



OVERSTRAND MUNISIPALITEIT

ERF 815, HOOFWEG 82, NORTHCLIFF, HERMANUS: AANSOEK OM VERGUNNINGSGEBRUIK: INTERACTIVE TOWN & REGIONAL PLANNERS NAMENS DIE TRUSTEERAAD VAN DIE OU HAWE MUSEUM HERMANUS

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 815, Northcliff, Hermanus (die eiendom), naamlik:

Vergunningsgebruik

Aansoek ingevolge Artikel 16(2)(o) van die Verordening vir 'n plek van vermaak van toepassing op 'Fishermans Cottage' ten einde lewende vermaak te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 028 313 2093 / (e) loretta@overstrand.gov.za) bereik voor of op **Vrydag, 2 Desember 2022**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H. van der Stoep** by 028 313 8900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word om hul kommentare te formuleer.

DGI O'Neill MUNISIPALE BESTUURDER

Overstrand Munisipaliteit
Posbus 20

HERMANUS 7200

Munisipale Kennisgewing Nr. 138/2022

OVERSTRAND MUNICIPALITY

ERF 815, 82 MAIN ROAD, NORTHCLIFF, HERMANUS: APPLICATION FOR CONSENT USE: INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF DIE TRUSTEERAAD VAN DIE OU HAWE MUSEUM HERMANUS

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to Erf 815, Northcliff, Hermanus (the property), namely:

Consent Use

Application in terms of Section 16(2)(o) of the By-Law to permit a place of entertainment applicable to 'Fishermans Cottage' to accommodate live performances.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **Friday, 2 December 2022**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H. van der Stoep** at 028 313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

DGI O'Neill MUNICIPAL MANAGER

Overstrand Municipality
PO Box 20

HERMANUS 7200

Municipal Notice No. 138/2022

UMASIPALA WASE-OVERSTRAND

ISIZA 815, 82 MAIN ROAD, NORTHCLIFF, HERMANUS: ISICELO SOKUSETYENZISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNERS EGAMENI LABAKWA-DIE TRUSTEERAAD VAN DIE OU HAWE MUSEUM HERMANUS

Kukhuthswa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Ohlaziye wayo kaMasipala wase-Overstrand ongokuSetyenziswa nokuCetywa kweMihlaba ukuba kufunyenwe esi sicelo silandelayo ngokumayela neSiza 815, Northcliff, Hermanus (ipropathi), ukuba:

Isicelo Sokusetyenziswa

Isicelo sokumayela neCandelo 16(2)(o) loMthetho kaMasipala ukuba kuvunyelwe indawo yokonwaba 'eFishermans Cottage' ukuze kubekho umculo nezinye izinto zokonwabisa ezenziwa ngqo

linkcukacha ezipheleleyo mayela nezi zindululo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwixesha eliphakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Izicwangciso zeDolophu, 16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo zingangeniswa kwaMasipala (16 Paterson Street, Hermanus / (f)0283132093 (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi koLwesihlanu umhla **wama-2 EyoMnga 2022**, uchaze igama lakho, idilesi yakho neenkukacha zakho, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ingabuzwa ku**Mcebisi Dolophu, Nkszn. H. van der Stoep** ku **028 313 8900**. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe leziCwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni.

DGI O'Neill UMLAWULI KAMASIPALA

Umasipala iOverstrand
Ibhokisi yePosi 20

HERMANUS 7200

Inothisi kaMasipala Nomb. 138/2022

#overstrand4all

146722 HT



We belong



We care



We serve

1. Introduction

<p>a. Brief</p> <p>Refer to Annexure B for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the Die Trusterraad Van Die Ou Hawe Museum Hermanus to prepare and submit an application for a consent use for a Place of Entertainment on Erf 815, Hermanus in terms of the relevant legislation.</p>
<p>b. Background</p>	<p>The Fishermans Cottage is a historical building that was built in the late 1800's which was then converted into a small restaurant in 1991.</p> <p>The proposal is to provide live entertainment to inter alia enhance the atmosphere for tourists and local residents, give local artist the opportunity for exposure and provide additional income to the restaurant.</p>
<p>c. Development Objective & Application Proposal</p>	<p>The development objective is to apply for a consent use for a Place of Entertainment to allow for Fishermans Cottage to have live performances on the property.</p> <div data-bbox="427 689 1441 1373"> </div> <div data-bbox="427 1384 1441 1765"> </div> <p>Figure 1: Location of the live entertainment</p> <p>Subsequently the application proposal is for:</p> <ul style="list-style-type: none"> • a consent use for a Place of Entertainment

2. The Application

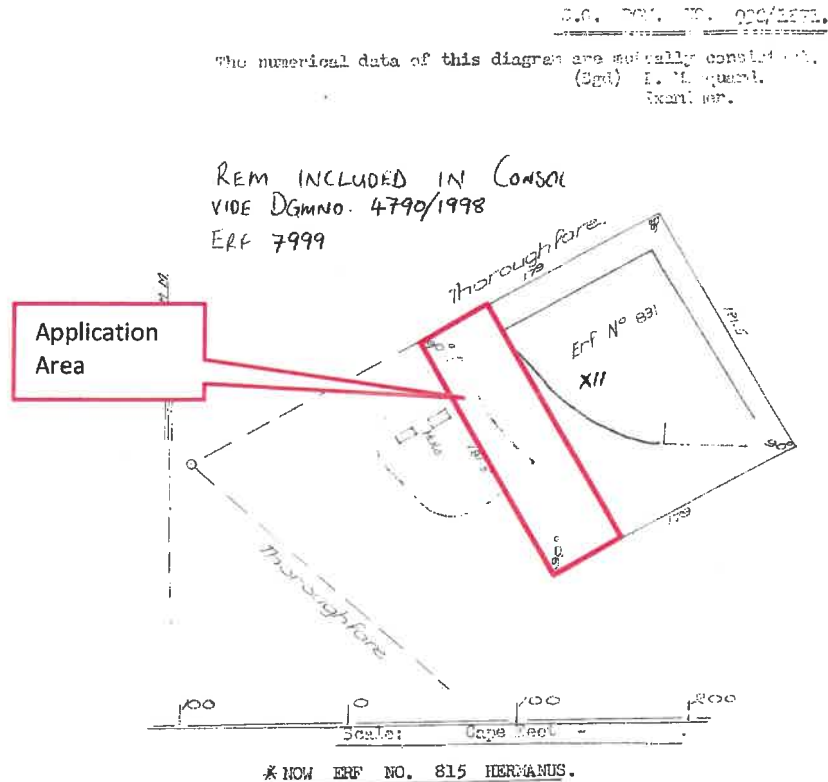
<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that there are no restrictive title deed conditions against the proposal.</p>									
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 815 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	<p>Parameters</p>		<p>Existing Zoning:</p>		<p>Proposal:</p>		<p>Comments</p>			
	<p>Zoning</p>		<p>Business Zone 1 (B1)</p>		<p>Business Zone 1 (B1)</p>		<p>Consistent</p>			
	<p>Primary Uses</p>		<p>Business premises, caretaker's accommodation, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction and self-catering.</p>		<p>Business premises</p>		<p>Consistent</p>			
	<p>Consent Uses</p>		<p>Adult entertainment business, bottle store, crematorium, dwelling unit, flats (on ground floor), funeral parlour, institution, motor repair garage, place of entertainment, recreational facilities, residential building, second dwelling unit, service station, transmission apparatus (subject to the provisions of Chapter 16.10), transport use, utility services, warehouse and service trade.</p>		<p>Place of entertainment for the purposes of live music performances only</p>		<p>Application is for a consent use</p>			
	<p>Coverage</p>		<p>100%</p>		<p>±31%</p>		<p>Consistent</p>			
	<p>Floor Factor</p>		<p>3</p>		<p>±0.3</p>		<p>Consistent</p>			
	<p>Height</p>		<p>14m & 4 storeys</p>		<p>±5m & 1 storey with an attic</p>		<p>Consistent</p>			
	<p>Buil</p>		<p>Street</p>		<p>0m</p>		<p>0m</p>		<p>Consistent</p>	
			<p>Common</p>		<p>0m</p>		<p>0m</p>		<p>Consistent</p>	
	<p>Parking</p>		<p>4 bays per 100m² GLA</p>		<p>0 bays (previously approved)</p>		<p>Consistent</p>			
<p>Definitions</p>		<p>Scheme Regulations: Hermanus</p> <p>"Place of Entertainment" means a place used for commercial entertainment which may attract large numbers of people, operates outside normal business hours or generates noise from music or revelry on a regular basis and includes a cinema theatre, an amusement park, a dance hall or a night club and gambling and live music.</p>								
<p>c. Application:</p> <p>The application form is attached as Annexure A.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:</p> <ul style="list-style-type: none"> • <u>Consent use for a Place of Entertainment</u> to allow for live music up to 10pm in terms of Chapter IV, Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020. 									

3. Contextual Site Information

a. Property Description
 Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 815 Hermanus.

Property	Extent	Title Deed	Registered Owner
Erf 815 Hermanus	927m ²	T28746/1984	Die Trusteeraad Van Die Ou Hawe Museum Hermanus

The following Surveyor General Plans reflect the application site:



The above diagram A B C D represents 225 Square Rods, 88 Square Feet and 72 Square Inches of ground being Lot 12 at Hermanus Peters fontyn situate in the division of Caledon f. Cy. of Uilen Kraal.

Bounded NNEwds. and SEwds by Vacant land.
 NNW " by a Thoroughfare and
 extending SSEwds. towards the South Atlantic.

Surveyed etc. by me Jan., 1871.
 (Sgd) J. A. Kuys.
 S.G.S.

quitrent Cdn. Q. 4-7
 8/6/1886.
 Estate of the late E. G. Moore.
 4/9/1957.

B.S.C

M.J. 815

Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F

Regional Context:

Within the regional context, the application area is located within Hermanus. Hermanus is a regional node and the largest town within the Overstrand Municipal area.

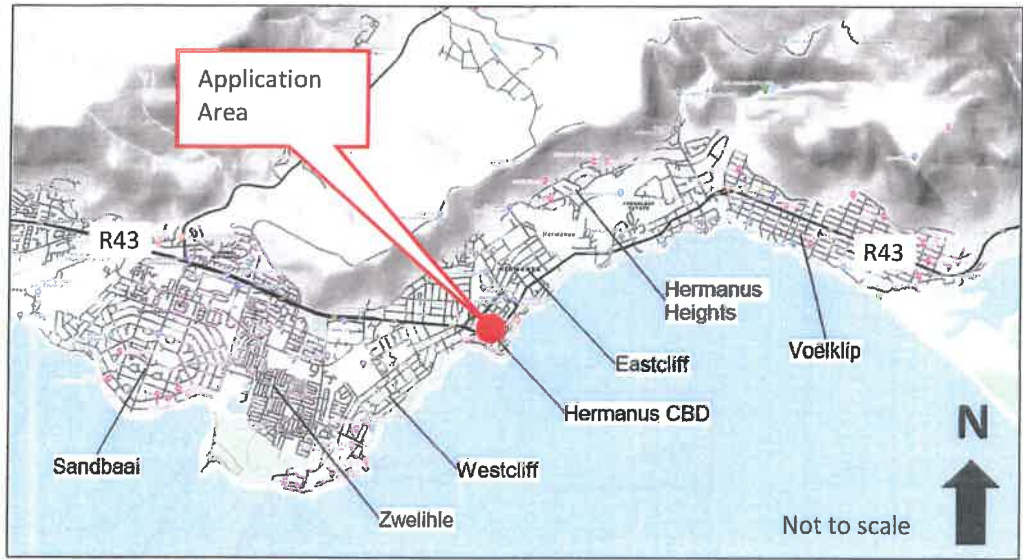


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a business erf within Hermanus Central Business District. The application area is located at number 82 Main Road.

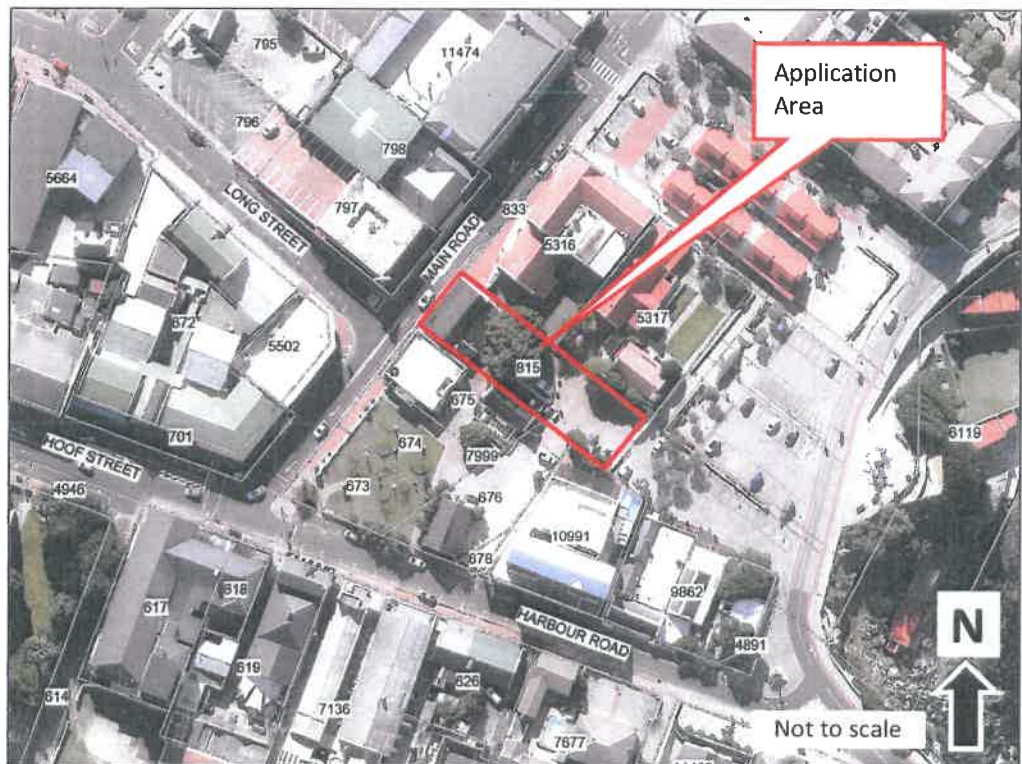


Figure 4: Locality Plan – Local Context

c. Land Use:

Refer to the Extract of Hermanus Zoning plan attached as Annexure G.

The application area is used for business purposes, more specifically two restaurants. The surrounding land-uses consist of business and general residential in the form of tourist accommodation. The Hermanus CBD has several existing nightclubs and bars that play loud music and restaurants that have live entertainment from time to time. The application includes a consent use for Place of Entertainment, to allow for live entertainment restricted to live music which will be subservient to the existing restaurant use. The application proposal is **consistent** with the land use of the area.



Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as Annexure H.

The application area, Erf 815, Hermanus zoned Business Zone 1. The surrounding erven are zoned Special Zoned or Business Zone 1 as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.



Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following policy is applicable to the application area.

i. **Overstrand Municipal Spatial Development Framework, 2020**

3.5 Vibrant and exciting urban areas

Description

Vibrancy in the context of settlement planning refers to areas that are full of variety and vitality, that are perceived to be lively and that provide a multitude of experience. Spatially, the levels of vibrancy in settlement are depended on the levels of pedestrian activity and the number of activities that take place within the settlements. Vibrant centres attract people, are accessible and provide comfortable and safe places to socialise in.

Where we want to be in 2050

The current hierarchy of the Overstrand settlements' urban, suburban, neighbourhood and rural centres have been strengthened, enhancing their functionality. The centres successfully provide for people's social, economic and cultural needs by presenting a variety of retail, social, recreation and leisure facilities.

Retail and other business function have successfully been accommodated within these centres as opposed to in newly developed facilities on the peripheries of settlements. This resulted in the transformation of less efficient centres into thriving economic hubs.

The public spaces within these centres are often filled with people engaging in social, leisure and recreation activities.

OBJECTIVE	POLICIES AND POLICY INFORMANTS
<p><i>VO 1*. The main urban, suburban and rural centres of the Overstrand's settlements continue to be the focal points of human activity and functions as social and economic hubs offering a variety of employment, retail, social and recreation opportunities and a range of community facilities.</i></p>	<p><i>iv. Encourage the development and transformation of urban and rural centres into people orientated as opposed to function and production orientated places.</i></p> <p><i>vi. Encourage and facilitate urban regeneration and restoration of under-utilised or decayed existing centres.</i></p> <p><i>vii. Encourage the development and recognition of vibrant social, recreation, arts and culture precincts in urban and rural centres.</i></p>

3.7 An Overstrand that enables a prosperous and diverse economy

Description

Regions that are well integrated with its surrounding spatial entities, that consist of well preserved and high quality rural and natural environments and harbour well designed settlements with strong local identity and sense of place attract and retain people and investment, contributing to economic prosperity. In order to be a prosperous area, the Overstrand should value its rural and natural environments, tourist attractions and heritage resources and profit from these economic pillars. It should furthermore stimulate economic growth and improve stability by diversifying its economy by means of introducing new sectors and expanding existing sectors with growth potential.

The desirability of the greater area as well as its individual settlements to potential and current residents can significantly impact on the ability of the labour market to attract and retain skilled labour. This especially applies to the quaternary sector.

Strategic land-use planning can be used to increase business investment in an area by providing greater certainty of current and future spatial scenarios and in so doing, help guide the investment decisions of businesses and developers. The flexibility of planning in this context is important in order to create a platform that is adaptable to changing circumstances.

Where we want to be in 2050

The Overstrand builds on its reputation as being a world class tourism destination attracting increasing amounts of tourists to its prime locations and facilities. Tourists in addition to visitors and new skilled labourers are drawn to the Overstrand’s unique natural, heritage and cultural attributes and well-designed built environment, providing a consistent economic influx to the area.

Businesses and organisations benefit from the opportunities of connecting to markets via quality transportation links and digital networks.

A diversity of agricultural, tourism, commercial and industrial activities occur in strategic locations throughout the Overstrand’s rural and urban settlements, providing a range of local employment opportunities.

Business agglomeration is strengthened by locating similar businesses in attractive and visible locations and as result of the ease with which people can connect in person, or by means of communication technology.

OBJECTIVE	POLICIES AND POLICY INFORMANTS
ECO 1. Overstrand maintains and strengthens its tourism sector.	iii. Market the Overstrand as a world-class tourism destination.
ECO 3. Existing and new commercial and industrial areas exhibit sustainable growth and complement and strengthen one another.	i. Encourage decision making regarding the development and location of new business centers based on the principle of strengthening existing centers by means of creating productive co-existence.
ECO 6. Overstrand attracts and retains highly skilled labour and entrepreneurs.	Refer policies and actions related to A liveable Overstrand and Vibrant and Exciting Urban Areas.
ECO 8. Support the expansion and retention of the Overstrand’s existing local businesses and generating new local economic / business opportunities.	i. Assist in creating marketing strategies for local business. ii. Making local markets work well by creating places and opportunities to match supply and demand. iii. Discover propagate and promote new business opportunities through identified economic spaces. iii. Discover propagate and promote new business opportunities through identified economic spaces. vii. Persuade local stakeholders to look for specific project ideas that are quickly implementable and can make a difference for local businesses. This can be partnered and facilitated with the Economic Development Partnership (EDP).

4.3.5 Initiate – Place Specific Key Economic Development Projects / Drivers

Strategy: Stimulate economic growth and development linked to the comparative locational advantage. Municipality must identify and actively facilitate key catalyst projects in conjunction with strategic partnerships with business/investors.

It is critical that these key economic development projects predominantly be located in the areas with the highest growth potential to sustain economic growth and provide employment.

Key policies directing future management and development

ECO 1 (ii) Ensure that tourism destinations are accessible, safe and attractive by means of maintaining and developing new facilities.”

The application area falls within a developed business zone, is adjacent to a major road, is within a Heritage HPOZ Local Area.

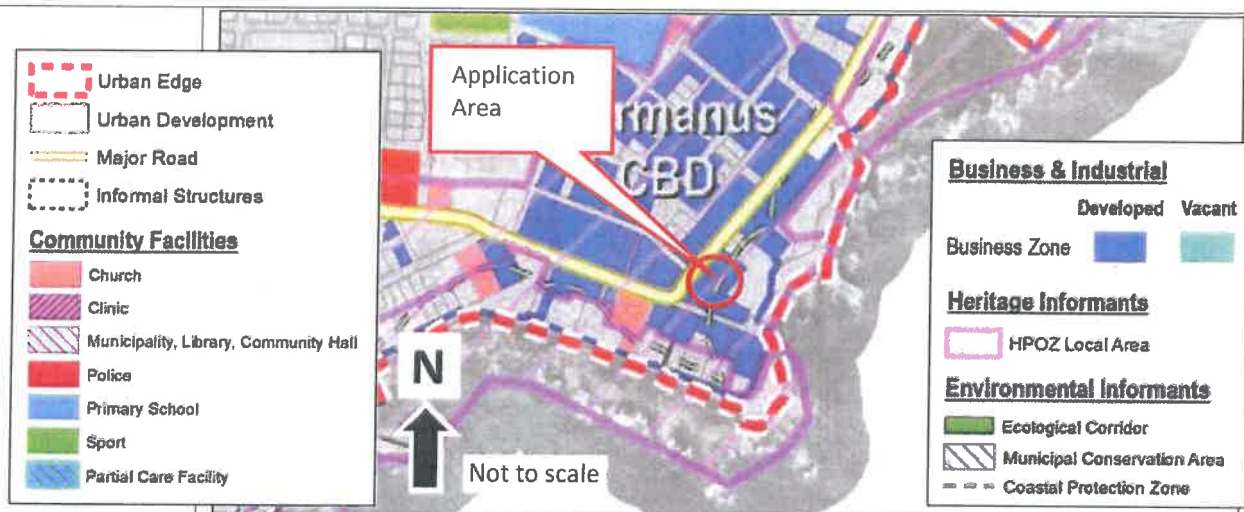


Figure 7: Spatial Development Framework 2020, Hermanus East Status Quo

The application area is within the Hermanus Central Business District, is within A Heritage Overlay Zone and is within the urban edge.

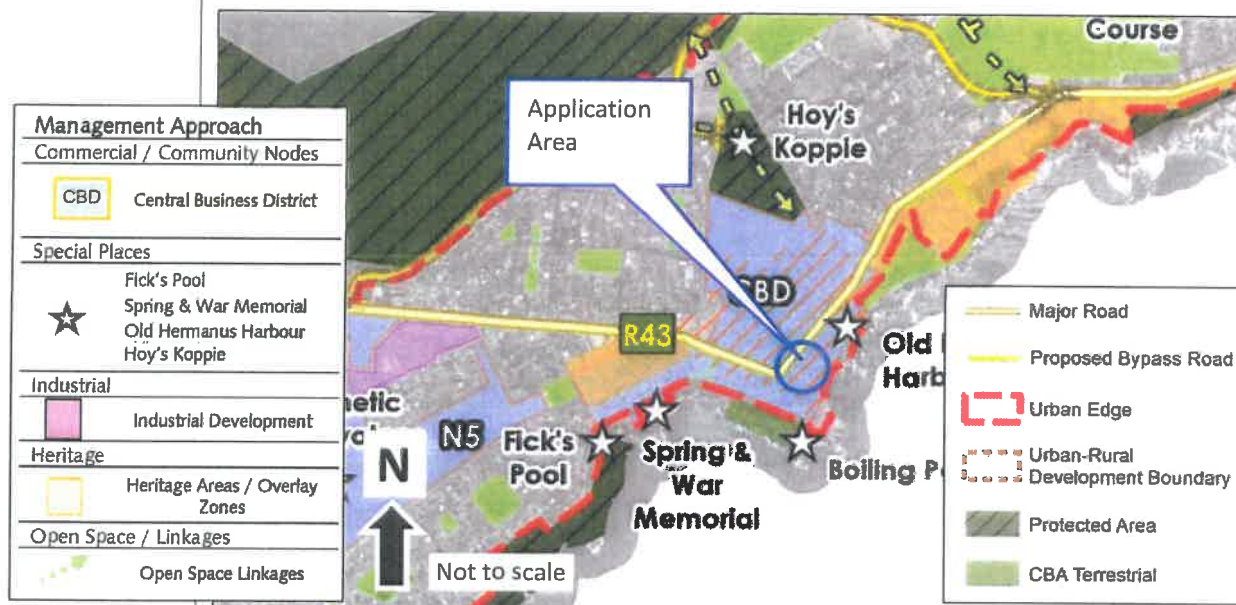


Figure 8: Spatial Development Framework 2020, 2050 Spatial Proposal Hermanus East

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

ii. **Overstrand Municipality Growth Management Strategy, 2010**

The application area is within a Densification Zone more than 30DU/H area, Heritage Overlay Zone and Economic Opportunity (Regional) area. No further densification is applicable to this application.

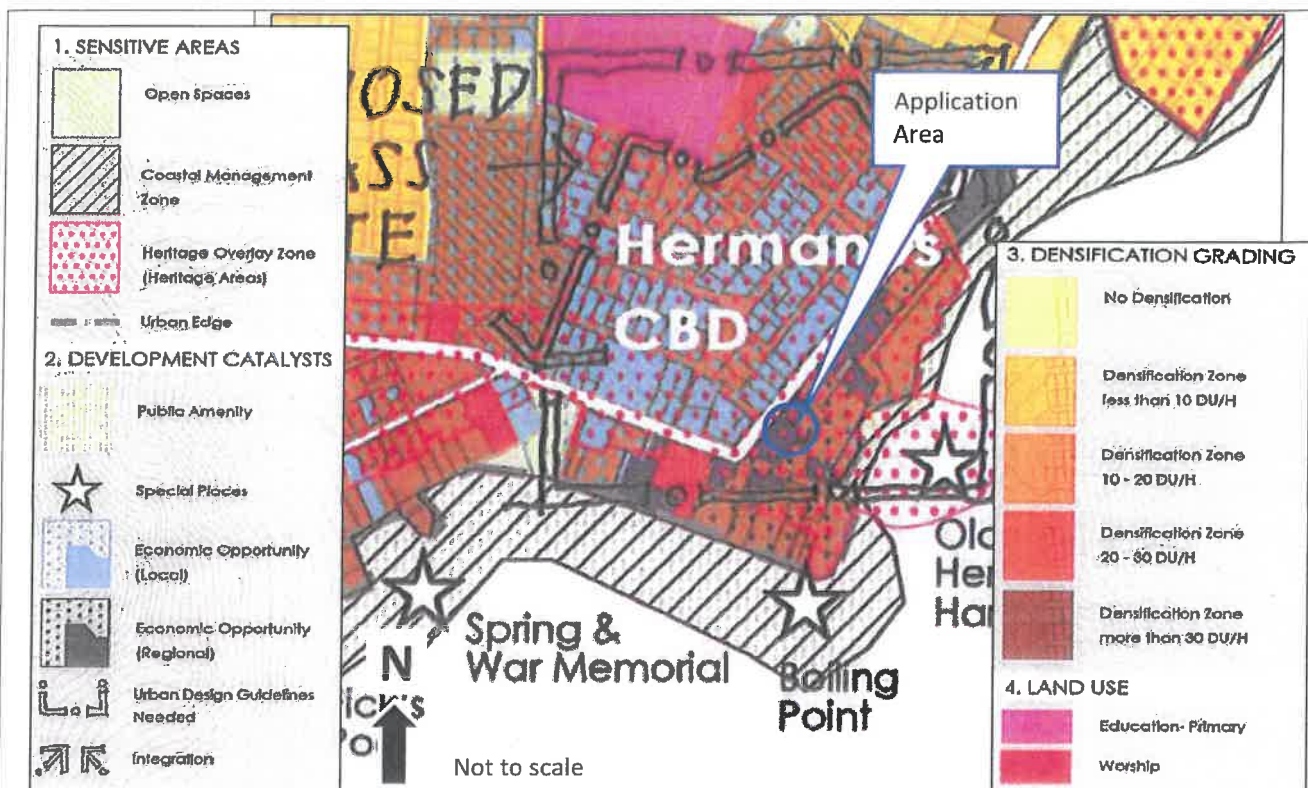


Figure 9: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged densities and land-uses for the area.

The application is consistent with the Overstrand Municipality Growth Management Strategy, 2010.

iii. Tourism on the Overstrand Economy, 2010

Background

Socio-economic background

Leading sectors include wholesale & retail trade, catering and accommodation (20,9%); business services (16,9%); construction (10,2%); general government services (7,3%); and transport (6,3%). Tourism resorts primarily in the category for wholesale & retail, catering and accommodation. The knock on effect of tourism is much greater than the initial spend by the tourist, but is unfortunately very difficult to measure.

Restaurants

- The difference in spend per person from the week to the weekend ranges between 10% and 15%. There is a 17% increase in average Spend per person per visit during the week from low to high season.
- Towards the weekends restaurants in the Overstrand serve 20% more guests.
- During low season a larger percentage of guests are of local origin, although the amount of people is not necessarily more than during high season.
- 88% of restaurants indicated that one of their most valuable sources of marketing is word of mouth or referrals.

Introduction

Tourism plays a vital role in the Overstrand economy. The area is renowned for its natural beauty and draws more and more tourists each year. It is therefore a key strategic objective of the Overstrand Municipality to contribute to the growth of this industry and broaden the participative reach of tourism activities in the area.

However, before one can make a positive contribution to the growth of the industry it is necessary first to understand its inner workings.

One needs to build an understanding of what are the most important growth factors: who are the visitors, when do they visit, how do they prefer to spend their time when they visit the area, etc.

What does the area have to offer?

The Overstrand's coastline includes three beaches with blue flag status: Kleinmond, Hawston and Grotto. Grotto beach has now received this prestigious award for four consecutive years. The area also includes the Kogelberg Biosphere Reserve which is only one of two such areas in the country. It is commonly referred to as the heart of the Cape floral kingdom as roughly one fifth of all known fynbos species occur here (Overstrand Municipality Water Services Development Plan, 2009).

One of the main tourist attractions of the area is the occurrence of the Southern Right Whale, frequenting the coastline between July and December. The Whale Festival, held each year during September, has been planned to coincide with the peak season for whale watching – an activity that is offered boat-based as well as land-based.

Shark cage diving has also increased in popularity, giving tourists the opportunity to see the great white shark up close and personal in the area near Dyer Island – off the coast at Gansbaai. Dolphins also frequent the Overstrand's waters and a penguin colony can be visited at Betty's Bay.

A wide range of activities are offered for nature and adventure lovers: hiking in the Harold Porter National Botanical Garden or the Fernkloof Nature Reserve; sea kayaking; canoeing and white water rafting in the Palmiet river near Kleinmond; boating, water skiing and wind surfing on the Klein river lagoon; fishing; bird watching; mountain biking; and golfing at one of the beautiful golf courses in the area.

The Overstrand also offers many festivals throughout the year.

Month	Event	Event type	Town
January	Blue Flag Festival	Eco-attraction	Hermanus
January	Totalsports Challenge	Adventure/ Sport	Kleinmond
March	Cape Epic Mountain Bike Race	Adventure/ Sport	Hermanus/ Kleinmond
April	Hermanus Stanford Canoe Race	Adventure/ Sport	Hermanus/ Stanford
April	Hermanus Harbour Museum Seafood	Cultural/ Food	Hermanus
July	Hermanus Food & Wine Festival	Cultural/ Food	Hermanus
August	Kalfie fees	Cultural/ Food	Hermanus
September	Hermanus Whale Festival	Eco-attraction	Hermanus
September	Hermanus Half Marathon	Adventure/ Sport	Hermanus
October	Stanford Birding Festival	Eco-attraction	Stanford
November	Festival of the Gans	Eco-attraction	Gansbaai
December	Haswton Sea Festival	Cultural/ Food	Hawston

Seasonality

High season	December to February
Mid season	March – April; September – November
Low season	May - August

This categorisation was in line with the majority of respondents' personal experience. However, according to respondents the variance between mid and low seasons have decreased in recent years due to larger numbers of international visitors who spend longer periods of time in the Overstrand. The area used to be a very seasonal tourist destination whereas visitors are now attracted throughout the year – making seasonality less apparent, except for a large spike in visitor numbers over December.

The whale watching season brings a number of tourists to the Overstrand during the winter months. The large number of festivals being hosted in the area throughout the year also attracts more guests also during traditionally quieter months.”

iv. Overstrand Local Economic Development Strategy.

“Introduction

Local economic development is a collective mandate of government business and communities. It is a locally driven process by which the three stakeholder groupings work collectively to stimulate and transform the economy and create new job opportunities LED is not one specific project or programme; rather it is an approach that includes the sum total of the individual and collective contributions that build on opportunities and/or address economic development constraints The aim is to enhance the area and the community's ability to adapt to and cope changing economic conditions. A successful local economy is a prerequisite for the development of Overstrand. The particular focus of this initiative is thus on combining economic growth and poverty reduction at the local scale.

LED Goals

The proposed goals of the Overstrand economic development strategy are to:

- a. Increase economic growth to 6% per annum by 2014.*
- d. Halve official unemployment by 2014 Indicator: Unemployment statistics municipal and business figures on the number of additional jobs created.*

Strategic Interventions

The strategy comprises eight strategic interventions namely to:

- i. Facilitate the development of the priority economic sectors in Overstrand, by utilizing all resources at its disposal including sector development interventions being driven by other spheres of Government*
- v. Create an enabling environment for business development and growth*

Overstrand LED Priorities

The priorities for the local municipality are:

- 2. Putting in place an enabling policy environment that includes a spatial development framework denoting areas for economic development a sustainability strategy to protect the natural resources of the area and the reduction of red tape for businesses seeking rezoning or licenses*
- 4. Creating opportunities and tools to develop businesses through procurement a partnership with Red Door and the development of a small business programme for the area*
- 5. To develop a tourism strategy for the Overstrand area and a related destination marketing strategy and improve the Council's institutional capacity of the tourism bureaus*

Private Sector

The key priorities for the private sector are:

- 1. Grow the key economic sectors and maximize job creation within this*
- 2. Developing a tourism and destination marketing strategy with the Council and marketing of the area using these as a guideline*

Enabling business environment

The trade and retail and business services sector are the backbone of the current economy along with tourism. All these businesses require an efficient municipality. In addition, small to medium businesses constitute the largest group of businesses in the Overstrand. The business

development strategy needs to be cognizant of this and create opportunities appropriately. The two key projects agreed are:

18. Planning review to standardise zoning schemes and reduce red tape”

v. Overstrand Municipality: Events By-Law

The Overstrand Municipality: Events By-Law allow for applications specific events and do not give general rights to have events at a venue from time to time.

“1. Definitions

“Event Coordinator” is the area manager for the area in which the event will be held, and who will be responsible for the facilitation, coordination and approval or rejection of event applications;

“Event”—

- a sporting, recreational or entertainment event, including live acts, held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue;
- ...

But excludes:

- events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used;
- ...

6. Criteria

- (a) (a) The Event Coordinator must ensure that applications for staging events are considered in accordance with the following criteria, where applicable:
- (i) the type and size of an event;
 - (ii) impact of the event in terms of the strategic fit to the Events policy;
 - (iii) impact of the event on municipal services including services relating to noise control, traffic, parking, local amenities, public places, health and all incidental services affected by the holding of the event, logistical aspects, as well as marketing, economic, social and environmental objectives;
 - (iv) that the proposed use of the land complies with the applicable zoning scheme and any conditions applicable in terms thereof. This will include a proper investigation of the land use zones in any area where the proposed event is to be held;
 - (v) that the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event are in place. This risk management assessment will include, but not be limited to, obtaining details of the evacuation routes, emergency plans, site plans of access, and the inference of public open spaces;
 - (vi) the return on investment of the event, in cases where the event is sponsored fully or partly by the Overstrand Municipality; and
 - (vii) that the event complies with all applicable legislation;
 - (viii) the impact of the event on environmental protected areas.

Schedule 2: Event requirements listing

The requirement listing will depend on the size and risk profile of the event. The Municipality may request additional information as determined by the type, and profile of the event.

- (1) Description of event: including type, date, venue, locality, number and profile of participants.
- (2) Event Programme: full details and times, plus contact details of the person responsible for each aspect of the / an event.
- (3) Layout of event: including stages, marquees, catering, venue operations centre etc.

- (4) Zoning confirmation of the permitted land use or land use planning approval where necessary.
- (5) Transport and Traffic Management Plans, which may include, where applicable, proposed road closures, route plan, parking, optimal public transport utilization, and emergency access routes. The format of the Transport and Traffic Management Plans will be as prescribed by the Municipality.
- (6) Crowd Management Plan.
- (7) Emergency and Contingency Plans: including medical, security, emergency and facility evacuation.
- (8) Event Communication Plan: including ticket sales strategy and accreditation.
- (9) Community Participation Plan: including but not limited to contact with Councilor's; Community / Residents Organizations / Associations and Business Associations, advisory bodies, other organs of state, societies, and Overstrand Tourism. The level of engagement in terms of this plan will be dependent on the type, size, risk and locality of the event.
- (10) Environmental Management Plan, including a rehabilitation plan, financial guarantee, or any applicable environmental or heritage permission.
- (11) Integrated Waste Management Plan (including immediate precinct).
- (12) Vendors / Caterers: list of details, and use of liquid petroleum gas.
- (13) Health requirements including: certificates of acceptability, vendor licenses, ablution facilities or mobile toilets.
- (14) Completed application forms for: noise exemption and amplified sound (including public participation) and erection of stages / marquees.
- (15) Sound Engineer's Report.
- (16) Proof of submission of an application for a liquor licence's, fireworks application, and / or civil aviation application as per the specifics of the type of event.
- (17) Overstrand Municipality's services requirements: including electricity, water, waste management plan (during and after the event), transport, roads and storm water.
- (18) Indemnity forms and public liability insurance confirmation.
- (19) Written approval from venue owner / venue manager to the applicant authorizing the event organizer to the use of the facility / venue to host the event.
- (20) An assessment by the Fire Chief relating to the fire risks associated with the event.

3. Submission of applications for approval to hold or stage events

- (b) A formal application to stage an event must be prepared by the Event Organizer and submitted to the Events Coordinator:
 - (i) by a person that is at least 18 years old or older;
 - (ii) in a form and manner prescribed by the Events Coordinator;
 - (iii) by or on behalf of a person with the necessary means and resources;
 - (iv) within the time frames prescribed in Schedule 1 of this by-law.

4. Requirements and conditions

- (a) No person may hold or stage any event without obtaining a permit referred to in section 5(c) save as provided herein;
- (e) The Event Coordinator must satisfy him or herself by written documentation that relevant land use zoning regulations, environmental legislation and all health and safety regulations are complied with; that adequate public liability insurance cover and appropriate indemnity cover is obtained for an event by the Event Organizer. Similarly where an activity which may put the public at risk will be triggered, proof of appropriate specialized risk insurance, blanket liability or work cover must be provided to the Events Coordinator by the Event Organizer;

PURPOSE AND OBJECTIVE

WHEREAS the Overstrand Municipality recognizes that the hosting of events is a significant part of its competitive strategy and acknowledges that events have an important role to play in enhancing cultural and social cohesion in communities, supporting urban rejuvenation and economic growth;"

vi. Events Policy, 2018

"1. PREAMBLE

The hosting of events is a significant part of the Overstrand Municipality's competitiveness strategy. Events in our area play an important role to enhance cultural and social cohesion in communities, and support economic growth. Events also have a close connection to other sectors within our economy, including tourism, and addresses seasonality and sustainability challenges and imperatives. Communities are central in making events successful.

18. NOISE CONTROL

- (a) If the events committee has reason to believe that a proposed event could cause a disturbing noise or noise nuisance, it may instruct the person intending to host the event in writing to apply for an exemption in terms of regulation (12)(a)(ii) of the Western Cape Noise control regulations.*
- (b) The Applicant needs to set out full reasons for the application, and the events coordinator will further have to invite potential interested and affected parties to submit their representations and then allow the applicant to comment on the representations.*
- (c) The Events Coordinator needs to consider the application, and is entitled to make the exemption application subject to certain conditions.*
- (d) The Events Coordinator may grant an exemption, subject to certain conditions, including that the Events Organiser provides a noise impact assessment in terms of SANS 10328 before making a decision. One of the conditions may further limit the date and time for which the exemption applies and whether noise levels must be monitored, and if so how, and that a record of such levels must be kept. One of the key considerations the Events Coordinator must consider is whether the event is likely to adversely affect the rights of interested and affected parties.*
- (e) Before the Events Coordinator takes a decision it can call upon the applicant to submit a noise impact assessment by an accredited sound engineer. If the events coordinator with the input from the events committee is satisfied that the noise will not create a public nuisance or otherwise exceed certain levels, an exemption may be granted, subject to certain conditions."*

vii. Western Cape Noise control regulations, 2013

"1. Definitions

*"**disturbing noise**" means a noise, excluding the unamplified human voice, which-*

- (a) exceeds the rating level by 7 dBA;*
- (b) exceeds the residual noise level where the residual noise level is higher than the rating level;*
- (c) exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or*
- (d) in the case of a low-frequency noise, exceeds the level specified in Annex B of SANS 10103;*

*"**noise nuisance**" means any sound which impairs or may impair the convenience or peace of a reasonable person;*

*"**rating level**" means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;*

2. Prohibition of disturbing noise

A person may not-

- (a) cause a disturbing noise; or*
- (b) allow a disturbing noise to be caused by any person, animal, machine, device, apparatus, vehicle, vessel or model aircraft, or any combination thereof.*

3. Prohibition of noise nuisance

In so far as it causes or is likely to cause a noise nuisance, a person may not-

- (a) operate or play, or allow to be operated or played, a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier, or*

loudspeaker system, or any similar device producing, reproducing or amplifying sound;

- (b) market or advertise any article or service for sale;*
- (c) allow an animal to make noise;*
- (d) discharge fireworks in a manner that does not comply with the local authority's requirements;*
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, model aircraft or any other object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential area;*
- (f) use or discharge any explosive, firearm or similar device that emits any sound impulse, or allow it to be used or discharged, without the written permission of the local authority;*
- (g) except in an emergency, emit a sound, or cause a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;*
- (h) operate any machinery, power tool, lawnmower, power garden tool or similar device or allow it to be operated;*
- (i) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow it to be loaded, unloaded, opened, shut or handled;*
- (j) drive or operate a vehicle, vessel or model aircraft or allow it to be driven or operated; or*
- (k) make any other noise not indicated in paragraphs (a)-(j).*

4. Land use

- (1) The local authority, or any other authority responsible for considering an application for a building plan approval, business licence approval, planning approval or environmental authorisation, may instruct the applicant to conduct and submit, as part of the application-*
 - (a) a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103; or*
 - (b) where the noise level measurements cannot be determined, an assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or activity*
- (2)*
 - (a) A person may not construct, erect, upgrade, change the use of or expand any building that will house a noise-sensitive activity in a predominantly commercial or industrial area, unless he or she insulates the building sufficiently against external noise so that the sound levels inside the building will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103.*
 - (b) The owner of a building referred to in paragraph (a) must inform prospective tenants or buyers in writing of the extent to which the insulation measures contemplated in that paragraph will mitigate noise impact during the normal use of the building.*
 - (c) Paragraph (a) does not apply when the use of the building is not changed.*
- (3) Where the results of an assessment undertaken in terms of sub-regulation (1) indicate that the applicable noise rating levels referred to in that sub-regulation will likely be exceeded, or will not be exceeded but will likely exceed the existing residual noise levels by 5 dB A or more-*
 - (a) the applicant must provide a noise management plan, clearly specifying appropriate mitigation measures to the satisfaction of the local authority, before the application is decided; and*
 - (b) implementation of those mitigation measures may be imposed as a condition of approval of the application.*
- (4) Where an applicant has not implemented the noise management plan as contemplated in sub-regulation (3), the local authority may instruct the applicant in writing to -*

- (a) cease any activity that does not comply with that plan; or
- (b) reduce the noise levels to an acceptable level to the satisfaction of the local authority.

5. Noise from machinery in residential areas

A person may not use a pool pump, irrigation pump, refrigeration unit, or any heating, ventilation or air-conditioning equipment, or any similar device, in a residential area if the noise on the property projection plane exceeds 50 dBA or exceeds the residual noise level by more than 5 dB A, except if authorised by the local authority or in an emergency.

6. Places of late-night entertainment

- (1) A person may not conduct the business of a nightclub, or any similar late-night entertainment involving amplified sound, on or from any premises, unless the premises are soundproofed sufficiently so that a disturbing noise will not be caused outside the property projection plane of the premises.
- (2) The local authority may require a person referred to in sub-regulation (1) to provide proof of the soundproofing or may require access to the premises to assess the efficacy of the soundproofing.
- (3) A person who conducts a business referred to in sub-regulation (1) on the date of publication of these regulations is exempted from the application of that subsection for a period of six months after that date.

7. Events

- (1) A person may not stage a public event without a written exemption issued by the local authority in terms of regulation 12.
- (2) Subject to sub-regulation (4) and the applicable provisions of any other law, the local authority may seize any instrument or equipment used to generate music or amplify sound at a public event if-
 - (a) an exemption in terms of regulation 12 has not been issued for that event; or (b) the conditions imposed in such an exemption have not been met.
- (3) An instrument or equipment seized under sub-regulation (2) must be kept in safe custody by the local authority which seized it.
- (4) A local authority must return an instrument or equipment seized in terms of sub-regulation (2) upon recovery of reasonable expenses incurred by it for the purposes of sub-regulations (2) and (3).
- (5) If a local authority has reason to believe that a proposed event, other than a public event, could cause a disturbing noise or noise nuisance, it may instruct the person intending to host the event in writing to apply for an exemption in terms of regulation 12(1)(b).
- (6) A person may not stage an event in respect of which a local authority has given an instruction contemplated in sub-regulation (5) without a written exemption issued by the local authority in terms of regulation 12.

9. Designation of employees by local authorities to perform noise control functions

A local authority must within a year of the publication of these regulations-

- (a) designate an employee of the local authority with the necessary competencies who must be responsible for the administration of these regulations within the area of jurisdiction of the local authority;
- (b) designate an employee of the local authority with appropriate knowledge and skills for conducting noise control or acoustic measurement, and who is registered with a science, engineering or health-related professional body, who must be responsible for-
 - (i) analysing, evaluating, approving and advising on noise impact assessments and noise management plans;
 - (ii) approving sound mitigation measures;
 - (iii) conducting noise impact measurements and calculating sound levels; and
 - (iv) scrutinising sound modelling and techniques; and
- (c) if it cannot designate an employee as contemplated in paragraph (b)-

- (i) by agreement with another local authority, appoint an official of the other local authority to fulfil the duties of such an employee; or
- (ii) appoint a professional consultant who is qualified in noise control and competent to fulfil the duties of such an employee, when necessary.

11. General powers of local authorities and authorised persons

- (1) A local authority may-
 - (a) impose conditions when granting any permission or exemption in terms of these regulations; and
 - (b) subject to the applicable provisions of any other law, place sound-level measuring instruments or similar devices, and road traffic signs or notices related to noise, at any place within its area of jurisdiction.
- (2) An authorised person may, in respect of a complaint of a noise nuisance or a disturbing noise, enter any premises to conduct any appropriate examination, inquiry or inspection subject to sub-regulation (3).
- (3) An authorised person may not enter residential premises for the purposes of sub-regulation (2) except-
 - (a) with the consent of the owner or person in charge of the premises; or
 - (b) on the authority of a warrant issued by a magistrate after the magistrate has been satisfied that reasonable grounds exist to justify the warrant.

12. Exemptions

- (1) A local authority may exempt any person or venue or type of venue from any provision of these regulations-
 - (a) on its own initiative; or
 - (b) on application by any person.
- (2) The applicant referred to in sub-regulation 1(b) must-
 - (a) provide full reasons for the application; and
 - (b) in a manner determined by the local authority, solicit written comment regarding the application.
- (3) The process referred to in sub-regulation (2) must afford an opportunity to potential interested and affected parties to submit written representations on the proposed exemption, and the applicant may comment in writing on any representations received.
- (4) A local authority must in writing, after considering an application or a proposal for the granting of an exemption, where applicable in accordance with the principles of environmental management under NEMA-
 - (a) grant an exemption and set out the conditions, if any, in terms of which the exemption is granted;
 - (b) refuse to grant an exemption and upon request provide reasons for the refusal; or
 - (c) require a noise impact assessment in terms of SANS 10328 before making a decision referred to in paragraph (a) or (b).
- (5) The conditions referred to in sub-regulation (4)(a) may include, where applicable-
 - (a) the period for which the exemption is granted, including the times and days when acts that may cause noise are exempted;
 - (b) whether a notice as set out in Annexure 1 must be placed, in a clearly visible position at each public entrance to the premises;
 - (c) whether noise levels must be monitored and, if so, the manner in which it must be done and how records must be kept for inspection; and
 - (d) any other conditions of the exemption.
- (6) The local authority may amend an exemption or condition granted or imposed by it under sub-regulation 4(a)-
 - (a) on its own initiative; or
 - (b) on application by the holder of the exemption.
- (7) An application in terms of sub-regulation (6)(b) must be in writing and accompanied by a motivation for the amendment."

4. Motivation

Motivation for the application:

Refer to Annexure I for the Building Plan

a. Introduction and Background

The Fishermans Cottage is a historical building that was built in the late 1800's which was then converted into a small restaurant in 1991.

The proposal is to provide live entertainment in the form of music performances to inter alia enhance the atmosphere for tourists and local residents, give local artist the opportunity for exposure and provide additional income to the restaurant.

The application site forms part of one of the two main business areas and being part of the older business areas. The unique historical character of the old Hermanus business area needs special activities to enhance and emphasise the features of "old town". These much needed special activities like live entertainment performances arguments the economy and character the "old town"

b. Proposal

The **development objective** is to apply for a consent use for Place of Entertainment for the purposes of live music events.

The specific request for a departure is to allow live music on the property. The live music will be hosted outside the majority of the time. The live performances will be held on special occasions.

Live performances will be in the day and the evenings and will mostly be on weekends. The live events will terminate before 10pm.

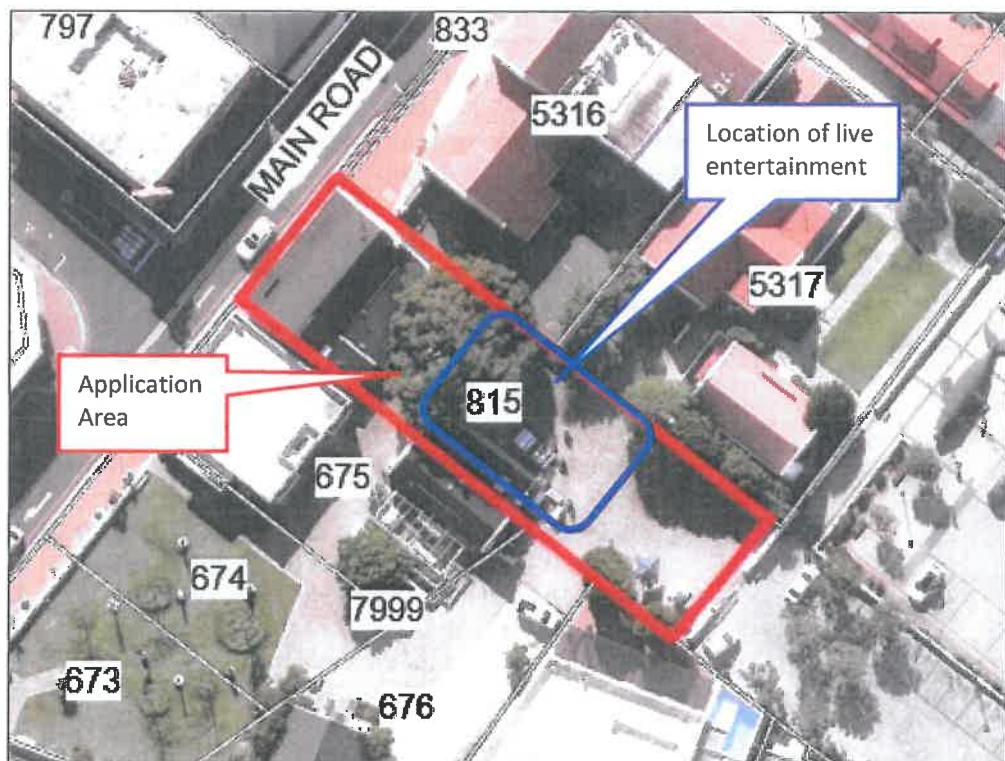


Figure 10: Satellite photo overlay showing the proposed location of the place of entertainment



Figure 11: Photo showing the location of the live entertainment

c. Desirability

Policy summary

Overstrand Municipal Spatial Development Framework, 2020

It is an objective of the Overstrand to have vibrant and exciting urban areas. Spatially, the levels of vibrancy in settlements are depended on the levels of pedestrian activity and the number of activities that take place within settlements. Vibrant centres provide for people's social, economic and cultural needs by providing amongst others social, recreation and leisure facilities.

"OBJECTIVE

VO 1. The main urban, suburban and rural centres of the Overstrand's settlements continue to be the focal points of human activity and functions as social and economic hubs offering a variety of employment, retail, social and recreation opportunities and a range of community facilities.*

vii. Encourage the development and recognition of vibrant social, recreation, arts and culture precincts in urban and rural centres."

The Overstrand builds on its reputation as being a world class tourism destination attracting increasing amounts of tourists to its prime locations and facilities.

It is also the objective of the municipality to enable a prosperous economy. In order to be prosperous, the Overstrand should value its tourist attractions and heritage resources and profit from these economic pillars.

Events Policy, 2018

"The hosting of events is a significant part of the Overstrand Municipality's competitiveness strategy. Events in our area play an important role to enhance cultural and social cohesion in communities, and support economic growth. Events also have a close connection to other sectors within our economy, including tourism, and addresses seasonality and sustainability challenges and imperatives."

Conclusion

The Hermanus CBD which is the primary hub of the Overstrand which functions amongst others as a vibrant social, recreational, arts and culture precinct. A place of entertainment allows for live entertainment which contributes to the vibrancy of the Hermanus CBD, supporting the cultural, social and economic needs of the community. The proposal will provide for the recreational, social and cultural needs of tourists which in turn supports tourism which is a significant pillar of the Overstrand economy. The proposal for a place of entertainment will contribute to the objectives of the Overstrand Municipality.

Character of the area:

When the application is evaluated cognisance should be taken that the application site is located within the Hermanus CBD which includes clubs, bars and restaurants that play music as well, especially on weekend evenings. Noise is also generated by the traffic in the CBD. The Hermanus CBD has a diverse mix of land uses.

The Hermanus CBD is also a tourism hotspot within the Overstrand municipal area. Markets and markets stalls are hosted on and next to the application area from time to time. Tourism is a major source of income for many people within the Overstrand. Live music at venues enhances the cultural experience from an entertainment point of view for tourists and strengthens tourism in the area.

Consent use for a place of entertainment:

As per the definition of a place of entertainment, the application site is:

- A place used for commercial entertainment
- Attracting large number of people
- Operating outside normal business hours
- Generate noise from music and live music

A place used for commercial entertainment

The proposal is for commercial entertainment in the form of live music. The dominant land-use will remain a restaurant and the live music entertainment a supporting land-use.

Attracting large numbers of people:

The restaurant can accommodate 40 people inside and up to a maximum of 200 people outside at a time. The total amount of people will mostly be below 100 people during a live music event.

Operating outside business hours:

Fishermans Cottage's operating hours are as follows:

- Monday, closed
- Tuesday to Saturday, 12–3pm & 5–10:30pm
- Sunday, 12–3pm

The live music will be limited to 10pm. This is earlier than the bars and nightclubs in the area.

Generate noise from music and live music:

Speakers will mostly be used to amplify live performances. The purpose of the live entertainment is to enhance the atmosphere of guests / patrons at the restaurant. Music must be loud enough to be heard and enjoyed, but the music must be soft enough that people sitting at the restaurant can still comfortably talk to each other and socialise. Limiting noise levels are beneficial for people eating at the restaurant as well as minimising potential impact on the surrounding area.

Conclusion:

The proposed music will enhance the experience and atmosphere at Fishermans Cottage for tourists and residents from Hermanus and the attractiveness of the Hermanus CBD as a whole. The application area is within the Hermanus CBD and among other venues such as bars and clubs that play music on a more regular basis and later in the evenings. The proposal is consistent with the character of the area and will make the CBD more vibrant and contribute to making the atmosphere pleasant for tourists and local residents.

The application for a place of entertainment on the application site, given the character of the area will positively contribute towards to the much-needed growth of the tourism and hospitality sectors of the Overstrand and due to the existing activities in the surrounding area will not have a negative effect on the area.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The application for the consent use for a place of entertainment creates the opportunity for access to community facilities for everyone and providing additional job opportunities for all people, thus positively addressing past apartheid spatial development imbalances and contributing towards equity.

The application proposal is **consistent** with **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The application for a place of entertainment is within the Hermanus CBD and urban edge and is not within a rural or biodiversity area and therefore does not have an effect on spatial sustainability.

The application proposal can thus be deemed to be **spatially sustainable**.

- 3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal for the place of entertainment is within the Hermanus CBD which is central to Hermanus, has access to main roads and public transport. The application proposal is therefore at an ideal and efficient location which will optimise the use of the existing land-uses and service infrastructure.

The application proposal is **consistent** with the **efficiency principle**.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The application proposal will make the Fishermans Cottage and Hermanus as a whole more attractive to residents and tourists and therefore counteract economic shocks.

The application proposal is **consistent** with the principle of **spatial resilience**.

- 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

The application proposal is **consistent** with the principle of **good administration**.

5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area to provide a place of entertainment which creates the opportunity for access to community facilities for everyone and which benefits the local economy, without causing a detrimental impact on the environment.

It is therefore recommended that the application **be approved** for the following:

- Consent use for a Place of Entertainment to allow for live music up to 10pm in terms of Chapter IV, Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.

