

ERF 4156, 5 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN AND REGIONAL PLANNING (obo HERMANUS MICROBREWERY (PTY) LTD)

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for departure in terms of Section 16(2)(c) of the By-Law to accommodate a place of entertainment on Erf 4156, Onrustrivier.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **20 December 2021**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to the Town Planner, **Mr. H Boshoff** at 028-313 8900. The Municipality may refuse to accept comments 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 comment.

ERF 4156, VILLAGELAAN 5, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER: AANSOEK OM AFWYKING: INTERACTIVE TOWN AND REGIONAL PLANNING (nms HERMANUS MICROBREWERY (PTY) LTD)

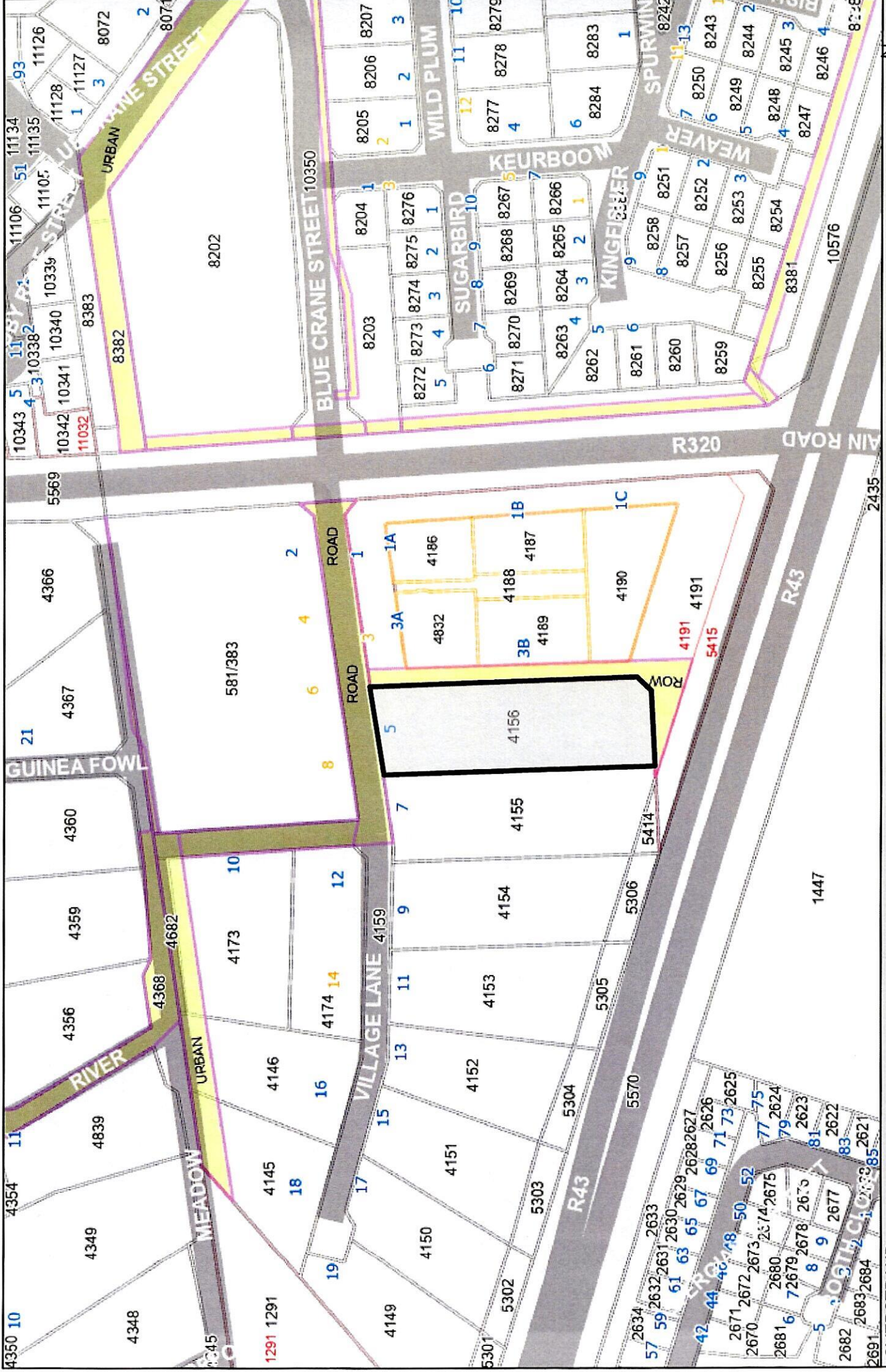
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek om afwyking ingevolge Artikel 16(2)(c) van die Verordening ontvang is om 'n plek van vermaaklikheid op Erf 4156, Onrustrivier, te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) bereik voor of op **20 Desember 2021**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. H Boshoff** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 ten einde hul kommentaar te formaliseer.

ISIZA 4156, 5 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER: ISICELO SOKUNYENYISWA: i-INTERACTIVE TOWN & REGIONAL PLANNING (egameni le- HERMANUS MICROBREWERY (PTY) LTD)

Kukhutshwa isaziso ngokumayela neCandelo 48loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) sokokuba kufunyenwe isicelo sokunyeniswa ngokumayela neCandelo 16(2)(c) loMthetho kaMasipala ukuze kwakhiwe indawo yokuzonwabisa kwisiza 4156, Onrustrivier

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze kuhlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala (16 Paterson Street Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ingadlulanga **i-20 Disemba 2021**, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa **kuMnu. H Boshoff** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo kufunda okanye ukubhala angatyelela



Locality Map

Erf 4156, Hemel en Aarde Village



4. Motivation

Motivation for the application:

Refer to Annexure I for the Building Plan

a. Introduction and Background

Hermanus Microbrewery Pty Ltd. trading as The Brewery Hemel-en-Aarde ('The Brewery') is in operation since December 2018.

The prominent located application site at the Sandbaai/ Main Road intersection has become an iconic gathering place (restaurant) for the young and old of the town and also a drawcard for many visitors to the Hermanus area. Live entertainment was offered until recently, but had to be terminated on instruction of the local authority.

From a business perspective, the provision of live entertainment proved to enhance the income streams to ensure survival of the business - hence the reason for the application.

The restaurant accommodate 250 seats and 30 staff members in an area of approximately 500m².

The activities offered on the current application site also contributes to a remarkable tourist attraction by inter alia hosting a number of local and regional events and thereby contributing to the local economy of the area. These events include the Lighthouse to Lighthouse, Walker Bay Extreme, the 85km Brewery to Brewery MTB Classic and other events.

b. Proposal

The **development objective** is to apply for a departure for Place of Entertainment to allow for live performances on the property.

The specific request for a departure is to allow live music and events on the property. The proposal involves to restrict these live entertainment events strictly to between 7h00 and 22h00 with a maximum of 2 hours per evening for music and 4 hours during day time for events.

The proposal is thus for a departure to accommodate a place of entertainment on the application site.

The application area currently accommodates a container that will be moved, clad and be used as a soup kitchen.

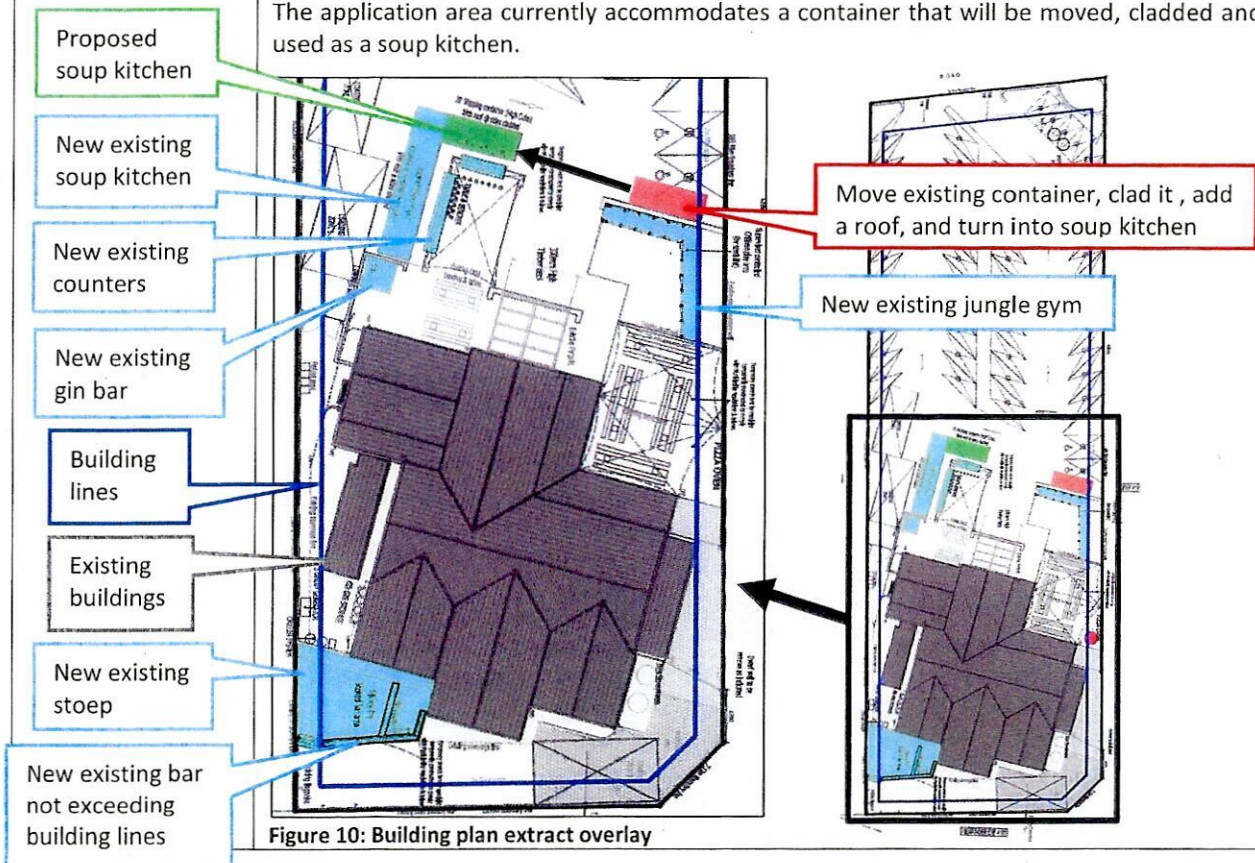




Figure 11: Photographs of the facilities on the application site

c. Desirability

The Departure Application for a Place of Entertainment

When the application is evaluated cognisance should be taken that the application site is located in a node of a variety of activities consisting of inter alia the Hemel-en-Aarde Centre (accommodating the well-known Wine Village, chef school, cycle shop etc.), Wooden Ways and Incanda furniture stores, a nursery with a tea room, the famous Hermanuspietersfontein and Whalehaven wineries as well as the Biga restaurant. Regular markets are held over weekends at the Hermanuspietersfontein winery attracting relatively large numbers of people.

This node being at the R43 and Hemel-and-Aarde intersection is subjected to substantial traffic and road noise. Diagonally opposite the application site another activity node is thriving with the Engen Garage with a number of fast food outlets, Wonderland nursery, Agrimark and the Whale Coast Mall shopping centre. The vacant portion of land directly south and opposite of the application area is planned for more retail facilities. It is thus clear that the application site is part and parcel of the R43 / Hemel-and-Aarde intersection activity node and hub.



Most of the existing businesses within this activity node are day-time businesses with the application site which attracts activity after-hours as well. 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

Based on these criteria for a place of entertainment, the application area is a well-managed and controlled business playing an important role in the hospitality and tourism industry in Hermanus.

A place used for commercial entertainment:

The proposal of The Brewery is to accommodate commercial entertainment predominantly in the form of music and live music inside and outside the building which can accommodate approximately 250 people.

The application site offers large premises of almost 3700m² surrounded by erven of similar sizes which accommodates the number of guests comfortably. On the application site almost double the number of parking required is provided. Furthermore, the open and accessible character of the area, allows visitors also to use the parking of the adjacent properties after hours when those businesses are not in operation, resulting to the suitability of the application site for a place of entertainment and to accommodate large events.

Due to the character of the area of large erven, with surrounding buildings and existing traffic noise from the R43 and Hemel-and-Aarde intersection, together with the management of limited live music and operating hours until latest 23h00 (mitigating measures), the proposal for the place of entertainment is considered most suitable in terms of location in Hermanus.

Attracting large numbers of people:

The restaurant can comfortably accommodate 250 people inside as well as outside of the building. The numbers are accordingly limited as part of the management of the business and also in respect of the cooking facilities as well as on-site parking (even though guests can park on adjacent parking areas) resulting that that the application site does remain within manageable numbers and control.

Operating outside business hours:

The restaurant operates from 8h00 to 22h00 on weekdays and over weekends between 8h00 and 00h00. The live music is restricted to 22h00. The fact that most of the other businesses only operate during normal business hours and the open accessible character with the large erven surrounding the application site contribute thereto that limited disturbances are caused from the application site outside business hours.

Generate noise from music and live music:

The noise generated from the application site is within acceptable levels as determined by the respected and competent Machoy - Mackenzie Hoy Consulting Acoustics Engineers.

The tests conducted involve noise sensitive receivers considering the residential development to the north and east being at the closest point 100m away from the centre of the application area.

The noise levels to consider in such an application are the residual and ambient noise levels. These are defined in the Western Cape Noise Control Regulations, 2013 (WCNCR) as follows:

“ambient noise” means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level for a period of at least 10 minutes;

“residual noise” means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse of sound level meter for a total period of 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise.

It was determined that the measured sound pressure level at the erf boundary (M2) with the source sound pressure level set at 95 dBA does not exceed the maximum allowable day-time noise level limit. Furthermore, the Evaluation of Noise Emission during Events found that based on the Western Cape Noise Control Regulations, 2013, the unamplified human voice is not considered as a ‘disturbing noise’. Therefore all events that are hosted at Hemel-en-Aarde Brewery which do not have amplified human voice or music are not in contravention of the Western Cape Noise Control Regulations, 2013.

The evaluation compiled by Machoy - Mackenzie Hoy Consulting Acoustics Engineers Preliminary calculations show that all outdoor events to be held (at night 22h00 – 06h00) at Hemel-en-Aarde Brewery with event (live bands/dj’s) sound pressure levels below 92 dBA, will not be in contravention of the Western Cape Noise Control Regulations, 2013 insofar as the predicted noise level on the Hemel-en-Aarde Brewery plot boundary and will not exceed the maximum allowable rating level according to the Western Cape Noise Control Regulations, 2013.

However, the live music is limited to maximum at 22h00 in the evenings and the noise levels will be measured and managed by the owners of the facility.

Conclusion:

The application for a place of entertainment on the application site, given the character of the area (large erven mostly operated during office hours, ample accessible parking on-site as well as off-site) positively contribute towards to the much needed tourism and hospitality sectors of the Overstrand and agglomeration effect along with the other businesses in the area and also serving as catalyst for business and economic growth in the respective business sectors without compromising on the non-business land-uses in the vicinity of the application 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 departure to accommodate a place of entertainment creates the opportunity for access to community facilities for everyone and 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 use of the property for contributes to the optimal use of the existing property and facility, providing employment, but also ensuring entertainment for the local and tourist community and thereby ensuring the preception of valuable agricultural, sensitive environmental and biodiversity rich areas.

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 application site is located at the most prominent and central activity nodes within Hermanus resulting to the minimal need to travel long distances to enjoy the functions and recreation offered on the premises.

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 site is aligned and consistent with the spatial land-use policies of the Overstrand Municipality which has proved during the current economic challenging times to resist, absorb and accommodate such economic shocks. This application for the a place of entertainment serves as additional measure to be more resilient from spatial point of view.

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

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

Consultive 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.

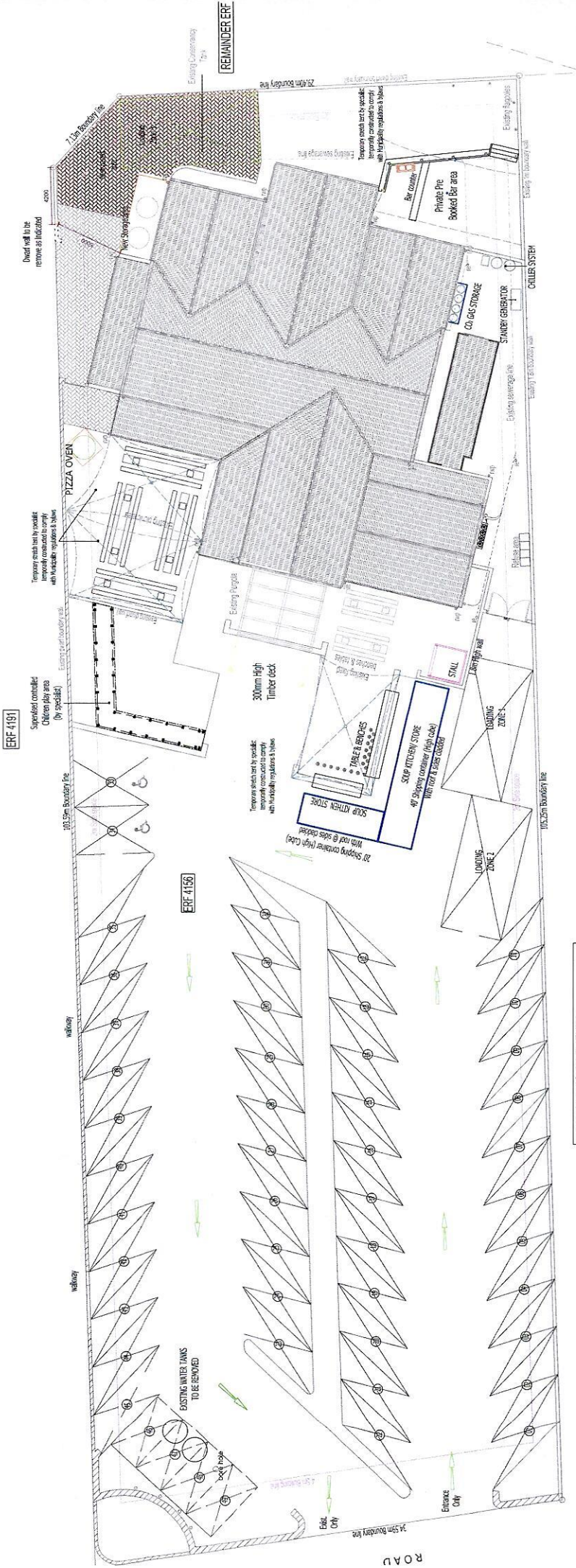
The application proposal is **consistent** with the principle of **good administration**.

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:

- Departure from the Hemel & Aarde Village Scheme Regulations to allow for a Place of Entertainment in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.



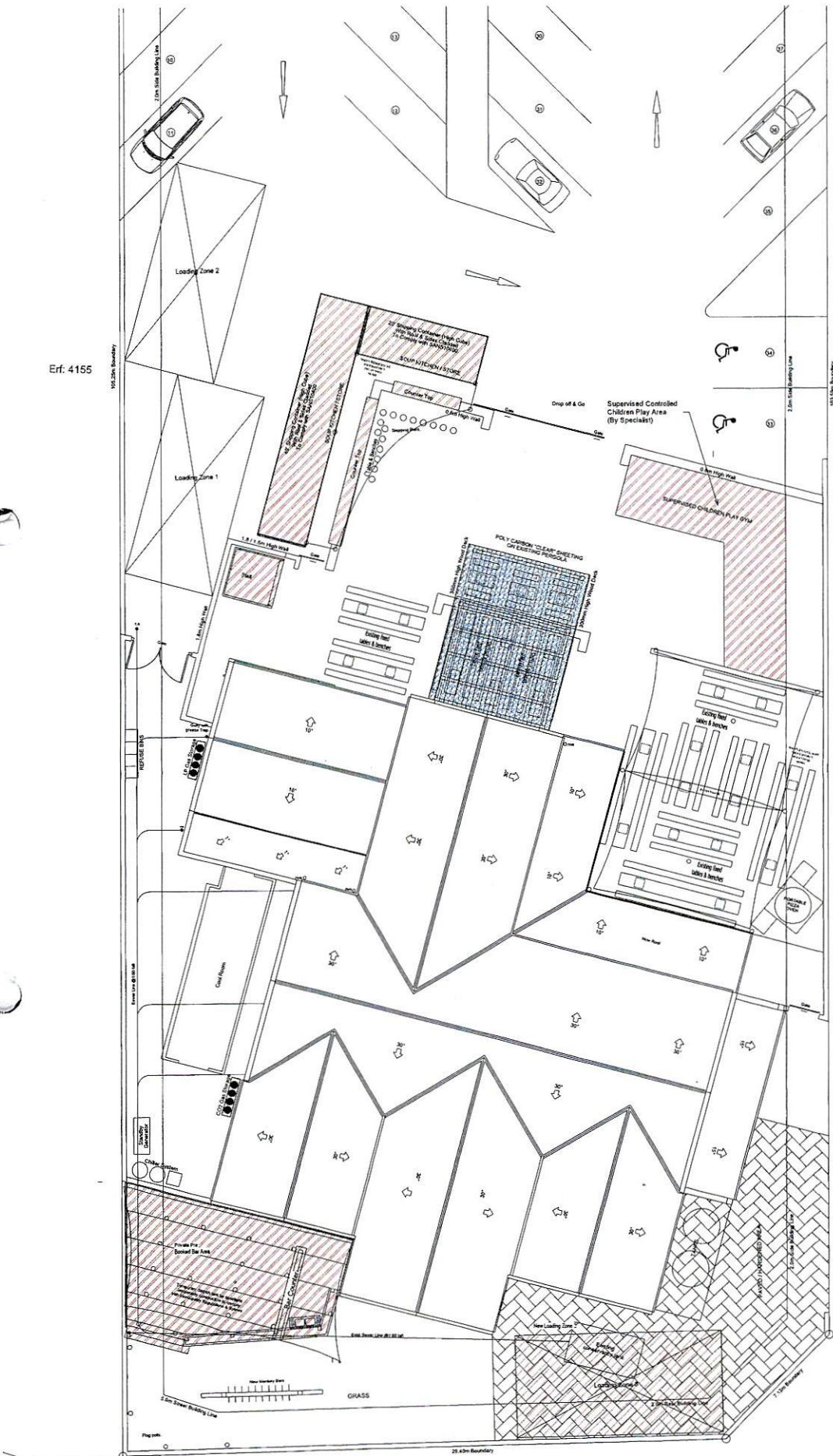
ERF 5414
ERF 5415

SITE PLAN
SCALE 1:200



PARKING REQUIREMENTS
 GROSS LEASABLE AREA: 650.83M²
 REQUIRED: 4 BAYS PER 100M²
 650.83/100 = 6.5 (7 X 4 = 28 BAYS)
 PROVIDED : 49 BAYS

TOWN PLANNING REQUIREMENTS			
	NEW	EXISTING	COVERAGE
MAIN BUILDING		575.57m ²	87.53m ²
COLD STORAGE		30m ²	30m ²
COVERED WALKWAY		55.8m ²	55.8m ²
SNIP KITCHEN-DWAINERS	45.26m ²		45.26m ²
TIMBER DECK	14.7m ²		14.7m ²
STRETCH TENT AREA		159.84m ²	159.84m ²
BAR DECK	65.36m ²		65.36m ²
			50.00m ²
TOTAL	125.32m ²	688.37m ²	974.53m ²
EXP. SIZE :	3663M²		20%



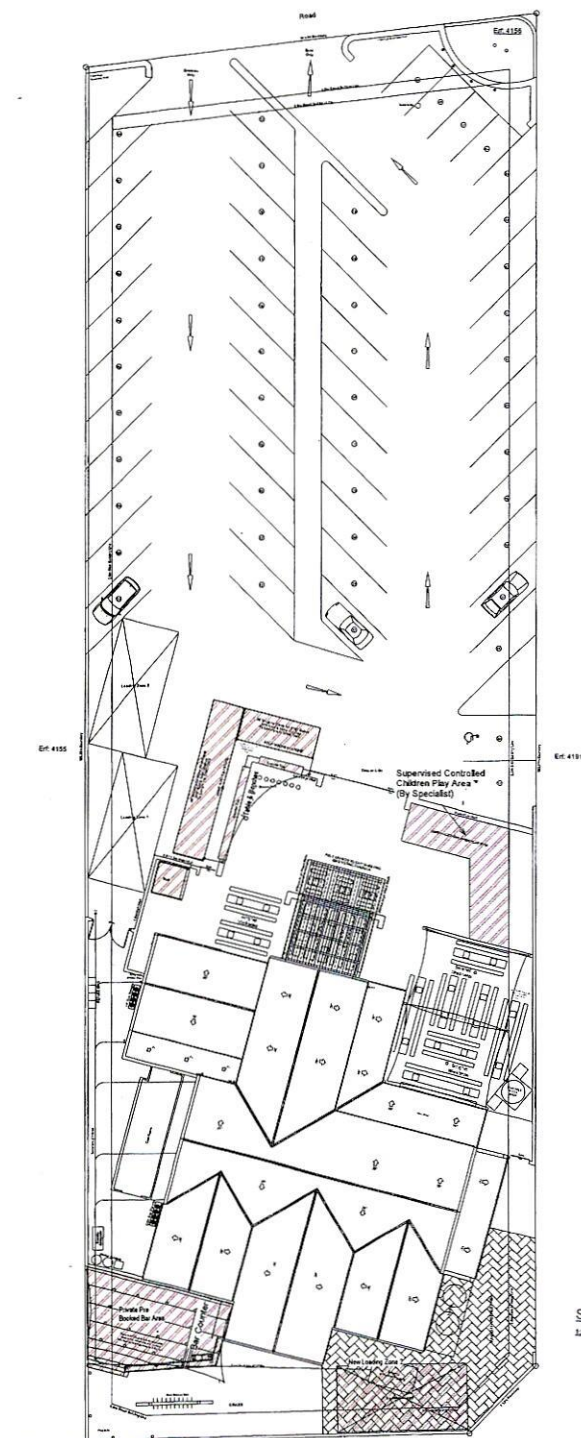
COVERAGE AREAS

EXISTING:	
Main Building	575.57m ²
Covered Walkway	55.92m ²
Covered Pergola	28.00m ²
Cold Storage	30.00m ²
Total Exist	689.39m²
NEW ADDITIONS:	
Slab	4.96m ²
Washop (20' Cont.)	15.04m ²
Soup Kitchen (42' Cont.)	30.08m ²
Total New	50.08m²
Bar Deck	65.38m ²
Pergola Deck	14.70m ²
Total Deck's	80.06m²
Play Frame	42.68m ²

FOOTPRINT COVERAGE: 739.47m²
ERF: 3663.00m²
COVERAGE: 740/3663 = 20.20%

No.	Description	Date
Signature Designer/Architect		
 HANNES COETZEE MOBILE: 061 144 7150 hannes@nonsibi.co.za SACAP NO. T1647 DWAF Class V Architectural / Water Treatment Consultant		
Hermanus Micro Brewery		
Client		
Additions & Alterations		
Project		
SITE PLAN		
Project number	HHV4156A_V1	
Date	2021-01-12	
Drawn by	Author	
Checked by	Checker	
A106		
Scale 1:100		

100 - Site Layout
1:100



100 - Site Layout Copy 1
1 : 200

No.	Description	Date

Signature Designer/Architect

NonSibi CONSULTANTS
 Hannes Coetzee
 MOBILE: 061 844 7150
 hannes@nonsibi.co.za
 SACAP NO. T1647
 DWAF: Class V
 Architects / Water Treatment Consultants

Hermanus Micro Brewery
 Client

Additions & Alterations
 Project

SITE LAYOUT

Project number HHV4156A_V1

Date 2021-01-12

Drawn by HC

Checked by SJ

A107

Scale 1:100