



**OVERSTRAND MUNICIPALITY  
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 Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that the following applications applicable to Erf 4156, Hemel en Aarde Village, Onrustrivier have been received:

**Departure**

In terms of Section 16(2)(c) of the By-Law to accommodate a place of entertainment.

Full 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 written comments must be submitted to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) in accordance with the provisions of Sections 51 and 52 of the said By-Law on or before **28 January 2022**, quoting your name, address and contact details, interest in the application and 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 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 to formulate their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS, 7200**

Municipal Notice No. 180/2021

**OVERSTRAND MUNISIPALITEIT  
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 Artikels 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat die volgende aansoeke van toepassing op Erf 4156, Hemel en Aarde Village, Onrustrivier ontvang is:

**Afwyking**

Ingevolge Artikel 16(2)(c) van die Verordening om 'n plek van vermaaklikheid 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 ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **28 Januarie 2022** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H Boshoff** by 028313 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 ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS, 7200**

Munisipale Kennisgewing Nr. 180/2021

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

Kukhutshwe isaziso esingemiba emayela nemiba yeSolotyama47 nelama48 Omthethwana Osisihlomelo kaMasipala waseOverstrand ngeZicwangciso ZokuSetyenziswa koMhlaba ku2020 esithi kufunyenwe ezi zicelo zilandelayo nezisebenziseka kwisiza esingu Isiza 4156, Hemel En Aarde Village, Onrustrivier:

**Sokunyeniswa**

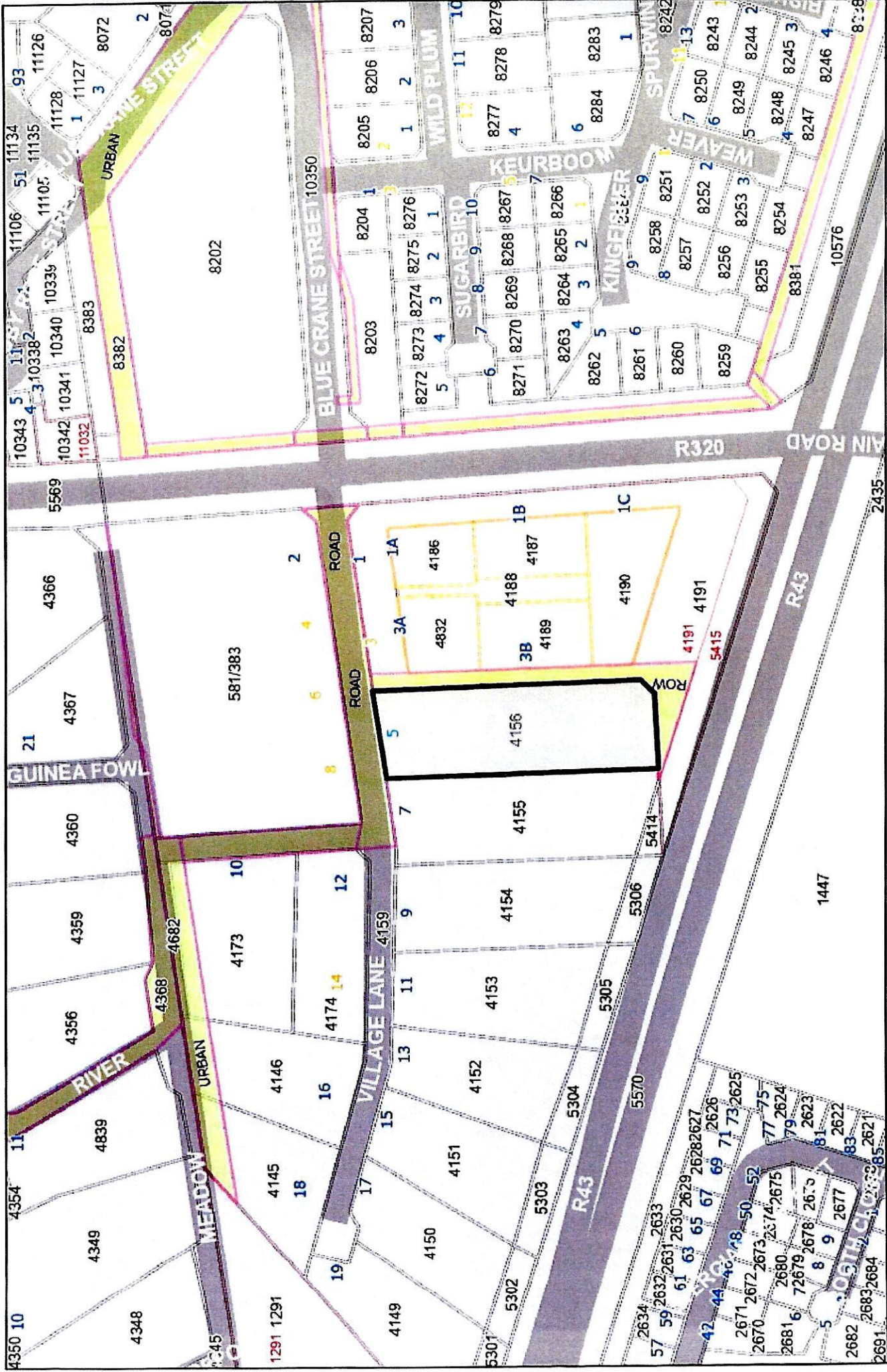
Ngokwemiba yeSolotyama 16(2)(c) loMthetho kaMasipala ukuze kwakhiwe indawo yokuzonwabisa.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwintsuku eziphakathi evekini ukusukela ngentsimbi ye-08:00 ukuya kweye-16:30 kwiSebe: IziCwangciso zeDolophu kwa16 ePaterson Street, Hermanus.

Naziphi na izimvo ekumele zingeniswe mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngokwezibonelelo zeSolotyama51 nelama52 omthethwana ngomhla okanye ngaphambi komhla wama **28 January 2022**, uchaze igama lakho, idilezi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa **Omkhulu weDolophu, kuMnu. H Boshoff kwa028-313 8900**. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angaya kwiSebe Lezicwangciso ngeDolophu apho igosa likaMasipala liza kumnceda ahlomle ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS, 7200**

Inothi kaMasipala Nomb. 180/2021



Locality Map  
 Erf 4156, Hemel en Aarde Village



Date: 2021/09/28

## 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 500m<sup>2</sup>.

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.

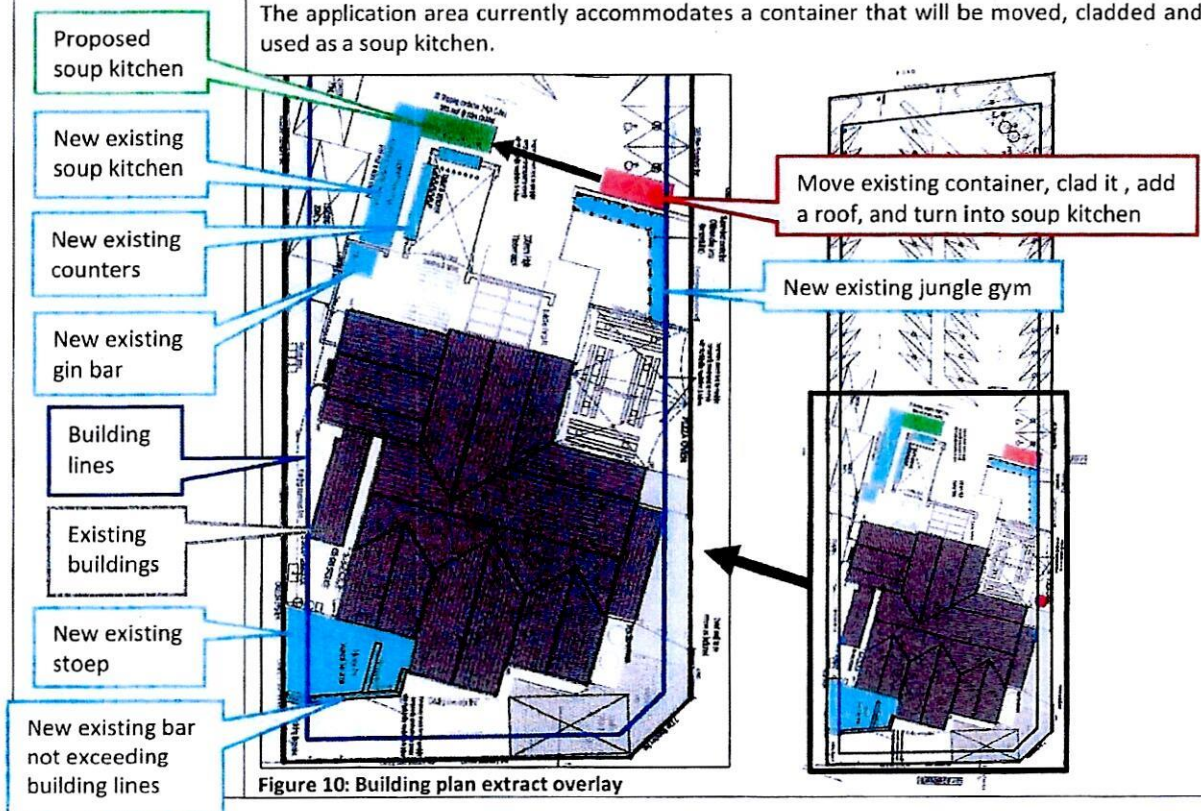


Figure 10: Building plan extract overlay



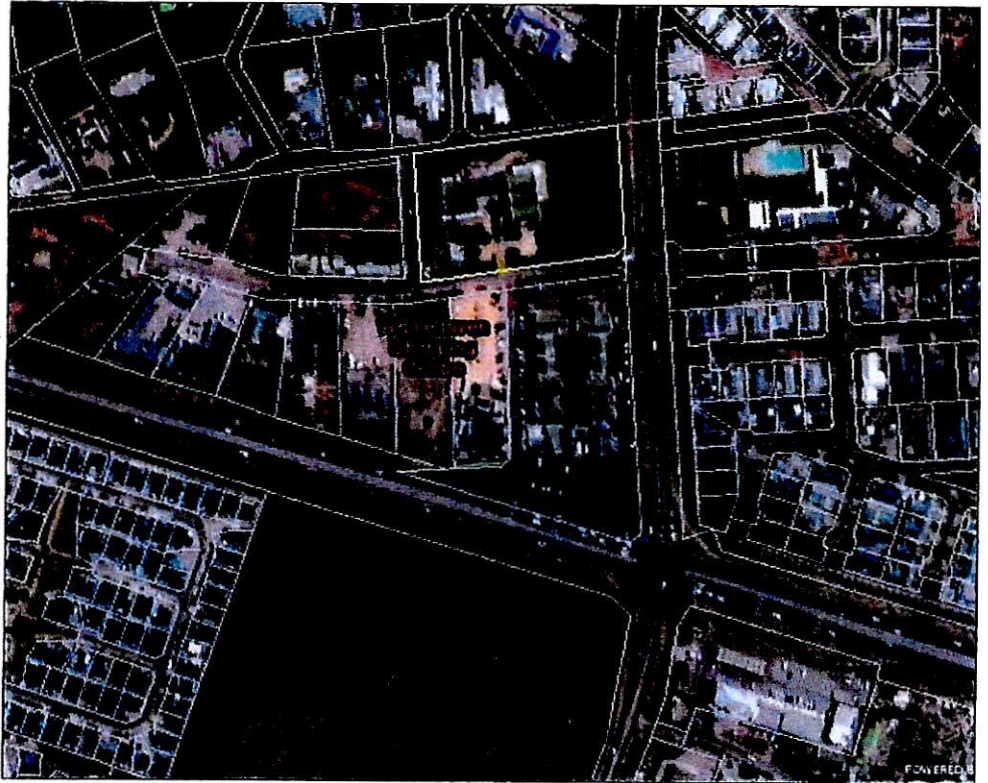
Figure 11: Photographs of the facilities on the application site

**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 3700m<sup>2</sup> 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 proception 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.

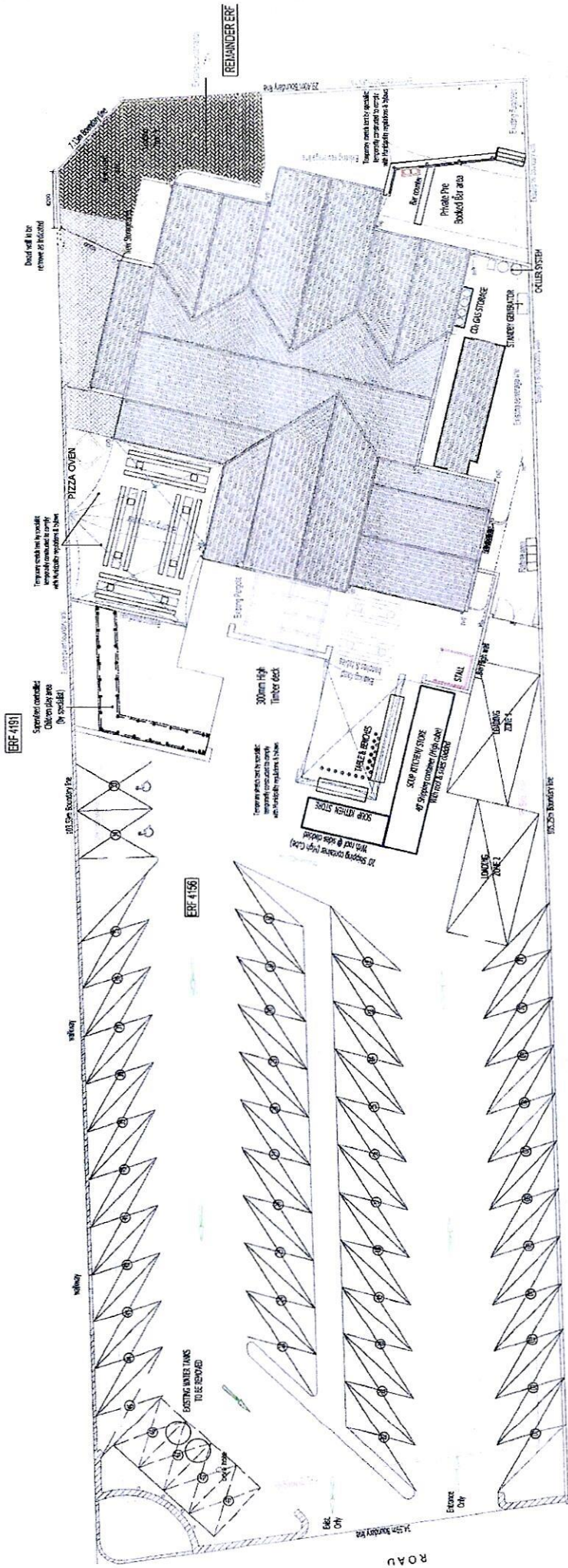
The application proposal is **consistent** with the principle of **good administration**.

## 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 5415

ERF 5414

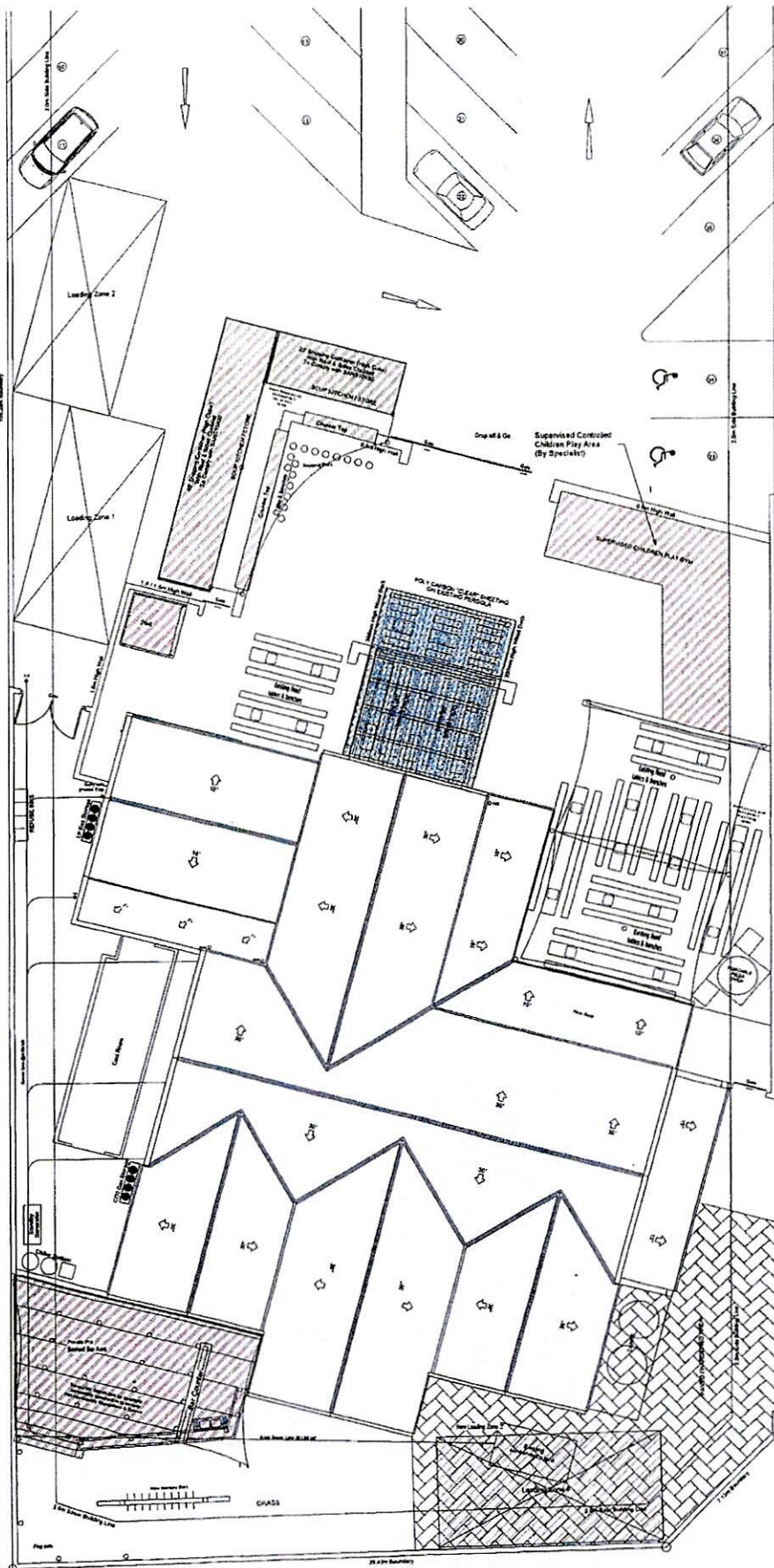
SITE PLAN  
SCALE 1:200

ERF 4155

**PARKING REQUIREMENTS**  
 GROSS LEASABLE AREA: 646.84m<sup>2</sup>  
 REQUIRED: 4 BAYS PER 100M<sup>2</sup>  
 650.69/100 = 6.5 (7 X 4 = 28 BAYS)  
 PROVIDED : 49 BAYS

TOWN PLANNING REQUIREMENTS		NEW	EXISTING	COVERAGE
MAIN BUILDING			575.57m <sup>2</sup>	
COLD STORAGE			30m <sup>2</sup>	
COVERED WALKWAY			55.8m <sup>2</sup>	55.8m <sup>2</sup>
SUPPLIER-OWNERS		45.20m <sup>2</sup>		
TIMBER DECK		14.7m <sup>2</sup>		14.7m <sup>2</sup>
STRECH TENT AREA			159.84m <sup>2</sup>	
BAR DECK		65.30m <sup>2</sup>		65.30m <sup>2</sup>
<b>TOTAL</b>		<b>125.32m<sup>2</sup></b>	<b>680.37m<sup>2</sup></b>	<b>974.53m<sup>2</sup></b>
<b>ERP SIZE :</b>	<b>3663M2</b>			<b>26%</b>

Erf. 4155



**COVERAGE AREAS**

<b>EXISTING:</b>	
Main Building	575,57m <sup>2</sup>
Covered Walkway	55,82m <sup>2</sup>
Covered Pergola	28,00m <sup>2</sup>
Cold Storage	20,00m <sup>2</sup>
<b>Total Exist</b>	<b>680,39m<sup>2</sup></b>
<b>NEW ADDITIONS:</b>	
Shed	4,96m <sup>2</sup>
Workshop (2 <sup>nd</sup> Floor)	15,04m <sup>2</sup>
Spice Storage (2 <sup>nd</sup> Floor)	20,00m <sup>2</sup>
<b>Total New</b>	<b>40,00m<sup>2</sup></b>
Bar Deck	65,36m <sup>2</sup>
Pavable Deck	14,70m <sup>2</sup>
<b>Total Deck's</b>	<b>80,06m<sup>2</sup></b>
Play Frame	42,84m <sup>2</sup>
<b>FOOTPRINT COVERAGE: 739,47m<sup>2</sup></b>	
ERF:	3443,95m <sup>2</sup>
<b>COVERAGE:</b>	<b>740/3443 = 21,21%</b>

No.	Description	Date

Signature Designer/Architect

**NonSibi CONSULTANTS**  
 HANNES COETZEE  
 MOBILE: 061 441 7350  
 hannes@nonsibi.co.za  
 SACAP NO. 71617  
 DWAF, Class Y  
 Accredited - Water Treatment Consultant

**Hermanus Micro Brewery**  
 Client

**Additions & Alterations**  
 Project

**SITE PLAN**

Project number: **HHV4156A\_V1**

Date: **2021-01-12**

Drawn by: **Author**

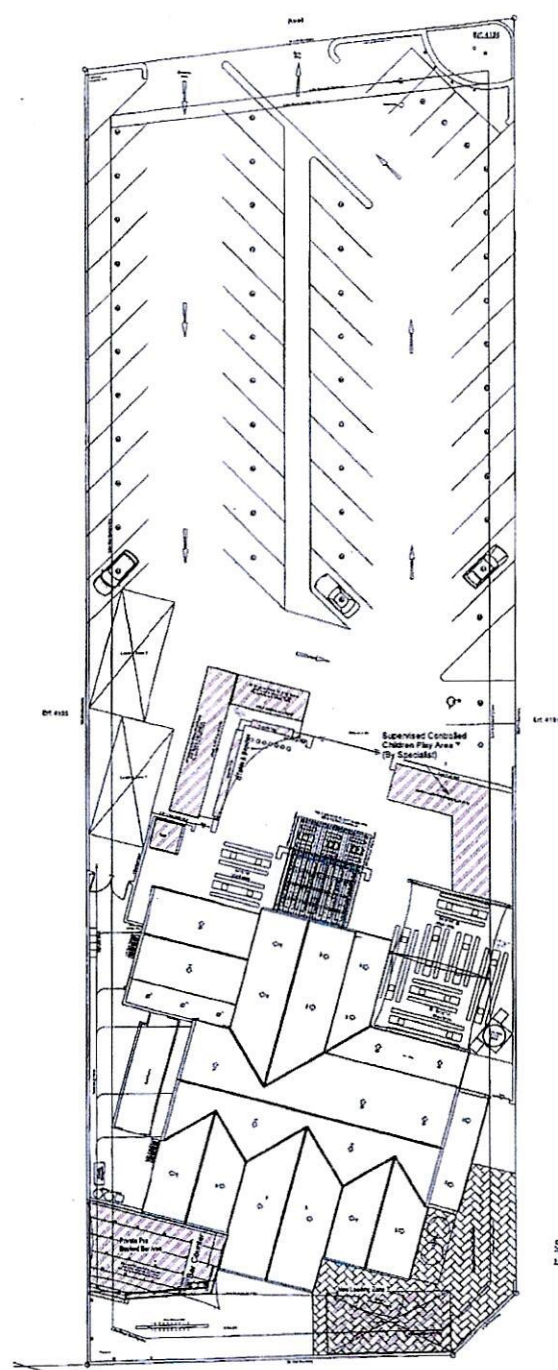
Checked by: **Checker**

**A106**

Scale 1:100

Erf. 5415 Erf. 4191

100 - Site Layout  
 1: 100



100 - Site Layout Copy 1  
1 : 200

No.	Description
Signature Designer/Archit	
<small>HARRE AGRELL NORME SACAP DWARF ARCHITECTURIS / INTERIÖRDESIGN</small>	
Hermanus Micro Br	
Client	
Additions & Altera	
Project	
SITE LAYOUT	
Project number	HHV411
Date	202
Drawn by	
Checked by	
<b>A107</b>	
Scale 1:100	