

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
21 April 2015  
(Also the agenda for the Mayoral Committee Meeting : 29 April 2015)**

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**13.**

**ERF 264, 152 HANGKLIP ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : K. USMAR-BLAKE**

**264 KPRB (2648)**

**H van der Stoep**

**23 February 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 1 August 2014 from Ms. K. Usmar-Blake on Erf 264, Pringle Bay for a consent use in order to continue operating a four bedroom guesthouse on the property concerned.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Plan is attached as Annexure B, and the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 2.2 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

**6. Background/Discussion/Evaluation**

**Background**

The Moonstruck Guesthouse lodged a departure application during 2003, which was approved limiting the guesthouse to four bedrooms. Since a departure is only valid for a period of five years, the applicant submitted an application for a departure in order to continue the guesthouse as is in 2009. The departure was approved in June of 2009.

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During the application process in 2009, the issue of excessive lighting from the guesthouse was raised as an objection to the application. It is relevant to note that the objector did not disapprove the guest house as such, but the excessive lighting. The owner did address these aspects and no appeal was lodged against the approval of the departure.

The present application is for the continued operation of the establishment as a consent use as per the Overstrand Municipality Zoning Scheme. The latter provides for tourism establishments as a consent use as from January 2014.

Registered notices were sent to all potentially affected property owners, and one objection was received from the Pringle Bay Ratepayers' Association.

The application was also circulated to all relevant municipal departments, and no objections were received.

### **Discussion**

The objection received from Pringle Bay Ratepayers' Association can be summarized as follows:

Various complaints were received from property owners affected by the operation of the guest house. This relates to the excessive use of lights from guests parking, and high windows above the stairwell periodically disturbing residents in High Level Road situated above the property. The operation of a guesthouse is supported, subject that the owner control the use of lighting. Lighting needs to be controlled such that it does not project upward or sideways in a manner disturbing to other properties.

Applicant's response to the objection received:

Every five years when the guesthouse applies for a departure, the same objections are raised.

The following improvements have been made over the years:

- A venetian blind has been installed on the staircase and is closed when the chandelier is switched on.
- The lounge and dinner room has dimmer switchers fitted.
- The chandelier positioned in the double volume hallway has dimmer switches fitted. The blind fitted is closed every night to illuminate the entrance hall and staircase internally.
- The three wall mounted carriage lights on the road side of the property are not switched on, however there were times when it was switched on by a new employee. This has been corrected.

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- Two of the three mid-level wall mounted wall lights in our parking area along with two very low mounted lights at the gates are being utilized to illuminate a large parking area for guests at night.
- Low level subtle unobtrusive and ankle height solar lights to the internal courtyard were added. The latter needs to be illuminated at night to ensure the guests safety on arriving and or departing to dinner.

The following aspects need to be taken into consideration:

*Firstly* - the complaints are from properties located on High Level Road, which is on the mountain side from Hangklip Road and substantially elevated. If the complainant's property was on the same level as the guesthouse, there would be no issue pertaining to the ambient light exceeding beyond the property boundary. The properties above the guest house thus look down on the guesthouse, which they will always see, except if every low lying erf does not utilize any lighting in their house. This situation is not viable and should the same principle apply to houses above on the mountain side. The By-Law refers to light that should be restricted within an erf's boundary, not to disrupt traffic.

The objection of lighting in the guesthouse itself e.g. bathroom is unfair and ridiculous.

*Secondly* - From the southern side of the guesthouse when look up to the properties on High level Road, in turn we are affected by their lighting at night, especially the double storey buildings. The residential buildings' lighting is obtrusive much more than the guesthouse.

*Thirdly* - The safety of the guests is first priority. Over the past years the guesthouse has constantly conceded to complaints and endeavours to accommodate the complainants. Lighting is essential due to the presence of snakes, security and crime. The guesthouse is not prepared to forfeit adequate lighting in the parking area for people's safety. However, any suggestions are welcomed with regard to compliance with a very vague By-Law interpretation as long as adequate lighting can be provided for guests.

*Fourthly* - In response to the objection, the applicant did drive to High Level Road to witness firsthand the complaint. The applicant acknowledged that the light from the two guest bathrooms may be of disturbance. The bathrooms have Venetian blinds and guests are requested to close it at night. However, the applicant will endeavour to alter the height of the lights, to reduce the reflection of light through the windows at night.

*Fifthly* - Moonstruck is the only 4 star guesthouse at present in Pringle Bay as the others have been sold as residential dwellings. The guesthouse has proven successful over the years without any complaints with regard to noise pollution. It should be mentioned that the guesthouse is now in a situation

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where new residences were built and renovated below the guesthouse. Thus the similar situation exists that the guesthouse now looks on residential dwellings, similar to the residences on High Level Road looking down onto the guest house. In driving around at night time within Pringle Bay, it is evident that numerous houses do not close curtains and many bright lights are evident.

Town Planner's response on the objection received:

It is evident that the lighting of the guesthouse poses a problem for the high level residential properties elevated above the guesthouse. It is unclear why the guesthouse is made an exception as other residential buildings also have lighting in their residential houses. The applicant has gone to extreme measures to address the lighting complaints and is still willing to do so. It is evident in the photos submitted by the applicant, that residences on High Level Road also is subject to the By-Law, but choose to ignore the By-Law as it is impossible to implement it without putting themselves in danger.

**Evaluation**

The By-Law relates to public nuisance, streets and public places : Provincial Gazette No. 6558, Section 20 reads as follows :

*"A light installed on any premises shall be so positioned and necessary screened to ensure that it does not cause a nuisance to vehicular traffic, provided that this does not apply to any illumination which merely causes an increase in ambient light beyond the property boundary".*

The applicant provided proof that the lighting does not exceed beyond the property boundary, literally. However, the fact that the complainants are elevated and above the guesthouse and/or any other residential dwelling, lighting will have a visual effect of transgressing the property boundary, which it does not do so in real terms. Thus it is unfair to expect all properties below High Level Road to have no lighting at all. However, the same rule should apply to properties above Hangklip Road, the visual impact of lighting is similar to owners below High Level Road looking up towards the residential properties.

The By-Law's intention is to ensure the properties do not use excessive lighting that may be of disturbance to owners in general, however, it did not take into consideration topographical difference of the area. Thus the application of the By-Law by the complainants is incorrect as it refers to physical beam of light not beyond the property boundary and not to create a nuisance to vehicular traffic. The By-Law goes further to exclude illumination, which merely causes an increase in ambient light beyond the property boundary.

The applicant has taken exceptional measures to address the lighting on the property, however, whatever measure is taken it will not be able to satisfy the complaints due to the elevation in height between the guesthouse and the

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complainants. The only way the applicant can comply is to have no lighting in and on the property; however, one should duly note that in terms of the Constitution any person has a right to safeguard themselves and their property within reason. The measures taken by the applicant is within reason to her own property and the surrounding neighbours.

The property has a restrictive condition in the Title Deed, which stipulates that it may only be used for residential purposes, but a Conveyancer's Certificate confirms that it is not in contradiction with the land use.

**Conclusion**

Application be recommended for approval.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services Department**

See Annexure F.

**Fire Department**

See Annexure G.

**Manager: Building Department**

Supported.

**District Health**

Supported.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objection received
- Annexure E: Applicant's response on the objection received

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Annexure F: Services Report  
Annexure G: Comments from the Fire Department

**RECOMMENDATION:**

1. that, in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for a consent use on Erf 264, Pringle Bay to continue operating a four bedroom guesthouse on the property concerned, **be approved**, subject to the following conditions:
  - (a) that the facility be utilized as a **guesthouse only**;
  - (b) that a maximum of four bedrooms to be let, be permitted;
  - (c) that the owner/manager resides on the premises;
  - (d) that the guesthouse is utilized as such; no self-catering will be permitted;
  - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - (g) that a minimum of one permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town Planning;
  - (h) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (i) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (j) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - (k) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the guesthouse is conducted or should the operation of the guesthouse be found to be detrimental to the peacefulness and amenity of the surrounding area;

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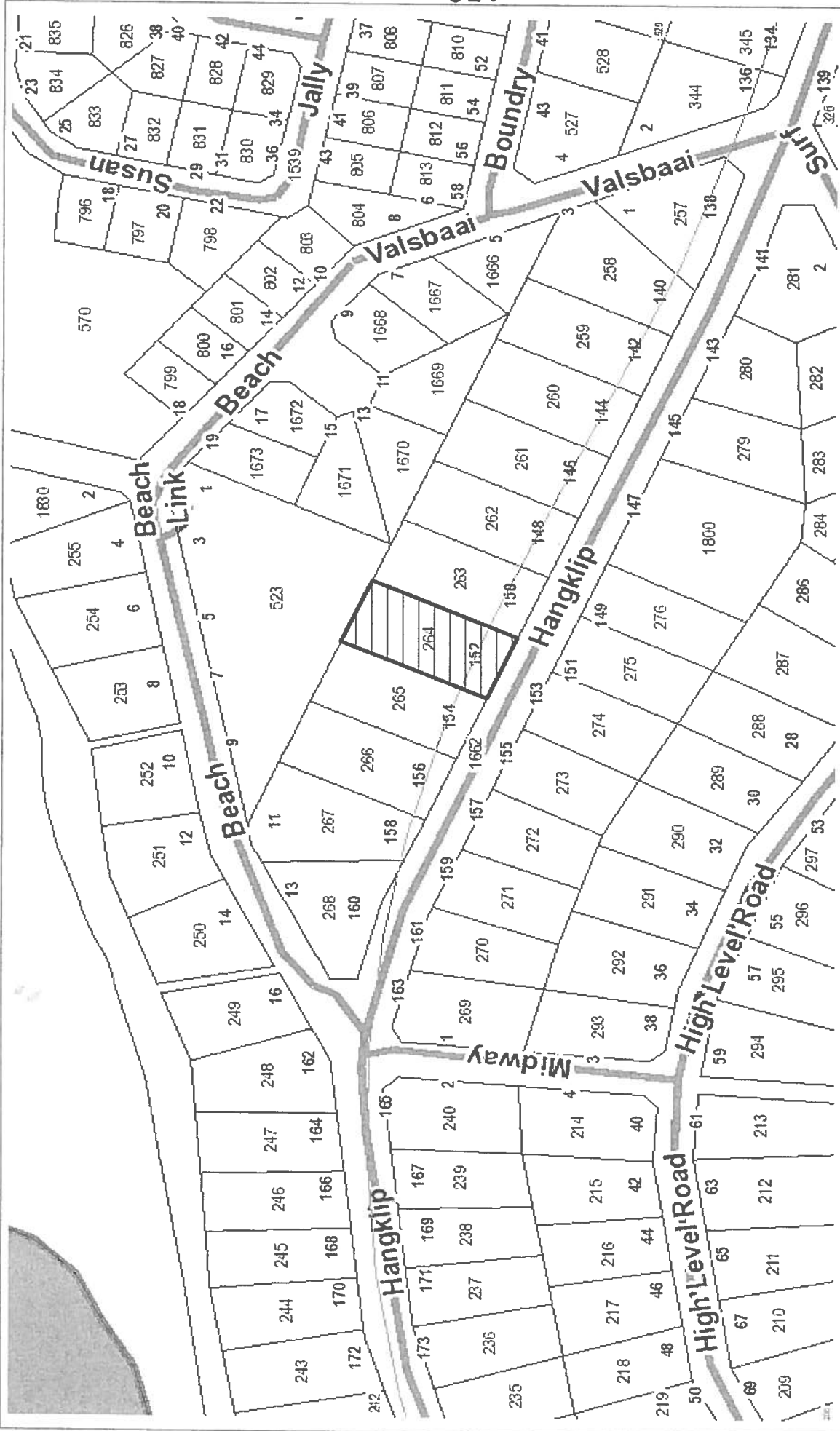
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- (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
  - (n) that should any building alterations be required building plans should be submitted to the Building Department for approval;
  - (o) that all the conditions in the Services Report (attached as Annexure F), be complied with; and
  - (p) that all the conditions imposed by the Fire Department (attached as Annexure G), be complied with.
2. that the applicant/objector be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>



Locality Plan  
Erf 264, Pringle Bay





NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

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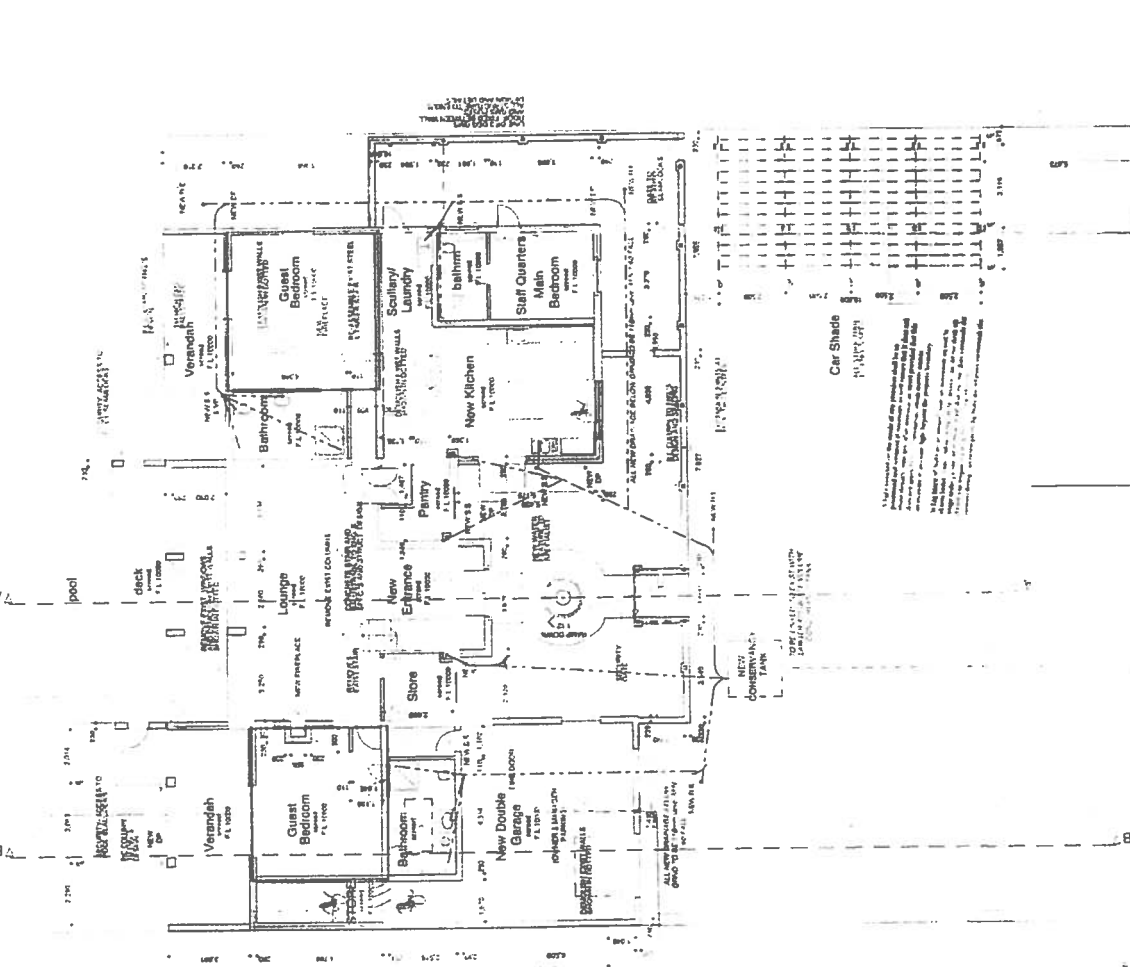
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**JACK CLARK** 083488777  
**DENVER HENDRICKS** 083398302  
**HOUSE BLAKE**  
 AT 8757 2nd HANGKIP ROAD SPRINGFIELD CO  
 JOB NO: 0307

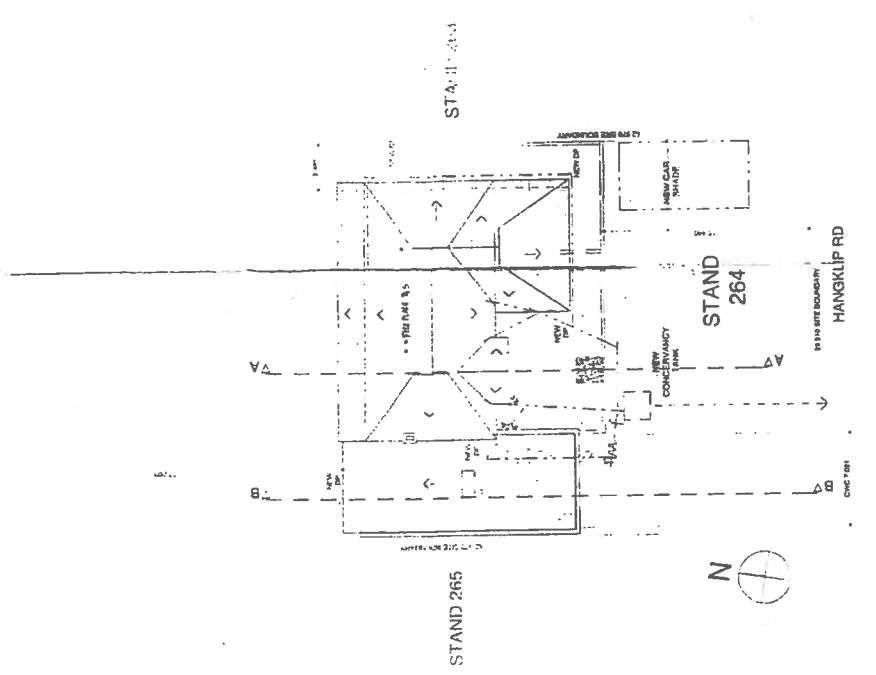
**Annexure B**  
**PLANS**  
 SCALE: 1:100  
 PROJECT: COUNCIL SUBMISSION  
 DATE: 04 JULY 20  
 DRAWN BY: LA 009  
 CHECKED BY: REVISED BY: A



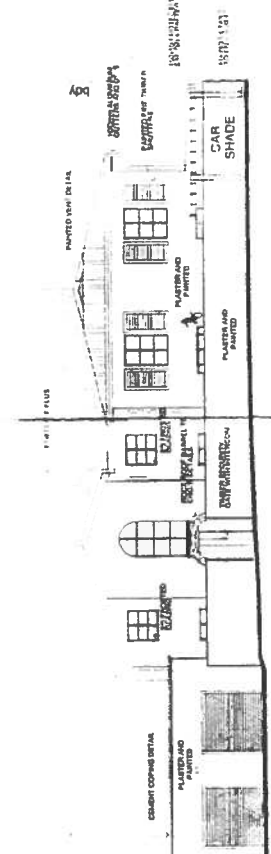
**OVERSTRAND**  
 CIVIL ENGINEER  
 1001 1/2 1st St. N. Aurora, CO 80010  
 PH: 303-733-1111  
 FAX: 303-733-1112  
 WWW.OVERSTRAND.COM

DATE: 14 JULY 2010  
 PROJECT: HOUSE BLAKE  
 DRAWN BY: J.C.  
 CHECKED BY: J.C.  
 SCALE: 1:100

STAND 523  
 10' 0" SITE BOUNDARY



SITE & ROOF PLAN SCALE 1:100



FRONT ELEVATION SCALE 1:100

GROUND FLOOR PLAN SCALE 1:100



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m onstruck  
on pringle bay

29th July 2014.

Overstrand Municipality  
Private Bag X3  
Kleinmond  
7195

Attention: Mr. F. Bezuidenhout



Dear Flippie,

RE: APPLICATION FOR RENEWAL OF DEPARTURE TO OPERATE A GUESTHOUSE AT ERF 264, 152 HANGKLIP ROAD, PRINGLE BAY.

I trust this letter finds you well Flippie.

Along with other criteria, it has been requested that we submit a motivational report to renew the lapsing departure for Moonstruck on Pringle Bay Guesthouse.

Attached please find our letter of motivation from our previous renewal request dated 13<sup>th</sup> February 2009.

This is our 3<sup>rd</sup> application for a departure; the guesthouse, which has retained **constant** 4 star grading has been in operation for 10 years now.

I am a widow, and have owner managed this business myself for ten years now; the income generated is my sole source of income.

**Considerable changes have occurred in Pringle Bay over the past year in terms of the amount of 4 star graded Bed and Breakfasts/Guesthouses offering accommodation in our area, namely:**

The Wild Olive guesthouse (4 star grading) has been sold as a private residence; the new owners will purely utilize the property as a home.

Hannah's view Guesthouse (4 star grading) was sold and is being utilized only as a residential home.

@326 on Pringle Bay, is on the market, and has been for some time now. There are numerous different property agents boards erected on their lawn. This property whilst 4 star graded only offers 2 bedrooms.

Villa Marine guesthouse which has been in operation for as long as we have also enjoys 4 star grading.

To the best of my knowledge, the only other 4 star graded establishment in Pringle Bay is 3 Flavours guesthouse which is located on a small holding between Pringle Bay and Betty's Bay accessed directly off the R44.

Their target market is different from ours; we are the only 4 star graded establishment in Pringle Bay offering ocean views from all our 4 bedrooms, as well as direct access to the beach (via a path through a fynbos greenbelt in front of our property) in under a 3 minute walk.

Moonstruck on Pringle Bay 264 Hangklip Road Pringle Bay, 7196 • P.O. Box 369 Pringle Bay, 7196

t: +27 28 273 8162 • +27 82 555 2832 • [info@moonstruck.co.za](mailto:info@moonstruck.co.za) • [www.moonstruck.co.za](http://www.moonstruck.co.za)

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m onstruck  
on pringle bay

We (as well as @326 on Pringle Bay) are also the only establishments which meet the criteria of a maximum of 4 bedrooms per establishment.

This does therefore make one question the consistency with which the committee approach the applications.

The guesthouse has grown from strength to strength since our last renewal application in 2009 with a steady growth in turnover and bottom line annually. Our turnover ( in terms of bed nights sold) has increased by 48% since February 2009. This can be attributed to a combination of factors, including primarily :

My dedication to the business.

Ongoing strategic marketing of the area as a pristine tourist destination.

Staying abreast of ever changing technology, egg website and search engine optimization. We are on our 3<sup>rd</sup> generation website.

Social media; we are actively involved on Facebook with our own Facebook page, and also on Twitter.

Our market enjoys approximately 60% foreigner occupation. This in turn brings well heeled tourists to our area with Dollar, Euro and Pound spending power, which benefits shops, restaurants etc in the area.

See our reviews on Trip Advisor ( a powerful onsite marketing tool). Go to this link:

[http://www.tripadvisor.com/Hotel\\_Review-g1140279-d1007135-Reviews-Moonstruck\\_on\\_Pringle\\_Bay\\_Guesthouse-Pringle\\_Bay\\_Overberg\\_Western\\_Cape.html](http://www.tripadvisor.com/Hotel_Review-g1140279-d1007135-Reviews-Moonstruck_on_Pringle_Bay_Guesthouse-Pringle_Bay_Overberg_Western_Cape.html)

We have received a Certificate of Excellence from them for the past 3 years in a row and are the number one listed Pringle Bay destination on their website.

As far as the following is concerned:

Title Deed for Erf 264 Pringle Bay:

This has never been a request before and I fail to understand why it should be now. I hold a small bond with my bank, which is confidential information and which I am not prepared to divulge. The fact that we have traded consistently for ten years, have an excellent reputation in the market, and that this is our 3<sup>rd</sup> application for renewal of a departure license speaks for itself. The property is registered in a (Pty) Ltd as you know, and has been from day one, namely Whale Song (Pty) Ltd trading as Moonstruck on Pringle Bay.

Owners Consent:

I am the owner and hereby give consent. As mentioned earlier, I am actively involved in the day to day operation of the business and all related decision making.

Moonstruck on Pringle Bay 264 Hangklip Road Pringle Bay, 7196 • P.O. Box 369 Pringle Bay, 7196

t: +27 28 273 8162 • +27 82 555 2832 • [info@moonstruck.co.za](mailto:info@moonstruck.co.za) • [www.moonstruck.co.za](http://www.moonstruck.co.za)

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m onstruck  
on pringle bay

Site and Layout Plans:

I have included 3 diagrams hereto; nothing has changed in the layout of the guesthouse since inception of our trading. The 3 diagrams verify the layout of 4 guest bedrooms, owner's quarters as well as the parking layout.

Municipal Co-operation:

There are service delivery issues from the Municipality that are problematic in terms of ongoing problems, and this relates to the availability of the honeysucker. In season I call a minimum of 3 times before the property is serviced. Having our name on the business weekly register does not help either, in fact this is even more problematic.

Kindly look at the attached email I forwarded in desperation to Cecile Jonkheid over the past festive season regarding ongoing service delivery problems with the honeysucker.

Instead of addressing the issue on paper here I would like to make an appointment to see both Flippie Bezuidenhout and Denovan van Rhodie to address the issues. I will call your offices within the next month to do so.

I only received this notification on the 21st July, am submitting it now via registered mail, and have also included herewith proof of payment in the amount of R2200.00.

**I will be out of office, and the business will be closed for our annual holidays from the 31<sup>st</sup> July 2014 to the 15<sup>th</sup> August 2014.**

Yours sincerely



Karen Blake



Overstrand Municipality  
Private Bag X3  
Kleinmond  
7195

13<sup>th</sup> February 2009

Attention: Mr. F. Bezuidenhout:

Dear Flippie,

RE: APPLICATION FOR RENEWAL OF DEPARTURE TO OPERATE A GUESTHOUSE AT  
ERF 264, PRINGLE BAY

My motivation to continue operating the guesthouse is based on numerous issues, namely:

I am a single woman and am solely dependent on generating an income through the operation of the guesthouse.

Moonstruck commenced operating in 2004 and was the first 4 star Guesthouse in Pringle Bay. At that stage The Wild Olive was operating as a 3 star Guesthouse; they subsequently upgraded their establishment and received 4 star status.

I have spent substantial amounts of money on advertising and promoting the area as an eco - destination over the past years, averaging R55 000.00 per annum, and continue to do so. Please take the trouble to look at the new website I have launched; the images and information pay homage to the magnificent flora, fauna and landscape that this coastal belt has to offer. I do ongoing internet marketing with travel agents, tour operators and via the internet. 75% of my client base is foreigners, who bring considerable spending power to our shores, in terms of the strength of the Euro, Dollar and Pound. The tourism that I have generated for the area has benefited restaurants as well as shops in the area.

It has also provided permanent employment and part time employment for housekeeping staff and a gardener.

I trust that this information suffices and look forward to your favourable approval.

Regards,  
Karen Blake

**Moonstruck on Pringle Bay Guesthouse**

264 Hangklip Road, Pringle Bay, 7196

P.O.Box 369, Pringle Bay, 7196

tel: 028 2738162

fax: 0865403680

cell: 082 5552832

e-mail: [moonstruck@worldonline.co.za](mailto:moonstruck@worldonline.co.za)

web: [www.moonstruck.co.za](http://www.moonstruck.co.za)

TGCSA : Four Star Grading

Portfolio of Places Retreats Collection Accreditation: Luxury Rated



*Thank you for "Escaping to Reality"*

264 Hangklip Road, Pringle Bay, 7196 • Box 369, Pringle Bay, 7196

tel: +27 28 273 8162 • mobile: +27 82 555 2832

email: [moonstruck@worldonline.co.za](mailto:moonstruck@worldonline.co.za) • web: [www.moonstruck.co.za](http://www.moonstruck.co.za)

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TP. A Thant  
(H v/d Stoep)

**PRINGLE BAY RATEPAYERS' ASSOCIATION**  
**PRINGLEBAAI BELASTINGBETALERSVERENIGING**

SARS Reg. # 9101/138/16/3

Kindly address all correspondence to PO Box 409, Pringle Bay 7196  
 Geliewe alle korrespondensie te rig aan Posbus 409, Pringlebaai 7196

[www.pringlebayratepayers.co.za](http://www.pringlebayratepayers.co.za)

10 November 2014

**Director: Infrastructure and Planning**  
**P O Box 20**  
**Hermanus**  
**7200**



Attention: H van der Stoep

Re: Consent Use Application for Guesthouse: ERF 264 Hangklip Road, Pringle Bay

The committee of the Pringle Bay Ratepayers Association would like to draw your attention to complaints received from property owners affected by the operation of this guesthouse.

Excessive use of lights from guest parking and high windows above the stairwell periodically disturbs residents in High Level road situated above this property. We have been called out late at night to witness the light pollution and disturbance that this causes and support the complaints of these property owners.

We support the application for the renewal of the departure to operate this guesthouse subject to the owner being required to control the use of lighting in keeping with the Pringle Bay Conservancy. Lighting needs to be controlled such that it does not project upward or sideways in a manner disturbing to other properties.

A handwritten signature in black ink, appearing to read "Dave Muirhead".

Kind Regards

**Dave Muirhead**  
**Chairman Pringle Bay Ratepayers' Association**

FILE NO:	EL 264-PRB
SCAN NO:	05
COLLABORATOR NO:	684340

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Loretta Gillion - FW: 264KPRB (2648)

TP - A Threat (Huld stop)

From: "Moonstruck" <info@moonstruck.co.za>  
 To: <loretta@overstrand.gov.za>  
 Date: 19/12/2014 12:45 PM  
 Subject: FW: 264KPRB (2648)  
 CC: <chairman@pringlebayratepayers.co.za>  
 Attachments: Departure Renewal Motivation 19Dec14.pdf; B - Photos.pdf; C - Photos.pdf; A - Photos.pdf



Good afternoon Loretta,

Attached please find our response to the objection received regarding our application to renew the departure licence for Moonstruck on Pringle Bay.

You will note that there are also 3 pdf attachments of photographs which are referred to in our response letter. These should be viewed in conjunction with the letter.

I have addressed the letter to Mr.van der Stoep as his name was the reference given on the letter sent to me.

Your reference regarding this matter is 264 KPRB (2648)

I have also cc'd the Chairman of the Pringle Bay Rate Payers association.

Please can you acknowledge receipt of this mail dated 19<sup>th</sup> December 2014

Regards  
Karen Usmar-Blake



Moonstruck on Pringle Bay Guesthouse  
 (B) (B) (B) (B) (B) (B)  
 264 Hangklip Road / P.O. Box 369, Pringle Bay, 7196  
 tel: 028 273 8162 • cell: 082 555 2832  
[www.moonstruck.co.za](http://www.moonstruck.co.za)

Become a Fan on Facebook: [www.facebook.com/moonstruck.pringlebay](http://www.facebook.com/moonstruck.pringlebay)

Follow us on Twitter: [www.twitter.com/moonstruck\\_pbay](http://www.twitter.com/moonstruck_pbay)

TGCSA : Four Star Grading

Portfolio Collection Accreditation: Luxury Rated

Certificate of Excellence and recommended on Trip Advisor

FILE NO:	Ecf 264 PB
SCAN NO:	
COLLABORATOR NO:	698926

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Overstrand Municipality

Town Planning

Reference: 264 KPRB (2648)

19<sup>th</sup> December 2014Attention: H van der Stoep cc. David Muirhead/Pringle Bay Ratepayers**ERF 264/ 152 HANGKLIP ROAD PRINGLE BAY,  
OVERSTRAND MUNICIPAL AREA/ PROPOSED CONSENT USE: K USMAR-BLAKE**

Dear Mr. van der Stoep,

Every five years when we renew the departure licence for the Guesthouse we receive the same objections from certain neighbours about the perimeter lighting of our property, Moonstruck on Pringle Bay.

Before I respond, I would like to state what improvements we have made to date over the years to pacify the complainant regarding the purported lighting problem:

- A venetian blind has been erected on our staircase landing and is tightly closed every night when the chandelier is switched on.
- Our lounge and dining room lights have had dimmer switches fitted to them and are never illuminated to full capacity.
- The chandelier positioned in the double volume hallway has had dimmer switches fitted to it. The blind fitted on the stairwell is closed every night, and we now able (without complaints) to illuminate the entrance hall and staircase internally to ensure our guests a safe passage up and down the stairs. Their safety is our main objective after all. In the past, a guest has fallen down the stairs due to inadequate internal lighting.
- We have 3 wall mounted carriage lights on the road side of the property (erected when building the house in 2003 and then not aware of the bylaw): two are in the courtyard and one positioned at the garage. These are **not** switched on at all out of respect for the neighbours. There have been one or more exceptions recently, when I have found these on in the morning: this due to a new "live in housekeeper" not understanding the issue and how the internal light switches work. I have addressed this with her and she will ensure it does not occur again. This was a genuine mistake.
- We utilise only 2 of 3 mid level wall mounted wall lights in our parking area along with 2 very low mounted lights at our gate to illuminate a large parking area for our guests at night.
- We have added low-level subtle, unobtrusive and ankle-height solar lights to the internal courtyard – to further illuminate the area for guests entering the guesthouse after dinner due to the fact that our lighting needs to be dimmed following the complaints from neighbours. The courtyard needs to be illuminated at night to ensure guests' safety and vision when departing or arriving back from dinner. Solar lighting will however not be effective in the winter months.

Over the past ten years of trading I have contacted various officials at the Municipality to gather information and clarity regarding the light pollution bylaw. I have also chatted to a couple of local electricians regarding this and welcome an update to the information I have. The information provided to me is as follows:

*The bylaw relating to public nuisance, streets and public places, in Provincial Gazette 6558, section 20 reads as follow:*

*A light installed on any premises shall be so positioned and if necessary screened to ensure that it does not cause a nuisance to vehicular traffic, provided that this does not apply to any illumination which merely causes an increase in ambient light beyond the property boundary.*

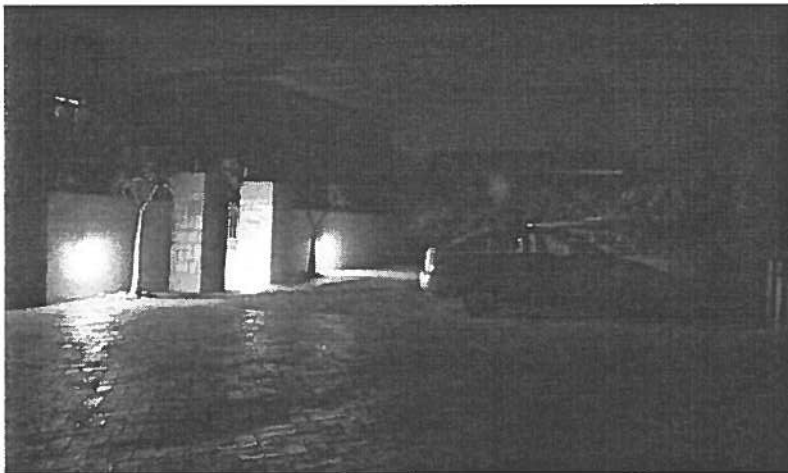
I wish to point out the following:

FIRSTLY:

The complaints received are from properties located on High Level Road which is 1 road higher/mountain side from Hangklip Road and **substantially** elevated. The elevation is estimated to be between 15 to 20 meters higher than our ground floor level (this is an estimation, and I stand under correction to the accuracy of the figures).

If the complainant's properties were on the same level as ours, there would be no issue pertaining to the ambient light exceeding beyond our property boundary. Because of the elevation of their properties, they look down onto the Guesthouse and frankly nothing that we do to ease the "irritation" caused to them, will alleviate their issue bar not utilising lights in the house at all.

The following photographs illustrate the lighting at the Guesthouse (erf264).



Guesthouse property driveway  
(taken from Hangklip Road).

Lights do NOT exceed perimeter of property. The edge of the photo precedes the perimeter boundary by ~ 3 meters.



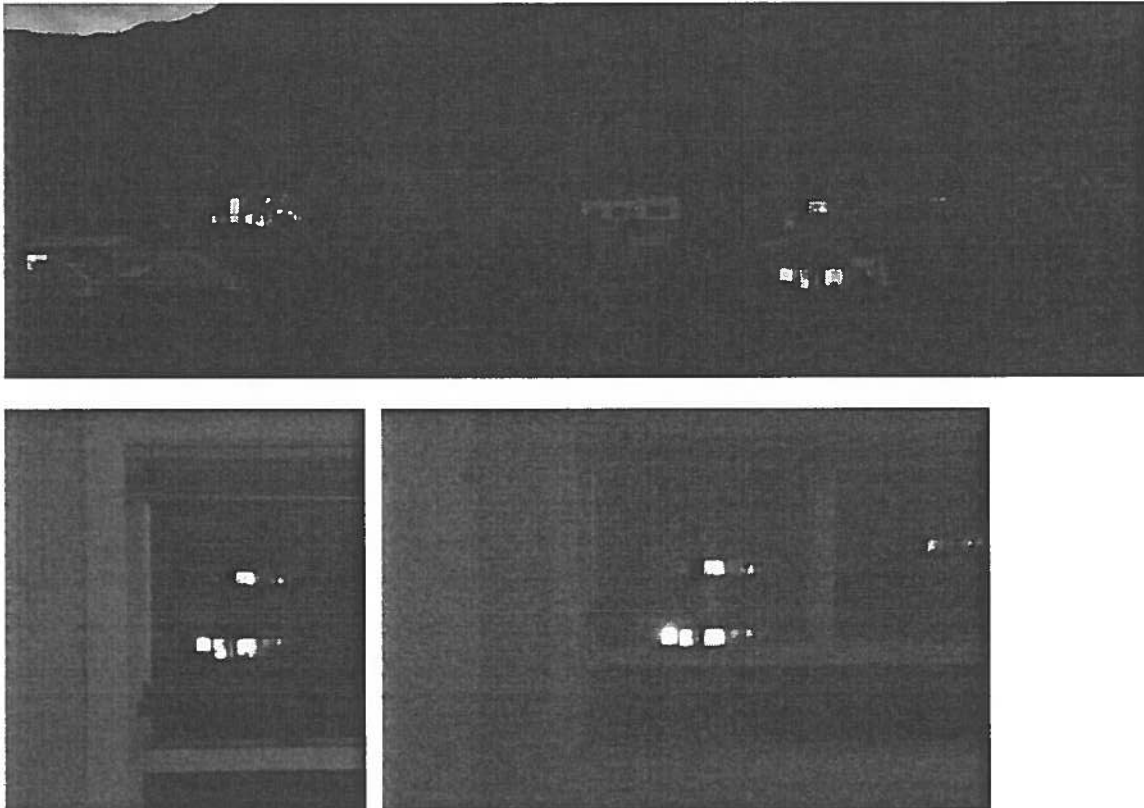
Guesthouse property driveway  
(taken from the first floor of the house).

Lights do NOT exceed perimeter of property.

However, if you are standing on the slope of a mountain looking down on our property you will always notice the lighting.

SECONDLY:

We, in turn, from the southern side of the Guesthouse on erf 264/ Hangklip Road look up at the properties on High Level Road, and in turn are affected by their lighting at night, particularly double storey properties. **These are detailed in the enclosed documents - marked A, B and C, being a series of photographs taken between 1<sup>st</sup> - 18<sup>th</sup> December 2014, all in the vicinity of High Level Road and Hangklip Road.**



***Above are photographs taken from first floor window of the Guesthouse property of lights on High Level Road.***

***These photographs have been taken prior to the annual influx of holiday visitors for the Christmas Period.***

I am a reasonable person and understand that because of the gradient increase that nothing can be done to alleviate this issue bar not switching on their lights at all, which is totally unreasonable. These are residential properties, not a hospitality residence like ours and the lighting is obtrusive, particularly when you take into consideration that there are probably way less people residing there than at our Guesthouse when we are fully booked.

THIRDLY:

Our first and primary concern is to guarantee the safety of our guests when entering the Guesthouse and within the premises of the Guesthouse. We have attempted to constantly concede to the complaints over the years, as can be seen in the opening paragraph of this letter. It is essential that the interior of our house is sufficiently illuminated at night for guests departing and returning from dinner, especially for those staying on the first floor of the Guesthouse.

It is essential that our parking area and courtyard is sufficiently illuminated for various reasons, namely:

#### **SNAKES:**

In the eleven years that I have lived on this property we have had numerous encounters with Adders. Snakes are active and feed at night, and this coastal belt has a high percentage of night/berg and puff adders. It is not practical to expect guests to carry torches with them at night; we recommend it however "you can lead a horse to water but you can't make it drink!". People on holiday are generally very relaxed and don't pay heed to the information supplied, i.e. Baboon management a perfect example.

#### **SECURITY/CRIME**

As you are probably aware crime in the area has escalated dramatically, from petty crime to armed robberies. Two recent occurrences involved residents returning to their homes after dining at local restaurants at night. They were ambushed upon returning to their homes by masked men wielding knives. The victims were tied up in their homes, robbed, however fortunately not physically injured. We have first-hand knowledge of this as one couple checked into our guesthouse at 3am in the morning as they were too frightened to spend the night in their own home. What a bad rap for tourism in the area, should God forbid this happen to people visiting the area on holiday, particularly foreigners.

I am not prepared to forfeit adequate lighting in our parking area for people's safety. I however welcome any positive input with regards to compliance with the ever vague bylaw interpretation as long as we can offer adequate illumination, and thereby attempt to satisfy the complainants within reason, and at no considerable expenditure to ourselves.

I do feel that certain residents in this village, particularly those that are not permanent residents and visit a couple of times a year are caught in a "time warp". Development happens, throughout the world: this is a reality. I would not have relocated to Pringle Bay eleven years ago if I too did not love what the area has to offer. Crime is on the rise even in our sleepy town as a result of unemployment, economic recession, inadequate border controls resulting in an increase of refugees from other African countries (Zimbabwe/Mozambique/Nigeria and Malawi), now residing in areas like the Strand and Kleinmond. This is the nationality of some of the gangs that have been arrested with relation to crime in the area.

To harp about not being able to sleep with your curtains open at night to enjoy the night stars is unrealistic, bottom line. We are not living in the seventies.

#### **Criminals thrive on no lighting in this village: it is in all probability their largest draw card!!!!**

Our property was burgled in November 2012 at night, with a full guesthouse. The perimeter lighting and cars parked in the parking lot did not deter the criminals. They scaled our courtyard wall, with bolt cutters broke into our kitchen and moved throughout the house stealing laptops and other electronic equipment from both an upstairs and downstairs offices. The fact that the house was full of people and that the perimeter was illuminated did not deter them. We have subsequently installed electric fencing on the southern boundary of our property as a deterrent. The Wild Olive Guesthouse was burgled twice the same year as ours. Without lighting we are "sitting ducks".

On the morning of the 19<sup>th</sup> December 2014 my niece was collected by a shuttle service at the Guesthouse at 4.15am to transfer her to the airport. The vehicle was flagged down by Wayne from ASK Security and Axel Meier. They were pulled over on the mountain pass (Wayne and Axel had

followed them) as they thought that this was perhaps a getaway vehicle as robberies had been reported in the early morning of the 19<sup>th</sup> December in Pringle Bay.

#### FOURTHLY:

After receiving the letter from yourselves and the Chairman of the Pringle Bay Ratepayers, I have made a point of driving to High Level Road to LOOK DOWN onto the Guesthouse property and to first hand witness the purported light pollution.

There is one area where we can perhaps assist in reducing light, and that is from the 2 bathrooms located on either side of the entrance hall on the first floor facing southwards towards High Level Road.

These are guest bathrooms: the bottom sections of the windows were sandblasted when the house was built. The windows do have venetian blinds installed and in our welcome letter to the guests we request the following:

***The village is a conservancy village, with no street lights which allows for quality "star gazing" at night. We have a municipal bylaw regarding lighting; so please close your bathroom blinds at night, and switch off your bathroom lights and patio lights when you go to bed.***

I am willing to chat to our electrician when he returns from his annual vacation to investigate altering the height at which the 2 bathrooms lights are suspended. They are currently suspended from a very high ceiling. If we reposition these lights this might assist in reducing the reflection of light through these windows.

#### FIFTHLY:

I would also like to point out that in the ten years that we have been trading, we have never had any incidents pertaining to lack of respect for neighbours from a noise perspective etc. We live peacefully amongst our neighbours, even with the Guesthouse at full capacity with guests.

Moonstruck on Pringle Bay Guesthouse commenced operating in 2004 and was the first 4 star guesthouse in Pringle Bay. At that stage The Wild Olive Guesthouse was operating as a 3 star guesthouse; they subsequently upgraded their establishment and received 4 star status.

The Wild Olive and Hannah's View, both 4 star guesthouses were sold as private residences in 2013 and 2014 respectively. Currently the only other 4 star guesthouse operating within the village apart from us is the Villa Marine Guesthouse. The other four star guesthouse is 3 Flavours, operating on a small holding.

A substantial amount of money has been spent (R55,000 average annually) on advertising and promoting the area as an "Eco -Destination" over the past years, and continue to do so.

We are very active with ongoing internet marketing with travel agents, tour operators and via the internet. 75% of the client base is foreigners, who bring considerable spending power to our village, in terms of the strength of the Euro, Dollar and Pound. The tourism generated by Moonstruck on Pringle Bay Guesthouse for the area has benefited restaurants as well as shops in the area.

It has also provided permanent employment and part time employment for housekeeping staff and a gardener.

We now find ourselves in a situation with 3 new residences that have been built/renovated in front of us in False Bay Road. We in turn, look down onto these properties, in the same manner that residents of High Level Road look down onto Hangklip Road. We intend continuing to photograph properties on

both False Bay Road and High Level Road at night to illustrate the illumination at night from other residences, and will forward photographs to you over the next couple of months.

In closing, the police are understaffed, crime is on the rise, and yet strained municipal resources are utilized to fund "light pollution officers". Why are we not rather implementing "crime fighting campaigns" with these precious municipal funds, which we as rate payers fund?

Having driven around the village at night as a result of the neighbours unreasonable complaints, I have personally seen how many bright lights are on and blinds or windows not closed in numerous homes. These people probably have reasonable neighbours.

Should you wish to discuss any of these issues or have any queries, please do not hesitate in contacting me.

Yours sincerely,

Karen Usmar-Blake



**Moonstruck on Pringle Bay Guesthouse ★ ★ ★ ★**

264 Hangklip Road / P.O. Box 369, Pringle Bay, 7196

tel: 028 273 8162 • cell: 082 555 2832

[www.moonstruck.co.za](http://www.moonstruck.co.za)

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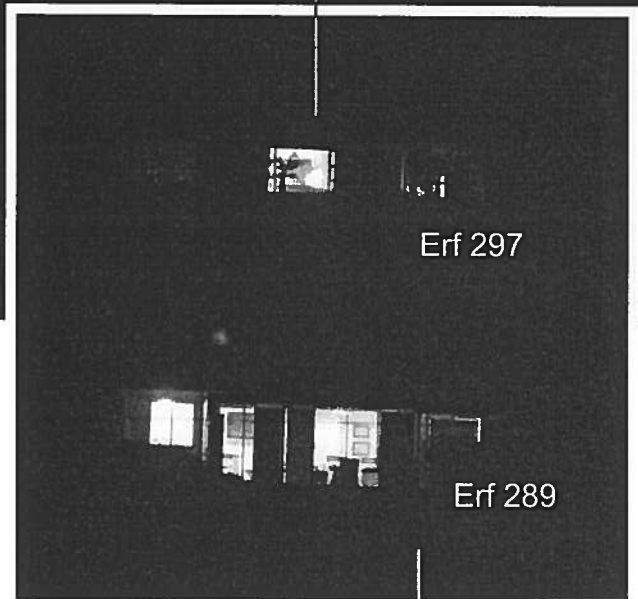
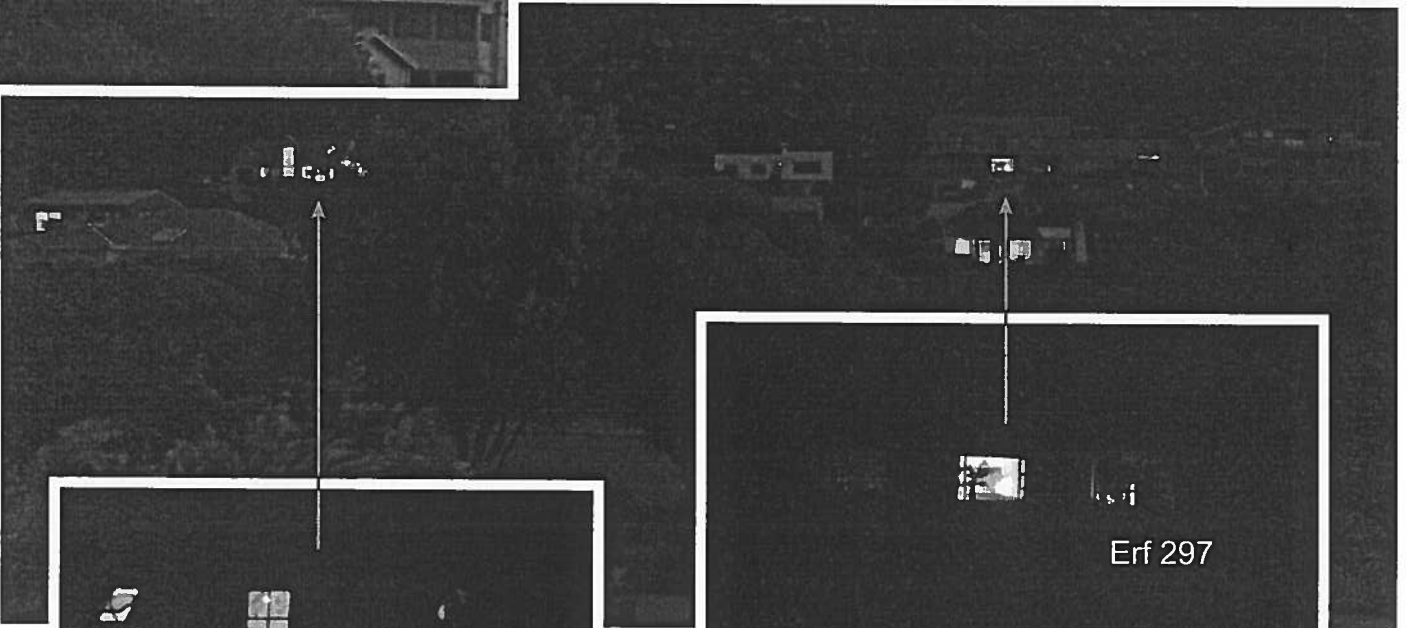
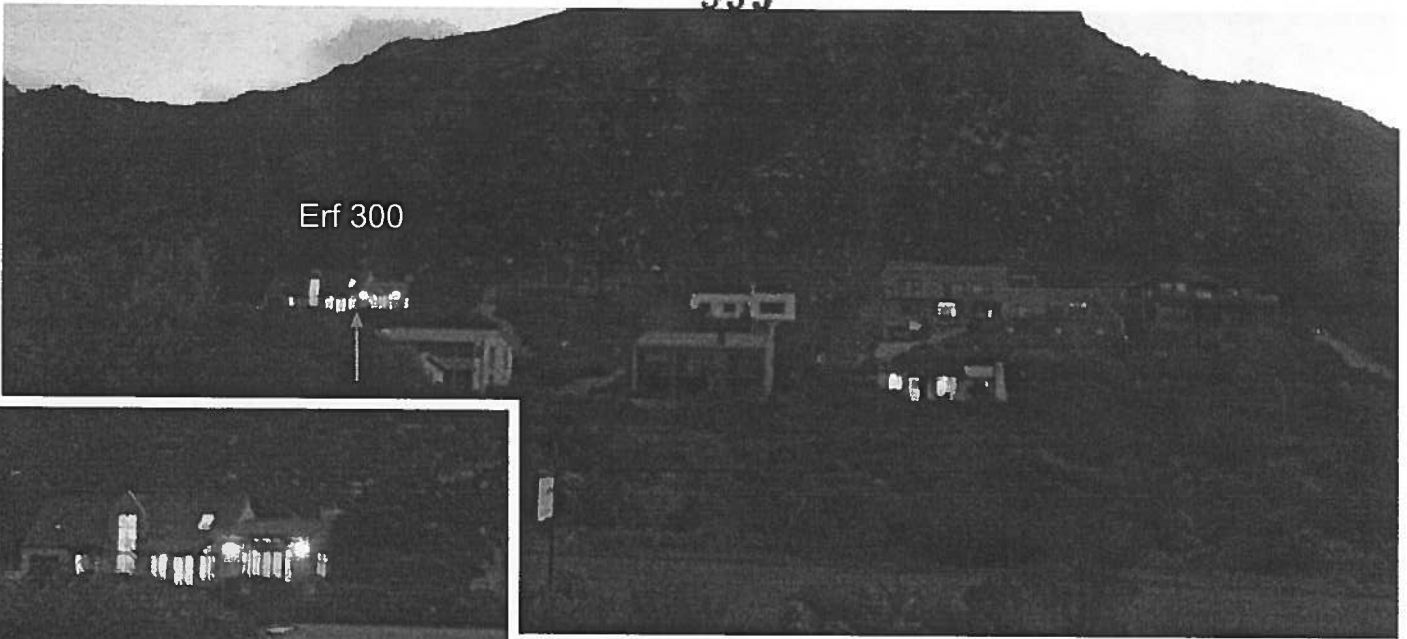
**Become a Fan on Facebook:** [www.facebook.com/moonstruck.pringlebay](http://www.facebook.com/moonstruck.pringlebay)

**Follow us on Twitter:** [www.twitter.com/moonstruck\\_pbay](http://www.twitter.com/moonstruck_pbay)

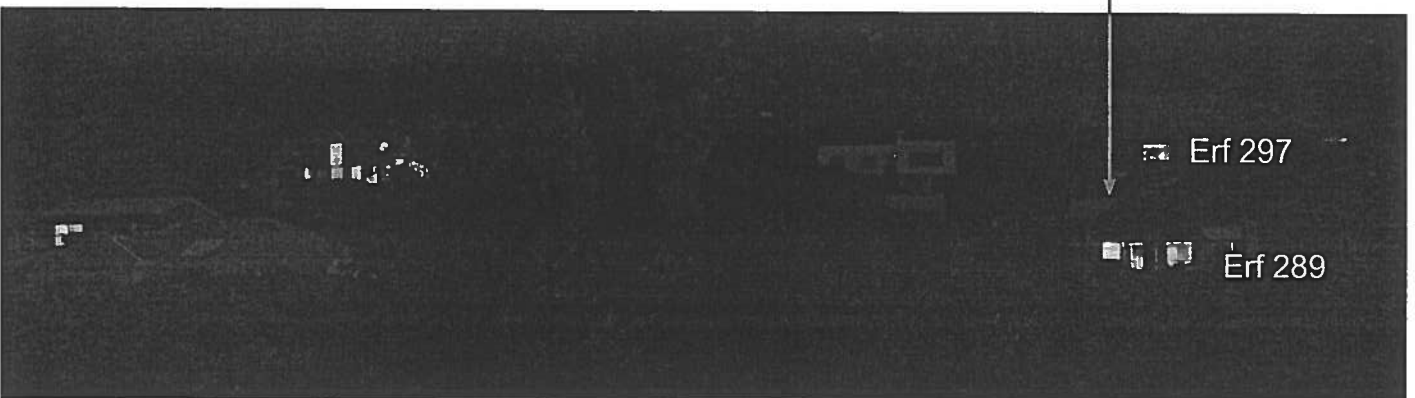
TGCSA : Four Star Grading

Portfolio Collection Accreditation: Luxury Rated

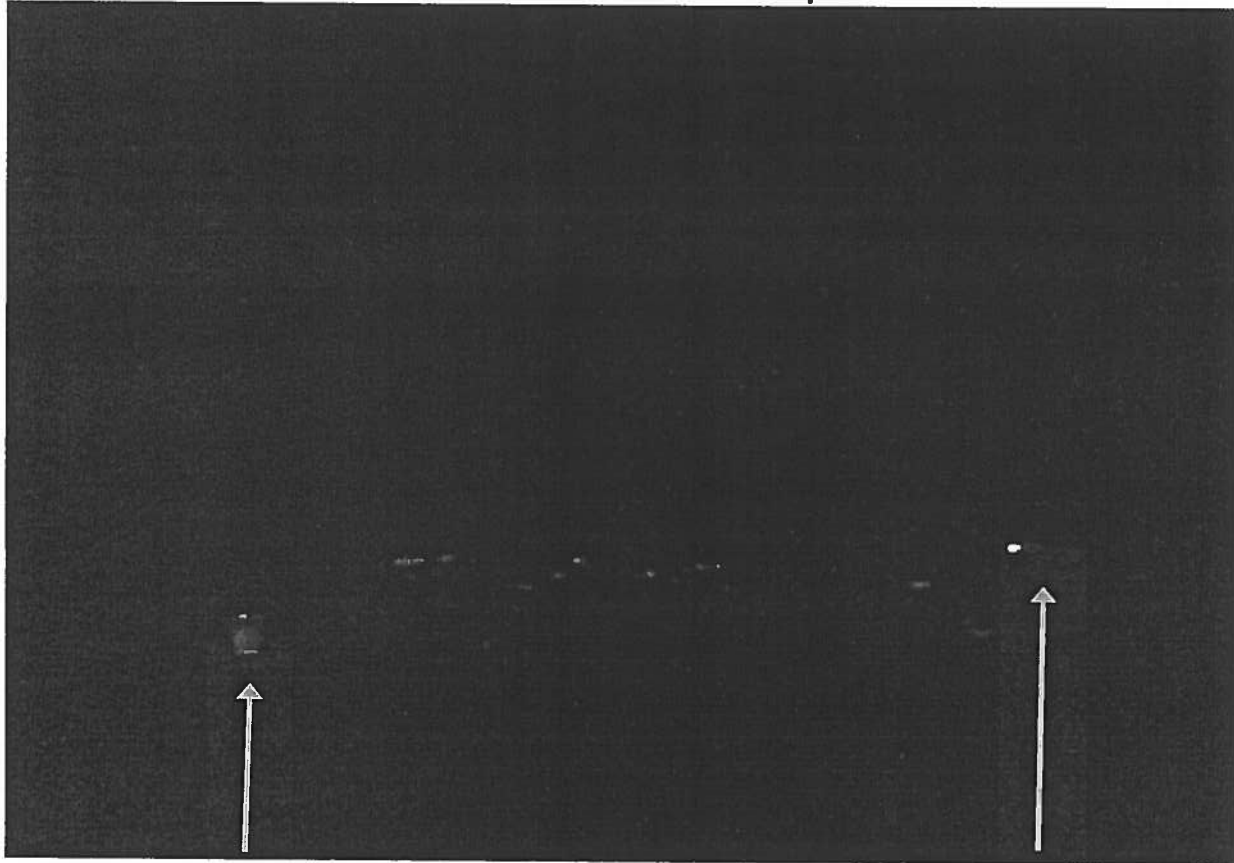
Certificate of Excellence and recommended on Trip Advisor



Photos taken over 2 hour time span from first floor of Moonstruck - 264 Hangklip Road

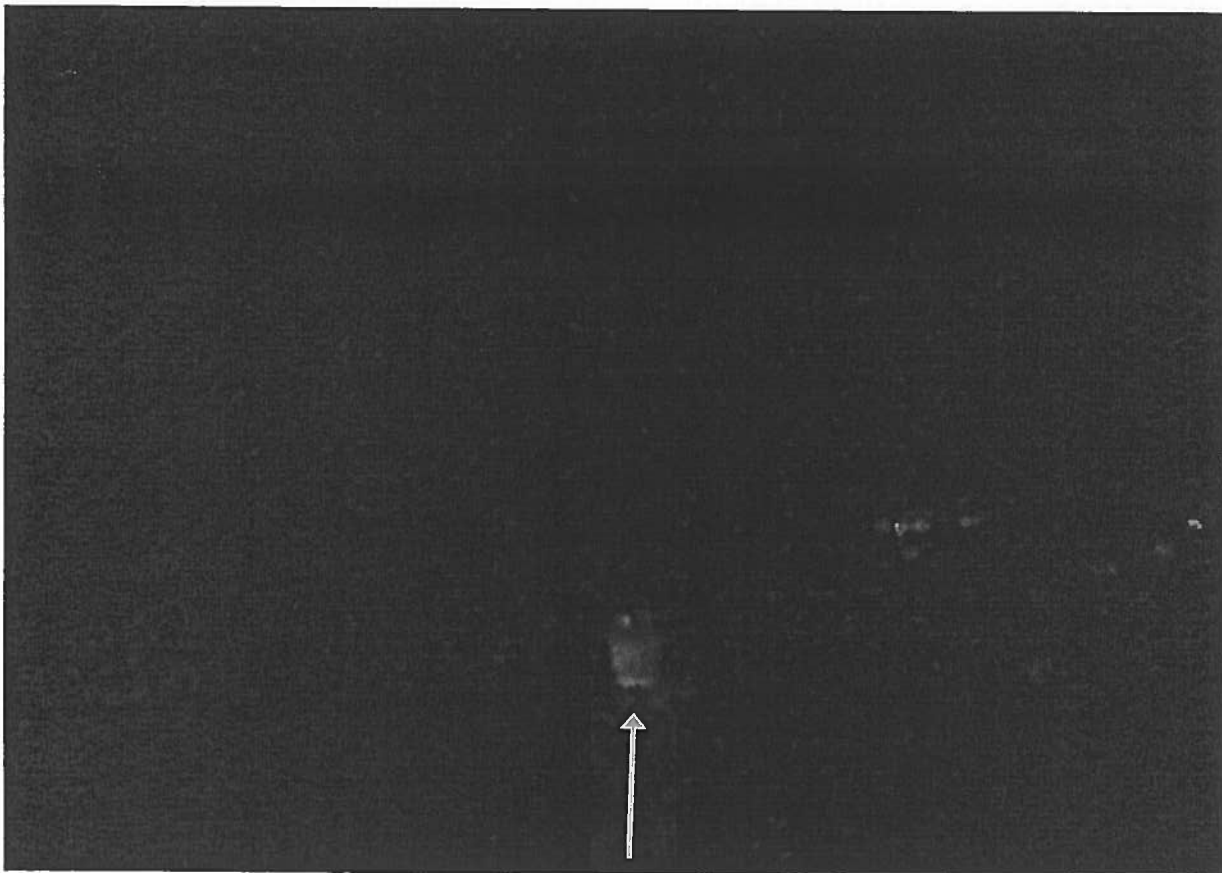


Following Photos taken 18<sup>th</sup> December 2014 at 9.30pm



Erf 264 taken from High Level Road

Other House lights

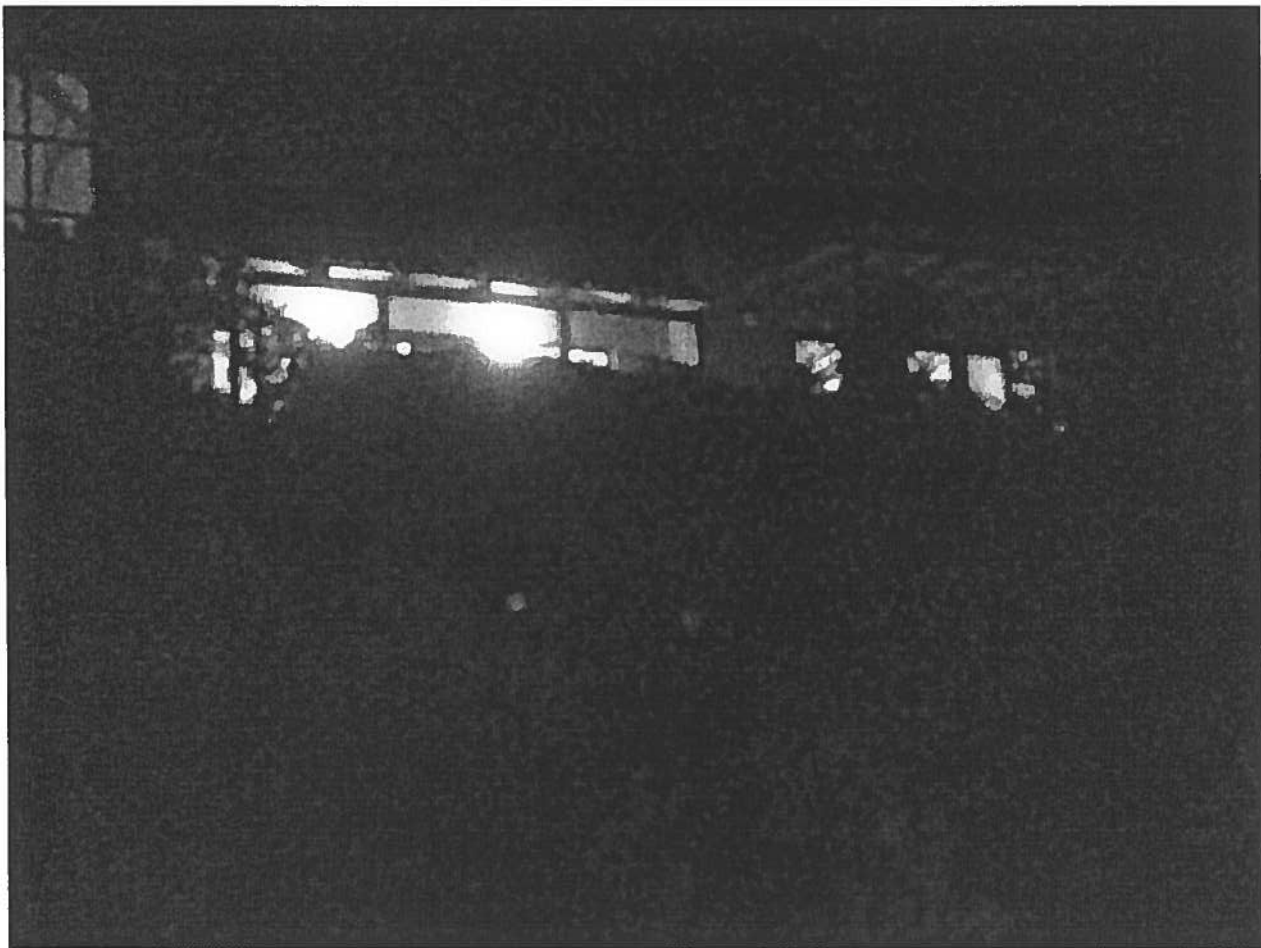


Erf 264 taken from High Level Road

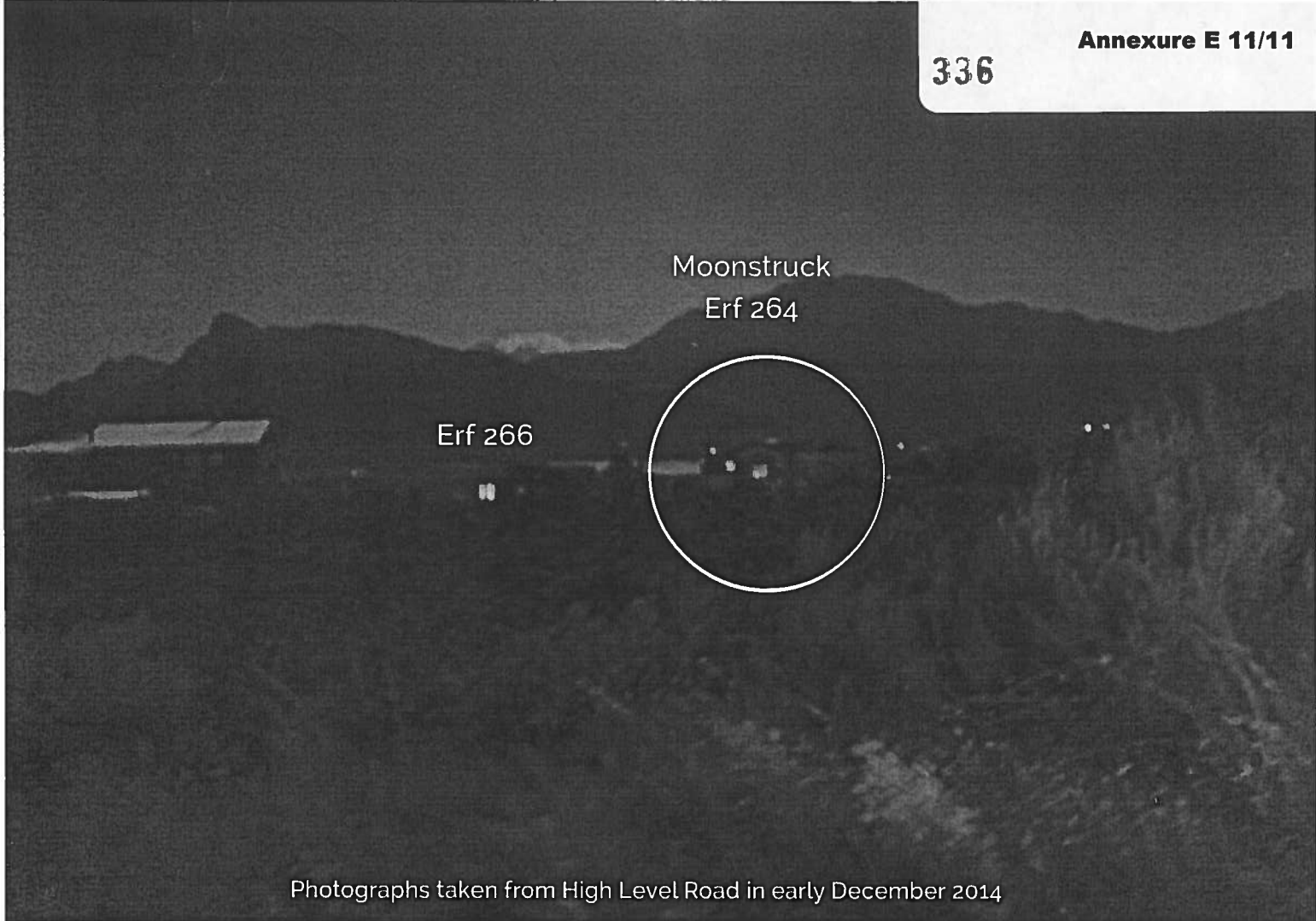


Erf 264 taken from High Level Road

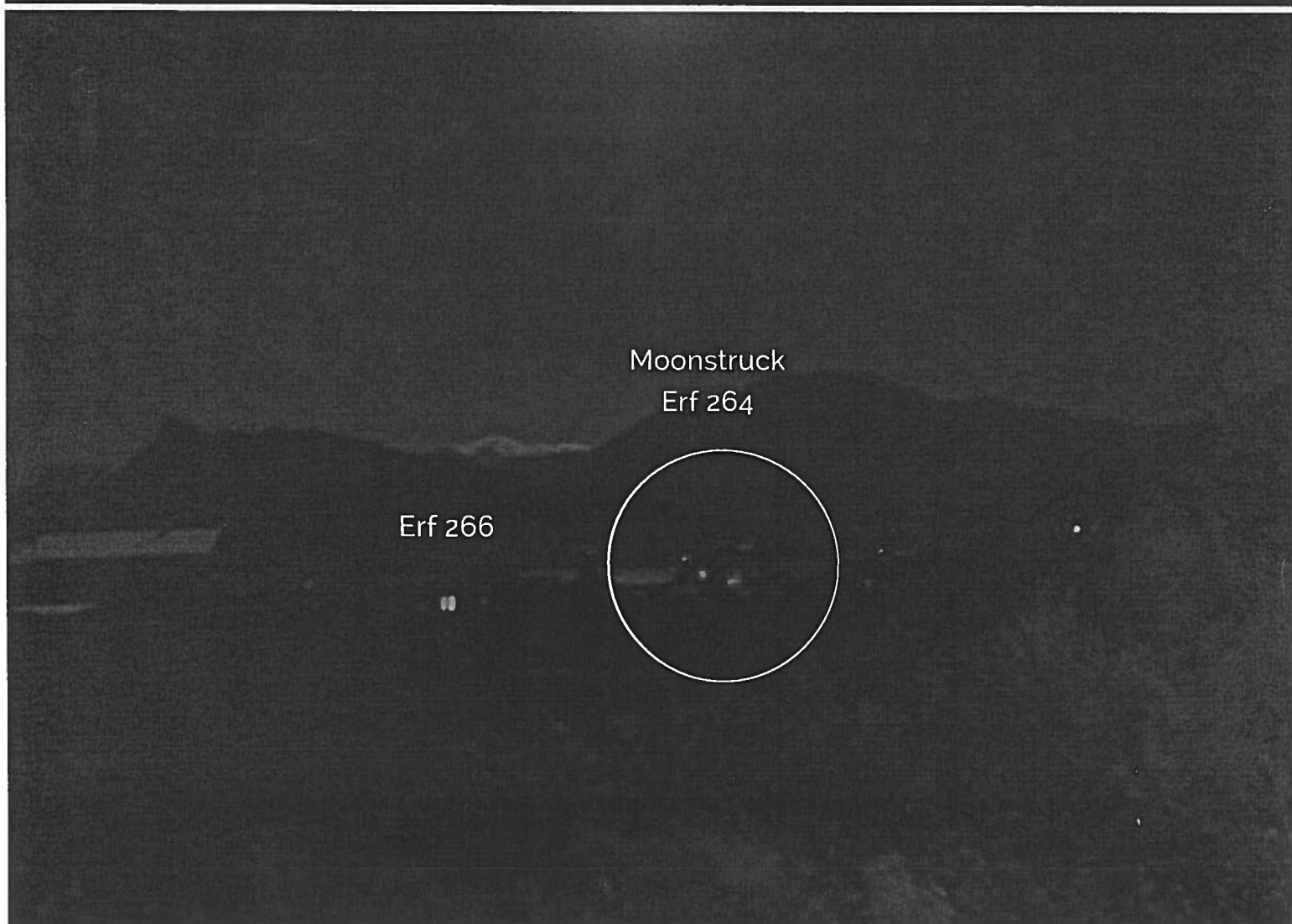
Other House lights on Hangklip Road



House on mountain side on High Level Road



Photographs taken from High Level Road in early December 2014

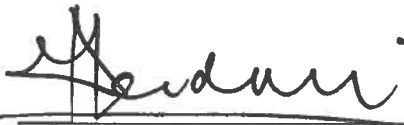


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 264, PRINGLE BAY**

Electricity : Escom Area  
Stormwater : In Order  
Water : In Order  
Sewer : In Order  
Roads and traffic : In Order

**Conditions:**

1. that only the standard water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that stormwater be allowed to discharge through Erf 264, Pringle Bay, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

15/01/2015  
DATE

Munisipaliteit • U-Mospele • Municipality

**OVERSTRAND**



**Town Planning Internal Memo**

Enquiries: Hanneen van der Stoep (Senior Town Planner)  
 Applicant: Karen Usmar-Blake  
 File Reference: Erf 264, Pringle Bay  
 Date: 10 October 2014 Comment By: 14 November 2014  
 TO:

<u>Area Manager</u> <u>(D Lakey)</u>	<u>Building Department</u>	<u>District Health</u>	Environmental Officer
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee	Traffic Department
<u>Ward Councillor</u> <u>(L Krige)</u>	Waste Management		

SUBJECT: Erf 264, Pringle Bay  
 See notice attached.

PROPOSAL:

CONSENT USE
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ATTACHED:

Locality Plan	Site Development Plans	Motivational Report	Engineering Report	CES Report
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COMMENT ON THE PROPOSAL:

Premises must be in with National Building Regulation SANS10400T:2011 with emphasis on Section 4.58.

Occupation - Hospitality (HS)

Maximum occupation capacity 16 persons -

SANS 10400A

See attached letter.

**OVERSTRAND  
 FIRE SERVICES**  
 2014-11-18  
**D/O SCHOEMAN**

Kindly provide your comment (with specific reference to any conditions of approval that should be imposed) in the space provided or in a separate Memo by not later than the date stipulated. Should no comment be received, it will be assumed that you have no objection to the proposal (and where appropriate Mayco will be informed accordingly).

	<p><b>OFFICE of THE CHIEF FIRE OFFICER</b>          PO BOX 20          HERMANUS          7220          Tel: 028 313 8980          Fax: 028 313 1493</p>	<p>Municipality of Overstrand  <b>OVERSTRAND</b></p> 
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## MEMORANDUM

**To:** Senior Town Planner – H van der Stoep.  
**From:** J Schoeman  
**CC:**  
**BC:**  
**Date:** 18 November 2014

**Subject:** Fire Safety Requirements Required in Guest Houses

The following are necessary requirements to obtain a fire safety clearance in order to operate a Guest House/Bed & Breakfast establishment. These are prescribed by The National Building Regulations in which the Occupancy Classification of such establishments is Hospitality – H5.

The following is required of all operations in this classification to comply with Part T: Fire Protection of the National Building Regulations.

**Fire Extinguishers:**  
 SANS10400T:2011 – 4.37 Table 11 requires: 1 Portable Fire Extinguisher per 100m<sup>2</sup>

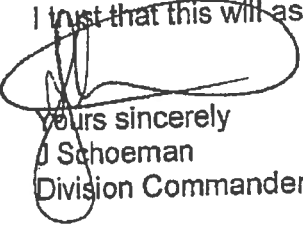
**Floor Coverings:**  
 SANS10400T:2011 – 4.14 Table 8 requires that all floor coverings are compliant with the minimum fire resistant standard.

**Wall Coverings:**  
 SANS10400T:2011 – 4.15 Table 9 requires that all floor coverings are compliant with the minimum fire resistant standard.

In addition to the above SANS10400T:2011 – 4.58 requires additional fire safety measures (see attached copy)

It must be understood that the Chief Fire Officer retains the right to insist on additional requirements that will be deemed to satisfy fire safety for unusual situations.

I trust that this will assist in approving relevant applications

  
 Yours sincerely  
 J Schoeman  
 Division Commander – Fire Safety