum of 6m. Further this restriction would serve to enhance traffic safety in a residential area. Business are required to provide their parking within the boundaries of their erf and therefore Accommodation Establishments should be required to do the same.

g) Minimum of 1 parking bay per guest room to be provided with an additional 2 parking bays for the owner/manager

After consultation with various people and groupings it was felt that 1 parking bay per bedroom is adequate. The reason being is that a guest room normally only houses one family and they also rarely receive visitors whilst staying in a guest room.

Secondly, the guest houses are rarely booked to capacity which serves that 1 parking bay per room is adequate. The two parking bays per owner/manager is

prescribed, as the Scheme Regulations determine that a minimum of one parking be provided per dwelling. Most residents have two cars and therefore the second parking. Further, the owner/manager normally is more likely to receive visitors for which the second parking would cater.

The parking should be accessible and tandem parking not to be allowed if not fully accessible for all cars.

h) Owner/Manager to reside on the premises

This is mainly to ensure that the business is conducted in a proper manner and under permanent supervision and to have a responsible person on the premises to control the activities within the set parameters and regulations.

i) Health and Safety certificates

This is according to National regulations. Safety certificates would include a Fire Prevention certificate.

j) Commercial tariffs be payable

Most of the tariffs would stay the same as for a normal domestic tariff. However, tariffs regarding refuse would increase. The reason for this is that a guest house occupied to its potential create more refuse than a normal household. This would increase the operating expense for Council as refuse capacity is taken up quicker. It further means that refuse trucks would most probably have to do more trips to the refuse site. This tariff would be guest house tariffs as determined by Council per it's budget.

k) Special Consent or Departure is not transferable

This is firstly to prevent people from speculating with the temporary rights of an Accommodation Establishment. Further, that would also force a new owner to follow the proper procedures where Council could again determine its conditions for allowing such as accommodation establishment.

In certain cases it might not be desirable to continue this function in an area and this allows Council the opportunity to apply it's mind to all issues and to reconsider a previous approval.

l) Accommodation Establishments should register at a fixed tariff determined by Council each year.

The reason for this is that Council must ensure that the tourist services delivered be properly inspected every 6 months. This registration fee would cover the cost for

such inspections.

The aim of such an inspection is to make sure the accommodation establishments comply with all regulations and conditions applicable. This would also ensure that these facilities would become accredited which would ensure that specific standards are upheld.

- m) An Accommodation Establishment may only be conducted after all conditions have been meet.

This is to ensure that all the conditions of approval are implemented by the applicant before the conducting of the functions.

This would also ensure that a measure of policing could take place. Should such a facility be conducted without all conditions being complied to, the departure would be withdrawn and the applicant would have to re-apply. Law enforcement in respect of conduct conditions would apply.

- n) An Unilluminated Sign of 2000 cm<sup>2</sup> to be displayed on the erf.

This is to ensure that signage is controlled and kept to acceptable standards.

### **B. Additional Policy for Self Catering Units**

- a) Self Catering Unit

Self Catering units would be subject to all the conditions as set for an Accommodation Establishment together with the following:

As a Self Catering unit contains it's own kitchen, it qualifies as a Second Dwelling. The approval of these should also be considered according to Council's densification policy and availability of adequate service capacity.

Lastly, again the character of the single residential area must be preserved. As a single residential area has a low density the increase in density should be properly considered. This being the reason why only one self catering unit is allowed per Single Residential erf. This would ensure that this type of development would have limited impact on the neighbourhood.

- b) A Bulk services levy be payable to the amount of 50% of the applicable on a single residential erf.

As a self catering unit is in effect a second dwelling which increases the impact on the bulk services, provision should be made for a bulk levy.

**C.Backpackers**

Backpackers are subject to the same policy as an Accommodation Establishment with the following additions.

- i) A maximum of 10 beds

This policy would ensure that the impact of a Backpacker be the same as a Guest House with 5 bedrooms.

Any backpacker wishing to apply for more beds should apply for a rezoning.

- ii) Parking to be provided at 1 parking bay per 2 beds with two additional parking bays for the owner/manager.

This condition is to prevent applicants to put 10 beds in one room and therefore providing just 1 parking bay.

**RECOMMENDED**

that the policy be approved for Accommodation Establishments on Single Residential erven.

A.Policy regarding Accommodation Establishments (Ref Guest Houses and B & B's);

B.Additional Policy for Self Catering Units, and

C.Backpackers

**THE MATTER SERVED BEFORE THE PORTFOLIO COMMITTEE FOR TOWN PLANNING, TOURISM AND ECONOMIC DEVELOPMENT ON 17 MAY 2001, WHICH COMMITTEE RECOMMENDATIONS AS FOLLOWS:**

**RECOMMENDED**

that the policy be approved for Accommodation Establishments on Single Residential erven.

**EXECUTIVE COMMITTEE MEETING**

**31 MAY 2001**

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**Cirs JHG Kühn and Dr A Rabie-Rheeder recused themselves from the meeting during discussion of this item.**

**RESOLVED**

1. that the heading to section A(e) on page 105 of the agenda, be amended to read "Selling of liquor on premises", and
2. that the policy, as set out in the agenda, be approved for Accommodation Establishments on Single Residential erven.