ERF 808, 13 YORK STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF JOSEPH LISTER PROPERTIES (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) of the following applications applicable to Erf 808, 13 York Street, De Kelders, namely:

- Departure in terms of Section 16(2)(b) of the By-Law in order to:
  - To relax the northern lateral building line from 2m to 1.57m to accommodate the proposed bedroom.

Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / Stanford Library, Queen Victoria Street, Stanford / (e) landuse@overstrand.gov.za) on or before **15 January 2027**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the **Town Planner, Mr. S vd Merwe** 028-313 8900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments.

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.

ERF 808, YORK STRAAT 13, DE KELDERS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: WRAP PROJECT OFFICE NAMENS JOSEPH LISTER PROPERY (PTY) LTD

Kennis word hiermee gee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 808, York Straat 13, De Kelders, naamlik:

- Afwyking ingevolge Artikel 16(2)(b) van die Verordening ten einde die:
  - Noordelike syboulyn vanaf 2m na 1.57m te verslap om die voorgestelde slaapkamer te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning, Hermanus en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/.

Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / Stanford Biblioteek, Queen Victoria Straat, Stanford / (e) landuse@overstrand.gov.za) voor of op **15 Januarie 2027**, 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. S vd Merwe** 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 Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van, kontakbesonderhede en kommentaar(e) openbaar gemaak mag word.

ISIZA 808, 13 YORK STREET, DE KELDERS, INDAWO KAMASIPALA YASE-OVERSTRAND: ISICELO UKUTENXA: WRAP PROJECT OFFICE EGAMENI LIKA JOSEPH LISTER PROPERY (PTY) LTD

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), kwezi zicelo zilandelayo zisebenza kwiSiza 808, 13 York Street, De Kelders, ezizezi:

- Ukuba isicelo sifunyenwe sokutenxa ngokweCandelo 16(2)(b) loMthetho kaMasipala ukuze:
  - ukunyenyisa umda wesakhiwo osecaleni ongasentla ukusuka kwi-2m ukuya kwi-1.57m ukulungiselela igumbi lokulala elicetywayo

Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus nakwiwebhusayithi kamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Naziphi na izimvo mazibhalwe phantsi kwaye zifike kuMasipala (16 Paterson Street, Hermanus / kwiThala leeNcwadi laseStanford, Queen Victoria Street, Stanford / (e) landuse@overstrand.gov.za) ngomhla okanye phambi kwe-15 EyoMqungu 2027, ubhale igama lakho, idilesi yakho kunye nomdla kwisicelo nesizathu sokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa Mnu. SW van der Merwe ku

028-3138900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: Town and Spatial Planning. Igosa likamasipala liya kumnceda akwazi ukufaka izimvo zakhe.

Nceda uphawule ukUba ngokumayela noMthetho Wokukhuselwa kweNkcazelo yoBuqu (POPIA), uza kungena kwinkqubo yokuthatha inxaxheba koluntu ibe ngenxa yoko uyavuma ukuba igama, ifani yakho, iinkcukacha zakho zoqhagamshelwano namagqabaza akho angadizwa / asetyenziswa kwinkqubo (yokufaka isicelo).

Plan 1: Locality Plan

Erf 808 - De Kelders

Subject properties

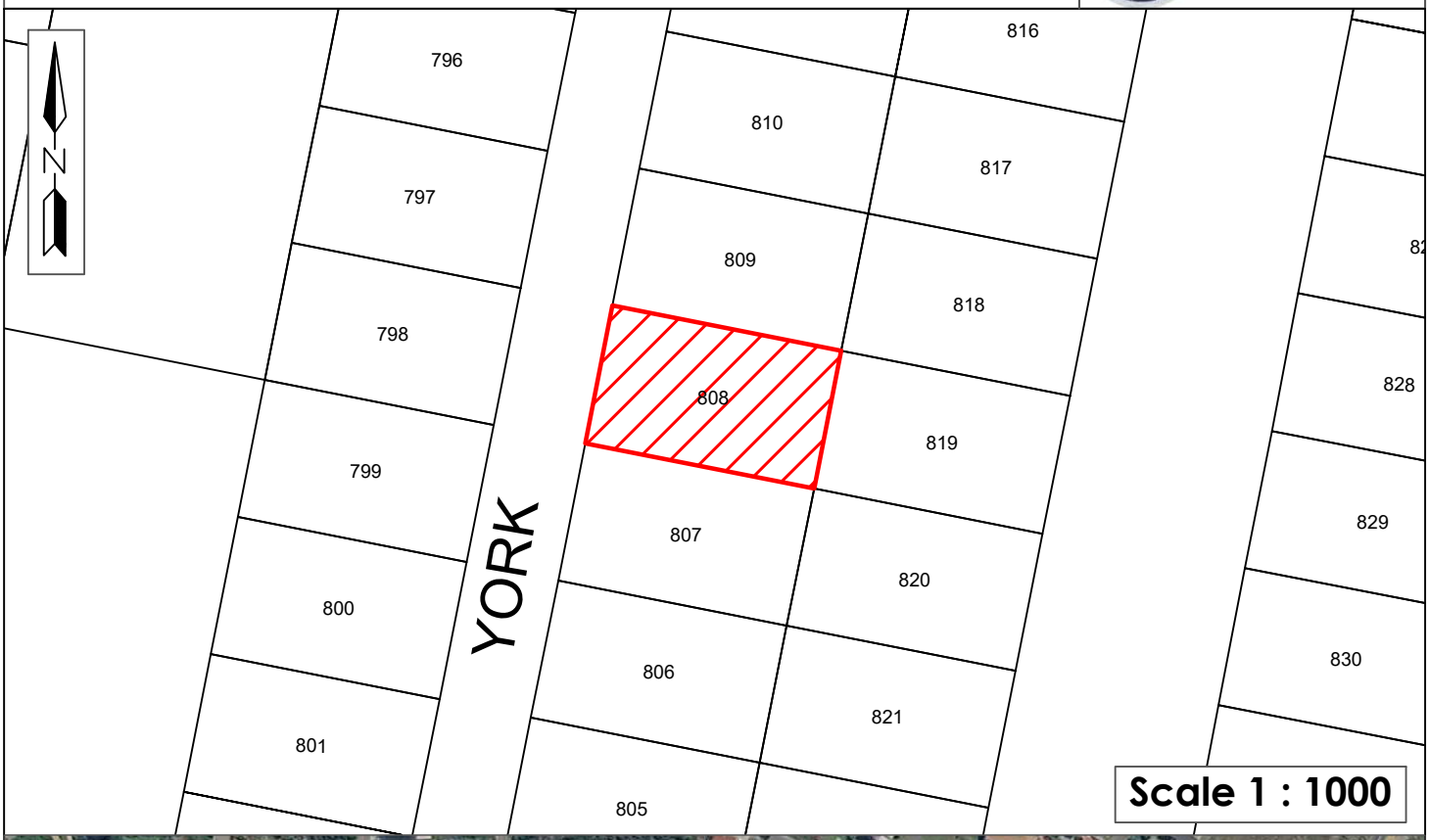
Plan prepared by: Thian Jansen

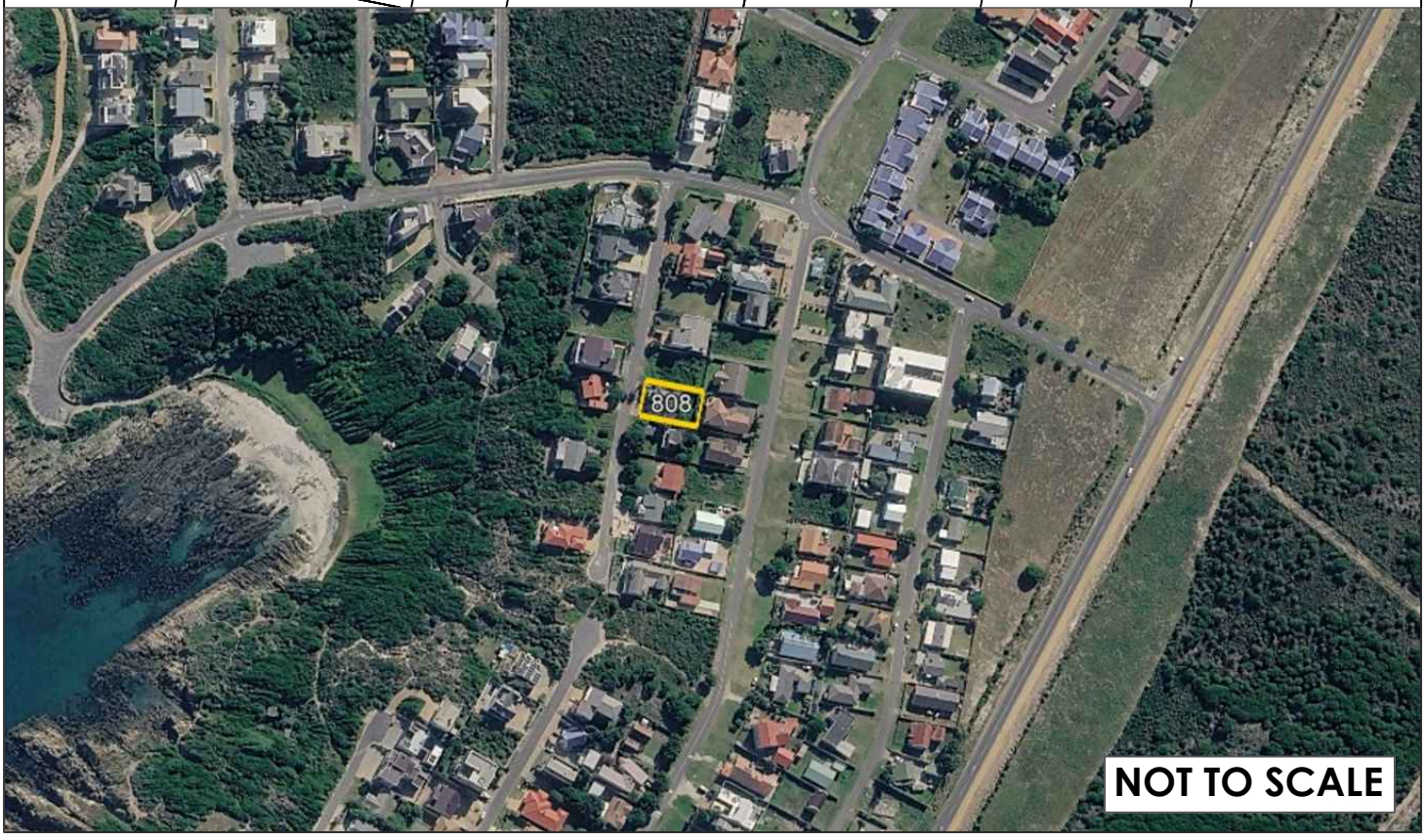
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management





1. PROPERTY DETAILS

Erf Number	Erf 808 De Kelders
Extent	595m²
Zoning	Residential Zone 1: Single Residential

2. EXECUTIVE SUMMARY

The subject property, Erf 808 De Kelders, is situated at 13 York Street, De Kelders, within the Overstrand Municipal area. The property is illustrated on **Plan 1: Locality Plan**.

The property is zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipality Land Use Scheme (OMLUS) and is currently developed with an existing single residential dwelling. The current owners acquired the property in 2022 and have since invested in several improvements to maintain and enhance the dwelling. As their family's needs have changed over time, they now wish to undertake additional alterations and extensions to improve the functionality, liveability, and overall use of the existing home.

The proposed development consists exclusively of additions and alterations to the existing single residential dwelling. An extremely small area of the proposed addition to an existing bedroom encroaches on the prescribed northern side building line. Apart from this minor encroachment, no additional dwelling units are proposed, and no non-residential land uses will be introduced. The primary land use of the property will therefore remain a single residential dwelling, fully consistent with the property's zoning and the established residential character of the surrounding neighbourhood.

As mentioned above, the required departure is extremely limited in nature and relate to a building line encroachment associated with the proposed addition to the existing dwelling.

In light of the above, WRAP Project Office was appointed for the compilation and submission of this land use application (refer **Annexure A – Power of Attorney**).

3. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

3.1 Permanent Departure from the prescribed northern side building line from 2m to 1.57m to accommodate the proposed bedroom addition.

The application seeks a Permanent Departure from the prescribed 2.0 metre northern side building line to 1.57 metres in order to accommodate a proposed bedroom addition to the existing single residential dwelling (refer **Plan 3 – Site Plan**).

The proposed encroachment is limited in extent and is located along the side boundary of the property. The proposed addition has been designed as an extension of the existing dwelling and integrates with the existing building form.

It will not introduce an additional dwelling unit, increase the residential density, or alter the single residential use of the property. The addition is intended solely to provide additional living accommodation for the existing household.

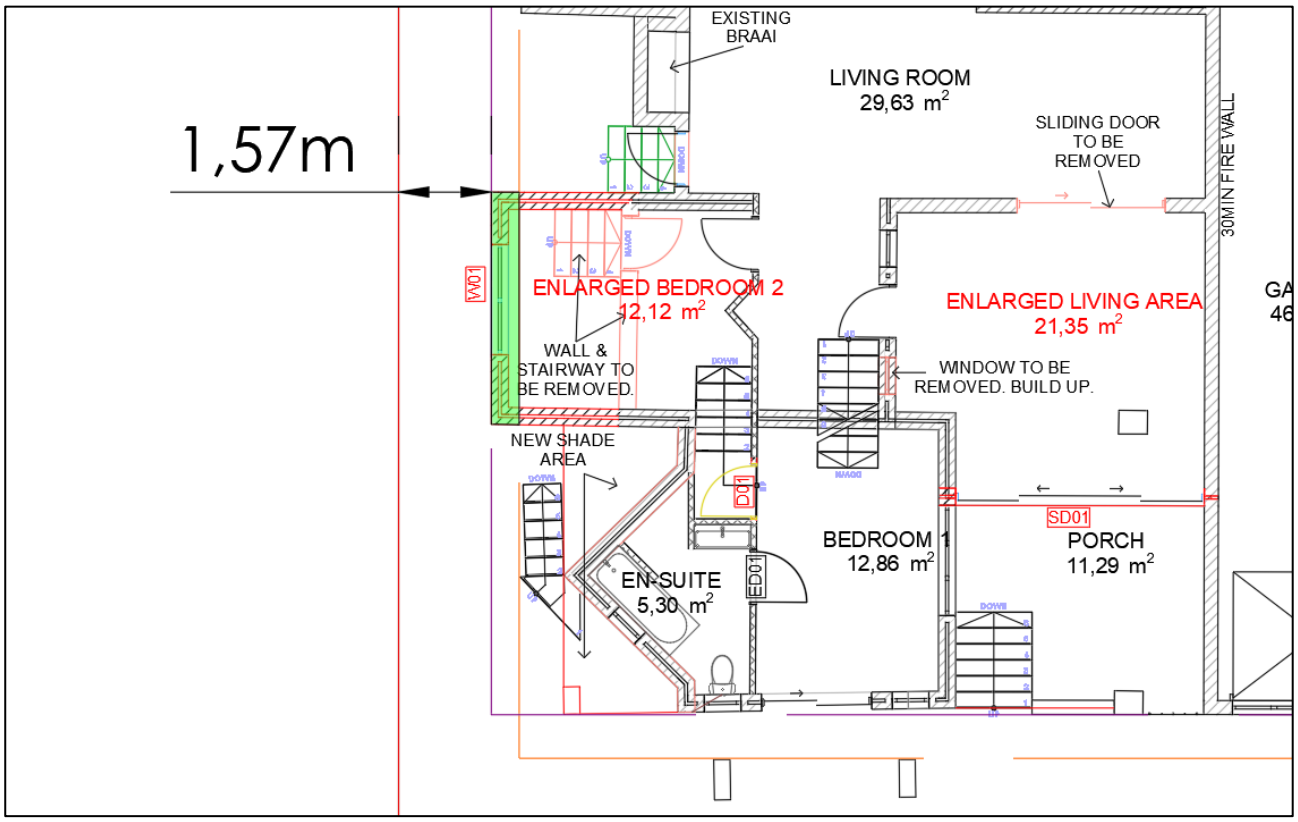


Figure 1: Proposed side building line departure

Furthermore, the proposed departure is compatible with the established built form of De Kelders. Many of the older residential properties within the area were developed in accordance with the historic title deed building lines and are positioned closer to side boundaries than is currently permitted under the OMLUS. As a result, the proposed setback is consistent with the prevailing development pattern and will not appear out of character within the surrounding streetscape.

The reduced side setback will not adversely impact neighbouring properties. The encroachment is minor, does not interfere with access to adjoining properties, and is not

expected to result in any unreasonable loss of privacy, sunlight, or visual amenity. The building line encroachment is also limited to the ground floor and an existing boundary wall further mitigates any potential impact that the encroachment might have on the neighbouring property. The proposal therefore represents a reasonable relaxation of the current development parameter while maintaining the objectives of orderly and compatible residential development.

4. LAND USE ENVIRONMENT

The subject property is located in De Kelders, and the property is surrounded by other Residential Zone 1: Single Residential properties and Public Streets. The surrounding area's zonings are illustrated in **Plan 2 – Zoning Plan**.

5. PLANNING ASSESSMENT

5.1 TITLE DEED

The subject property is bound by Title Deed T61879/2022 (refer **Annexure B – Copy of Title Deed**). Originally an application was submitted for the removal of title restriction E.(d), which requires a 4.72m street building line and 1.57m side building lines to be maintained. After evaluation of the original application, Overstrand Municipality requested WRAP to amend the application, as the removal of restrictive title deed condition is not regarded as necessary (refer **Annexure C – Overstrand Municipality Letter**).

5.2 ZONING

The subject property is zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipal Land Use Scheme, 2020 (OMLUS).

The proposed application will not alter the zoning of the property. Apart from the building line departure being applied for, the property will remain subject to the development rights and parameters applicable to Residential Zone 1, and the existing land use will remain that of a single residential dwelling. No additional dwelling units, increase in residential density, or non-residential land uses are proposed.

As motivated in Section 4, the application includes a Permanent Departure from the prescribed 2.0 metre side building line to 1.57 metres in order to accommodate the proposed bedroom addition. The proposed setback aligns with the historic title deed building line applicable to the property and is consistent with the established development pattern within De Kelders.

5.3 ENGINEERING SERVICES

The availability and capacity of engineering services are relevant considerations in terms of Section 42(1)(c)(v) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

The subject property is already connected to the existing municipal engineering service networks, including potable water, sewerage, electricity and stormwater infrastructure. Given the limited nature of the proposed additions to the dwelling, an increase in the demand for municipal engineering services is not expected.

The proposal will therefore not have a negative impact on the capacity or functioning of the existing engineering services serving the area.

Access and Parking
Vehicular access to the property will continue to be obtained from York Street, and no changes are proposed to the existing access arrangements.

The proposed additions and alterations are limited to the existing single residential dwelling and do not introduce any additional dwelling units or change the residential use of the property. Existing on-site parking arrangements will be retained.

As the application does not intensify the use of the property, it is not expected to generate additional traffic or increase parking demand within the surrounding neighbourhood. The proposal will therefore have no adverse impact on access, parking provision, or the safe operation of the surrounding road network.

5.4 POLICIES AND REGULATIONS

Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)
The subject property is not located within the Environmental Management Overlay Zone (EMOZ) and is therefore not subject to the additional development controls applicable to this overlay zone.

Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)
The subject property is not located within a Heritage Protection Overlay Zone (HPOZ). The proposal therefore does not trigger any heritage overlay provisions in terms of the OMLUS.

Spatial Planning Policies
The proposal has been assessed against the applicable spatial planning policy framework and is not in conflict with the objectives and principles of the Western Cape Provincial Spatial Development Framework (2014) or the Overstrand Municipal Spatial Development Framework (2020).

The proposal represents a modest improvement to an existing residential property within an established urban area. It makes efficient use of an already developed property, responds to the changing needs of the owners, and remains compatible with the established residential character of De Kelders. The proposal does not alter the existing land use pattern, create an undesirable planning precedent, or compromise the objectives of the applicable spatial planning policies.

Accordingly, the proposal is considered to be consistent with the applicable spatial planning policy framework and supports the orderly and sustainable development of the property.

5.5 PLANNING PRINCIPLES

Chapter 2 of the SPLUMA establishes five development principles that must guide all land use and development decisions. These principles provide the framework for assessing whether a proposed development promotes sustainable, equitable and efficient spatial planning. The principles and their applicability are discussed below.

Spatial justice
This particular principle is not applicable in this instance.

Spatial sustainability and efficiency
Spatial sustainability and efficiency promote the optimal use of existing land, infrastructure, and services while encouraging orderly development within established urban areas.

The subject property is located within the existing urban area of De Kelders and is already connected to the necessary municipal engineering services. The proposal makes efficient use of an existing residential property by improving the functionality and liveability of the dwelling without requiring additional municipal infrastructure or extending the urban footprint. The proposed additions are consistent with the intended use of a property zoned Residential Zone 1: Single Residential.

Spatial resilience
Spatial resilience recognises the need for settlements and properties to adapt to changing household and community needs over time.

The owners acquired the property in 2022 and have since undertaken improvements to maintain and enhance the dwelling. The proposed additions respond to the evolving needs of the household by providing improved living accommodation while allowing the property to continue functioning as a single residential dwelling. The proposal therefore contributes to the continued use, maintenance, and long-term sustainability of the existing housing stock without altering the character of the surrounding neighbourhood.

Good administration
The principle of good administration requires that land use decisions are transparent, consistent, and based on the current statutory planning framework. This application is being processed in accordance with the procedures as prescribed by relevant planning legislation. The proposal will also be subject to a public participation process and therefore it is maintained that the application process adheres to this particular principle.

6. DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law is outlined in the table below:

Socio-economic impact	The proposal is not expected to have any adverse socio-economic impacts. The proposed additions and alterations represent a modest improvement to an existing single residential property and will enhance the functionality, liveability, and value of the dwelling without changing its residential use.
Compatibility with surrounding uses	The proposal is fully compatible with the surrounding land uses. The subject property is situated within an established single residential neighbourhood in De Kelders, and the proposed bedroom addition and other alterations are customary improvements associated with a single residential dwelling. The proposal will not alter the residential character of the area or introduce any incompatible land use.
Impact on the external engineering services	The subject property is already connected to the existing municipal engineering service networks, including potable water, sewerage, electricity, and stormwater infrastructure. As the proposal does not intensify the use of the property or introduce additional dwelling units, it is not anticipated to result in a material increase in demand for municipal services or adversely affect the capacity of the existing engineering infrastructure.
Impact on safety, health and wellbeing of the surrounding community	The proposal is not anticipated to negatively affect the safety, health, or wellbeing of the surrounding community. The additions will be constructed in accordance with the National Building Regulations and any requirements imposed by the Municipality. The proposal does not introduce activities that would create nuisance, noise, pollution, or safety concerns for neighbouring properties.
Impact on heritage	The subject property is not located within a Heritage Protection Overlay Zone, and the proposal is not anticipated to impact any known heritage resources or culturally significant features. The development consists of modest additions to an existing dwelling and remains compatible with the established residential character of De Kelders.
Impact on the biophysical environment	The proposal is limited to additions and alterations within an existing developed residential erf. No environmentally sensitive areas, indigenous vegetation, or natural features will be affected by the proposed development, and the property is not situated within the Environmental Management Overlay Zone.
Traffic impacts, parking, access and other transport related considerations	Existing vehicular access to the property from York Street will remain unchanged. The proposal will not generate additional traffic, as the property will continue to function as a single residential dwelling. Existing on-site parking arrangements is adequate, and the development is therefore not expected to have any adverse transport-related impacts.

7. CONCLUSION

The proposed application for permanent departure from the prescribed side building line represents a reasonable and appropriate form of development on Erf 808 De Kelders.

The property will remain zoned Residential Zone 1: Single Residential, and the existing land use will remain unchanged. The proposal does not seek to introduce additional dwelling units, increase residential density, or establish any non-residential land use. Instead, it is limited to additions and alterations that improve the functionality and liveability of the existing single residential dwelling.

The requested permanent departure is minor in nature and reduces the side building line to align with the historic title deed building line applicable to the property and reflects the established development pattern found on many older residential properties in De Kelders. The proposed bedroom addition is therefore compatible with the character and built form of the surrounding neighbourhood and is not anticipated to result in any unacceptable impact on adjoining properties in terms of privacy, sunlight, views, or amenity.

The proposal was assessed against the applicable provisions of the Overstrand Municipality Land Use Planning By-Law, the Spatial Planning and Land Use Management Act (SPLUMA), the Land Use Planning Act (LUPA), and the relevant spatial planning policies. It is consistent with the principles of spatial sustainability and efficiency, resilience, and good administration, and is considered desirable from a planning perspective.

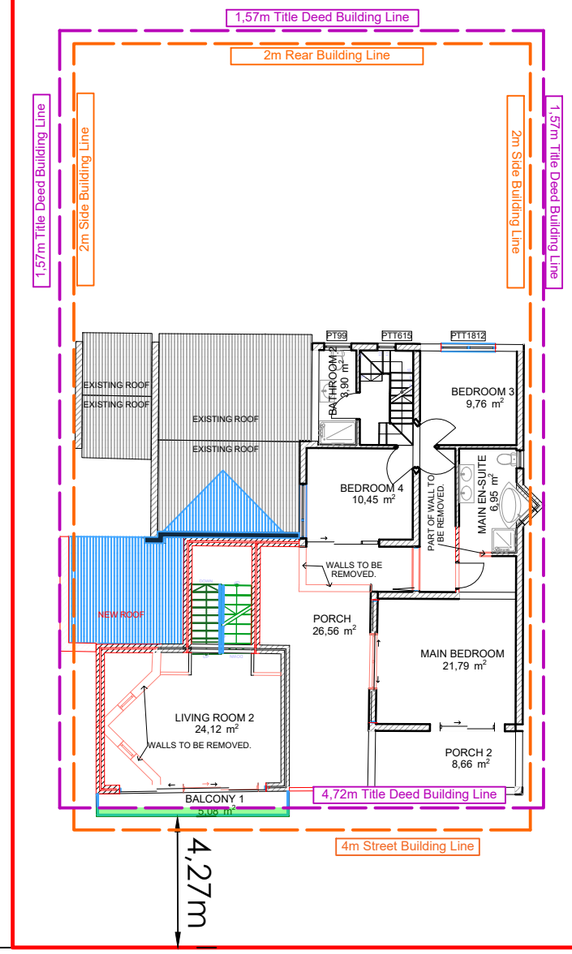
The application will enable the owners to make reasonable improvements to their home while maintaining the established residential character of De Kelders and without creating an undesirable planning precedent or placing additional demand on municipal services or infrastructure.

It is therefore submitted that the application satisfies the relevant planning and legal requirements, and that there are sound planning grounds for the Municipality to approve the proposed departure from the prescribed side building line.

8. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

8.1. **Permanent Departure** from prescribed northern side building line from 2m to 1.57m in terms of section 16(2)(b) of the Overstrand Municipality amendment by-law on municipal land use planning, 2020.



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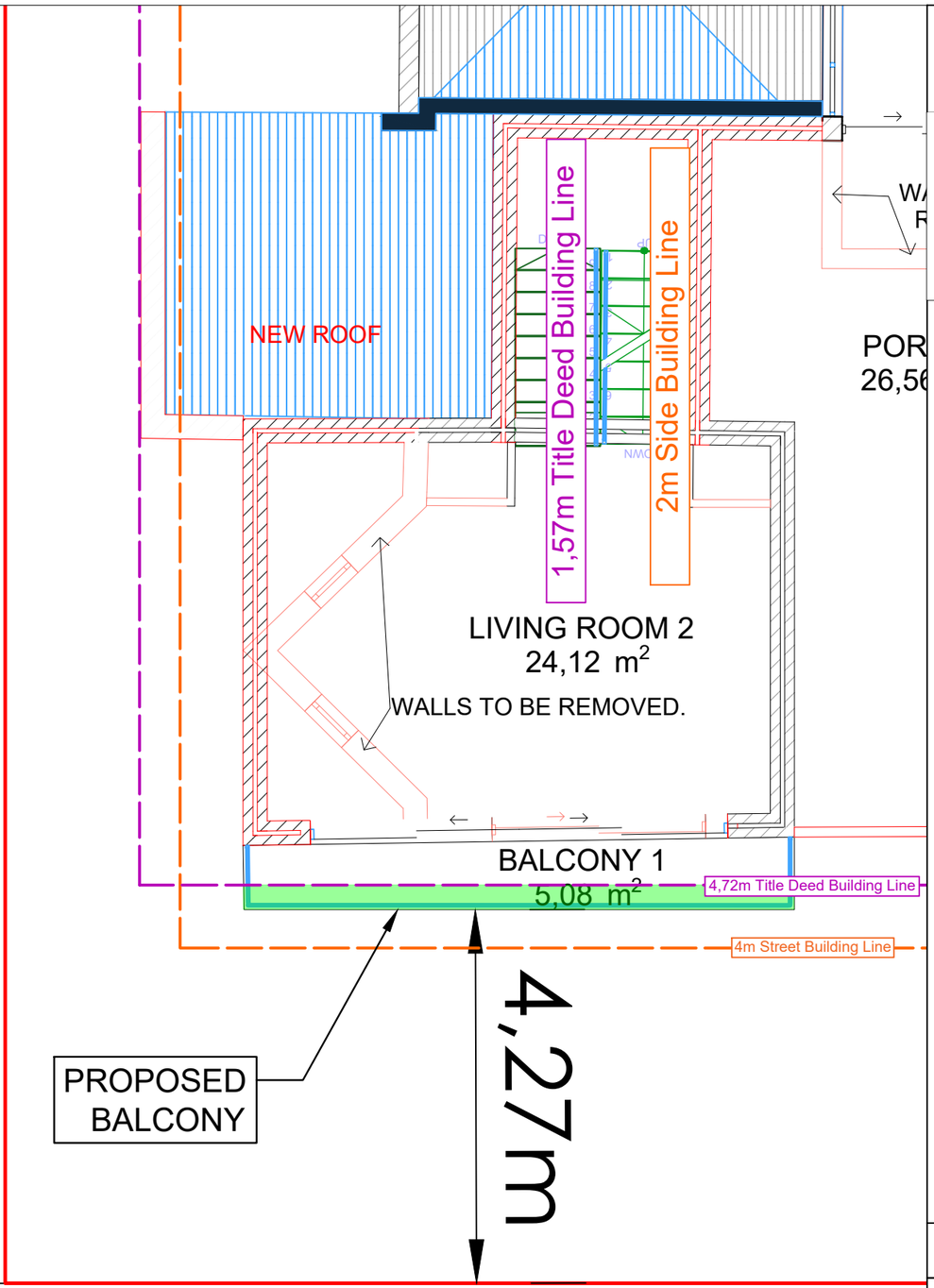

NTS

Plan 3: Site Plan
First Floor
Erf 808 De Kelders

Description	Area (m²)
Existing House	198,39 m²
New Extended Bedroom 2	8,02 m²
New Shade Area	5,34 m²
Total Building Coverage	**211,75 m²**
ERF 808 (Site Area)	594,56 m²

Plan prepared by: Thian Jansen on 28/08/2026
Based on plans from Martin Prinsloo

Plan Number - 26/014(001)

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management

Plan 3: Site Plan
Ground Floor
Erf 808 De Kelders

Description	Area (m²)
Existing House	198,39 m²
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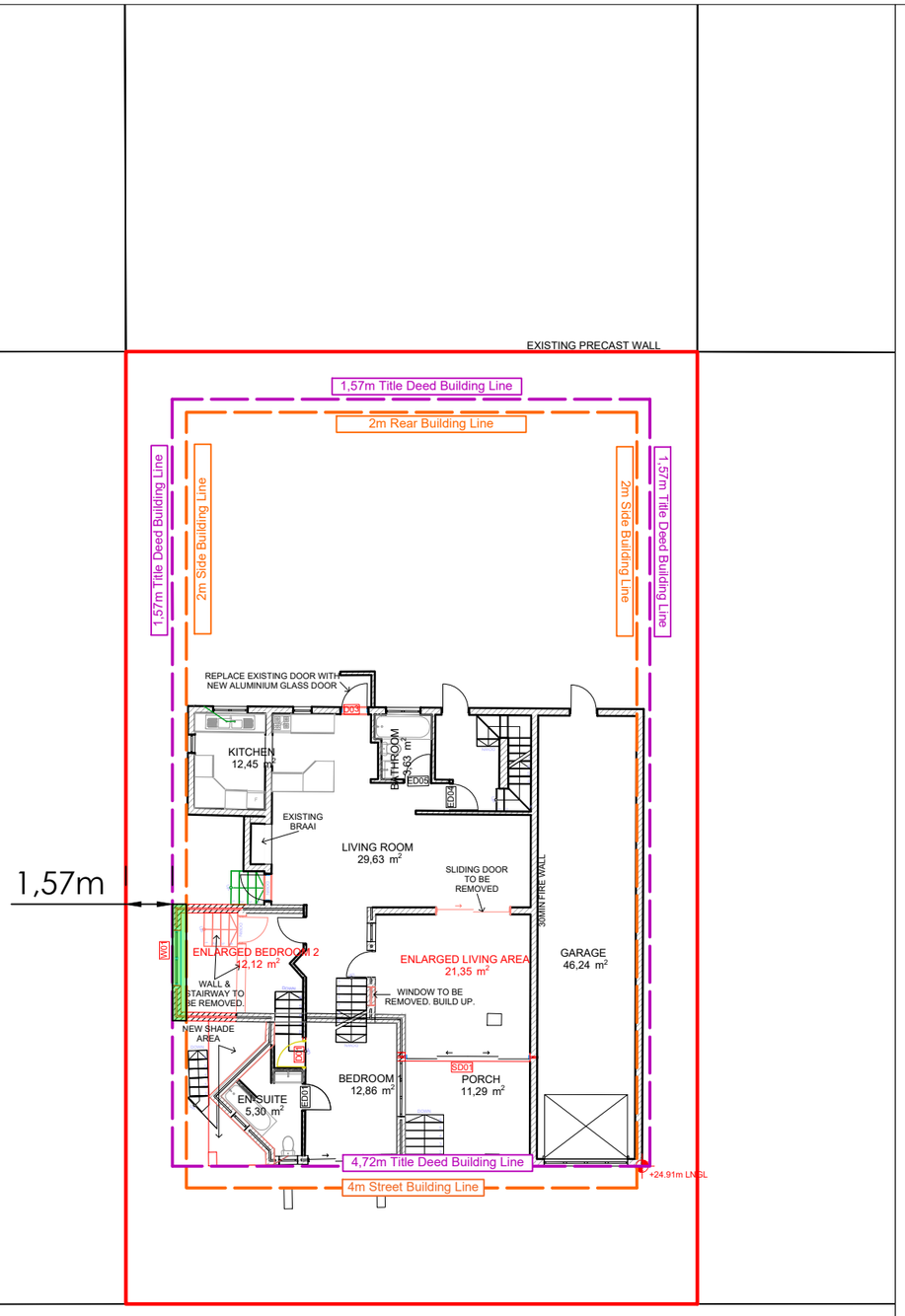

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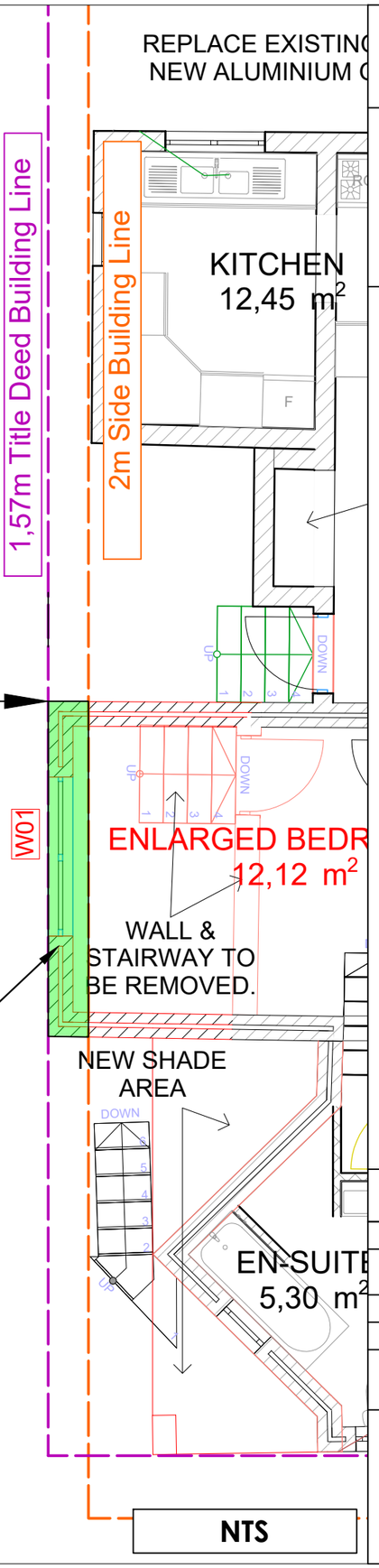
PROPOSED BEDROOM ADDITION



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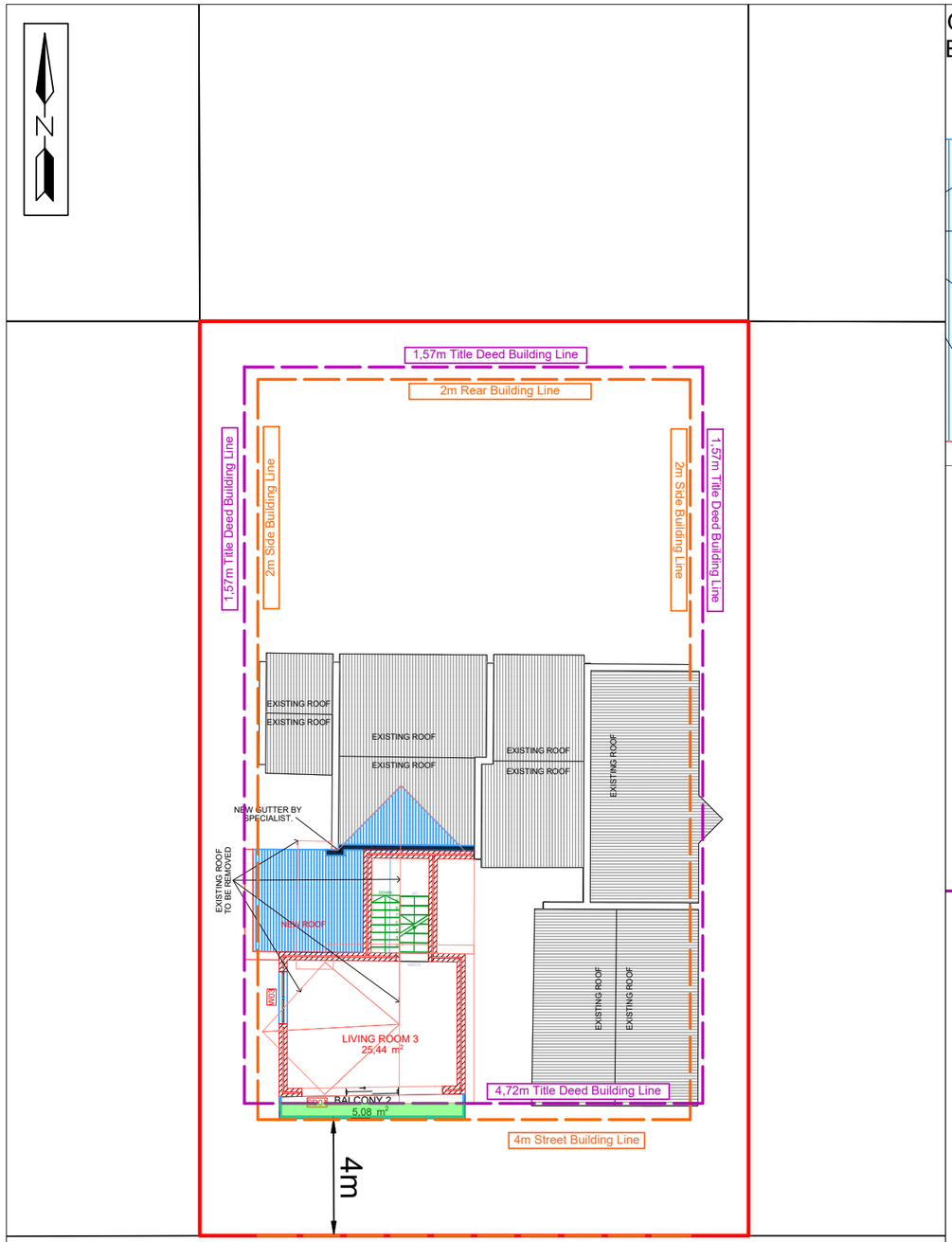

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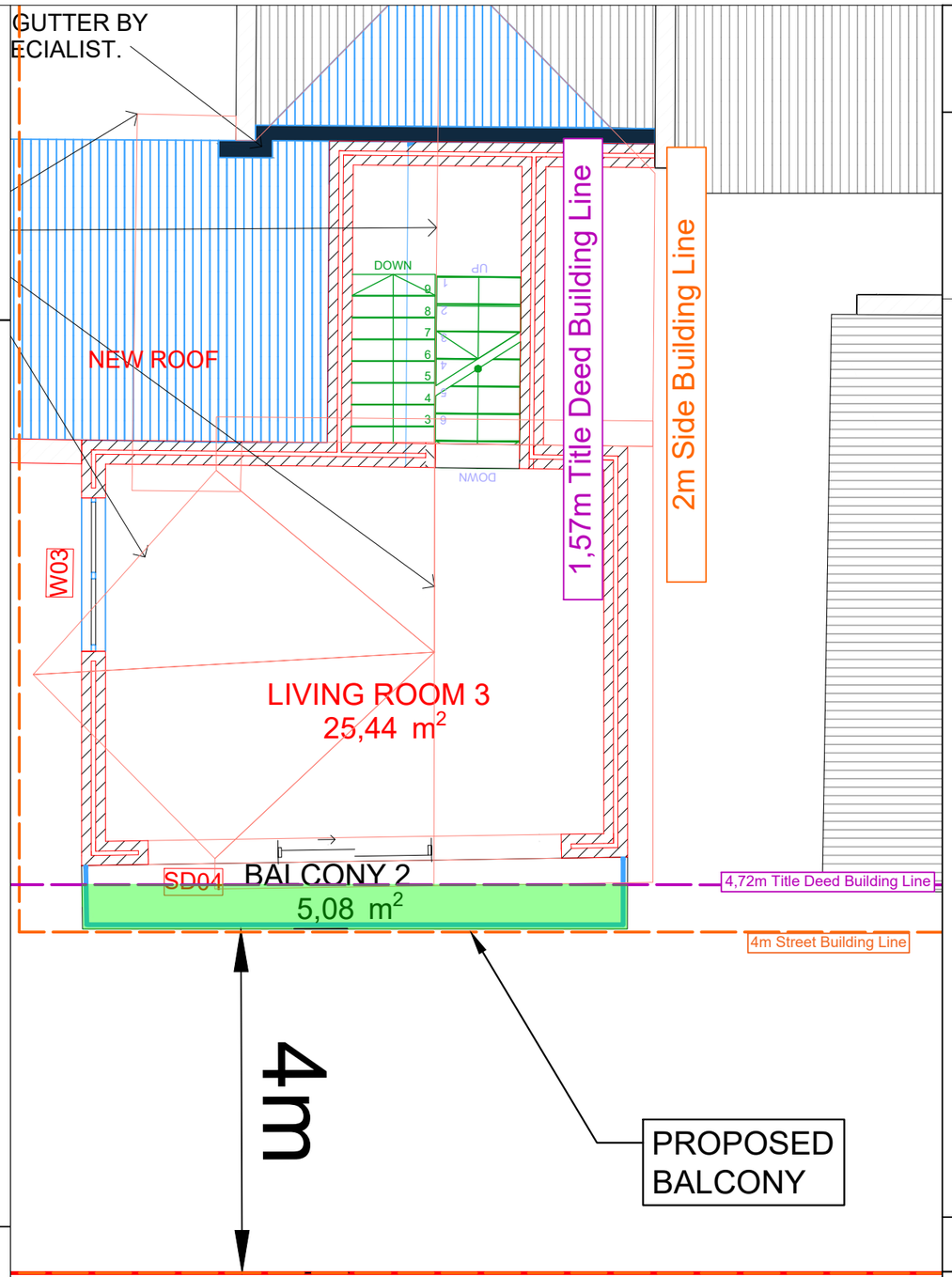

NTS

Plan 3: Site Plan
Second Floor
Erf 808 De Kelders

Description	Area (m²)
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New Shade Area	5,34 m²
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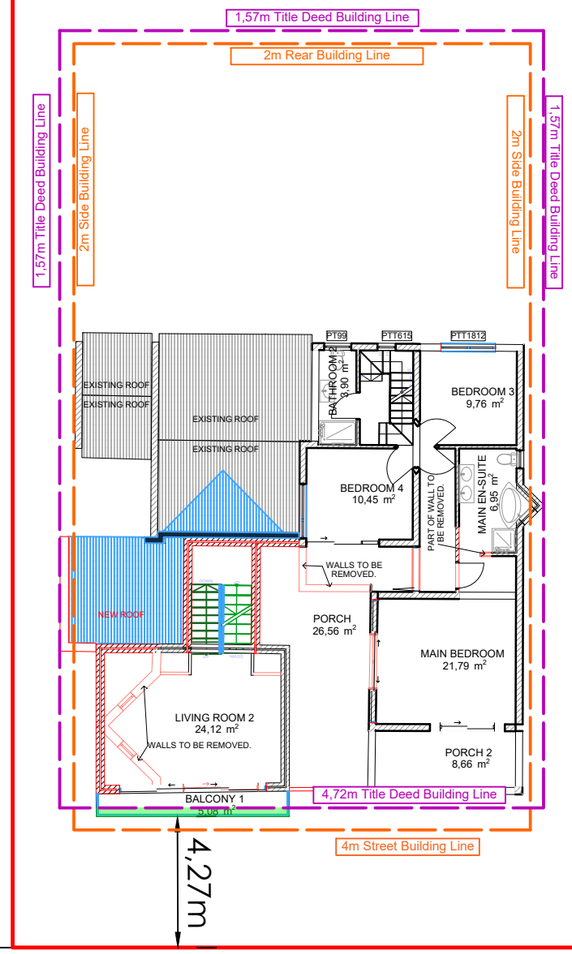

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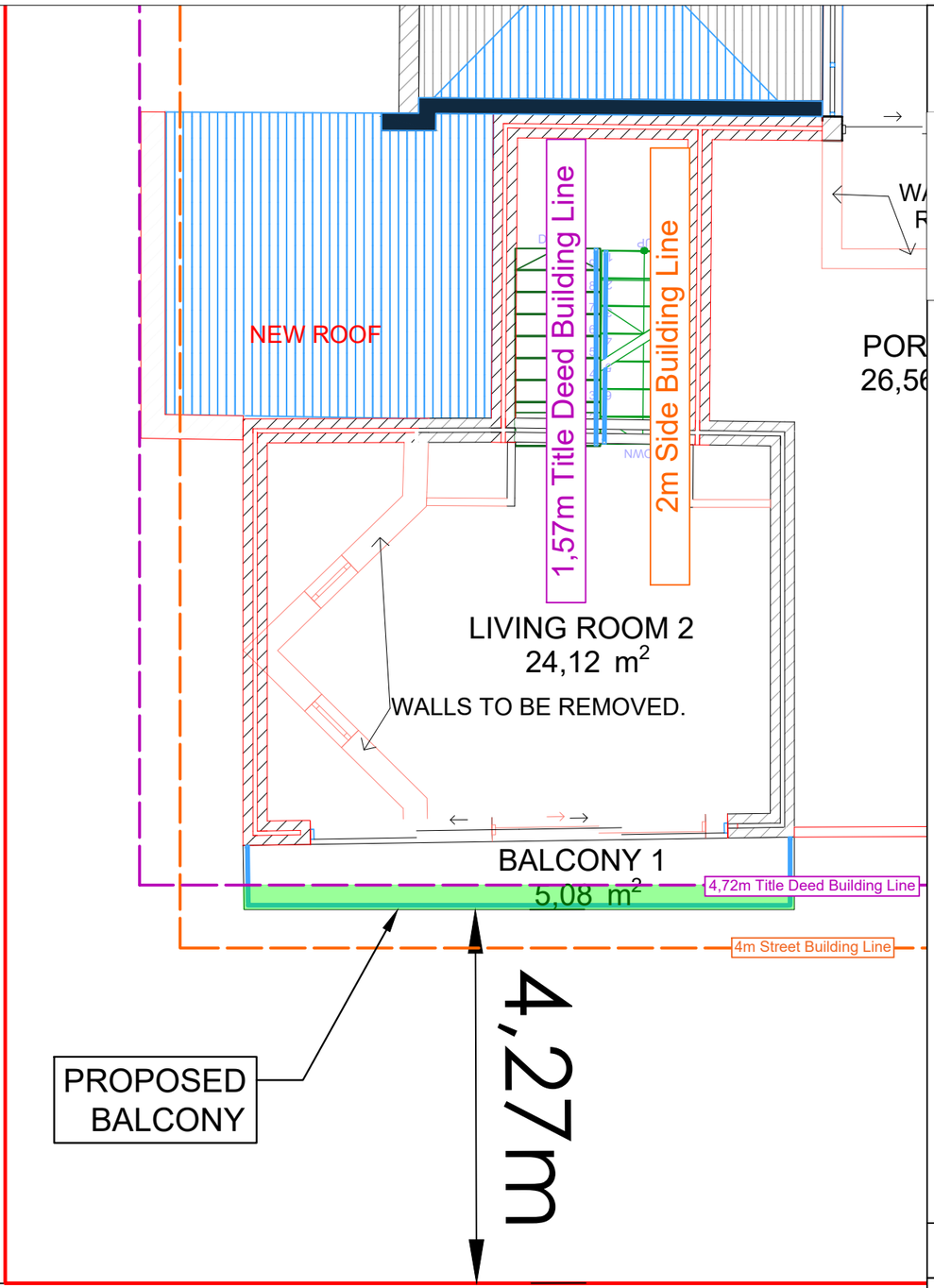

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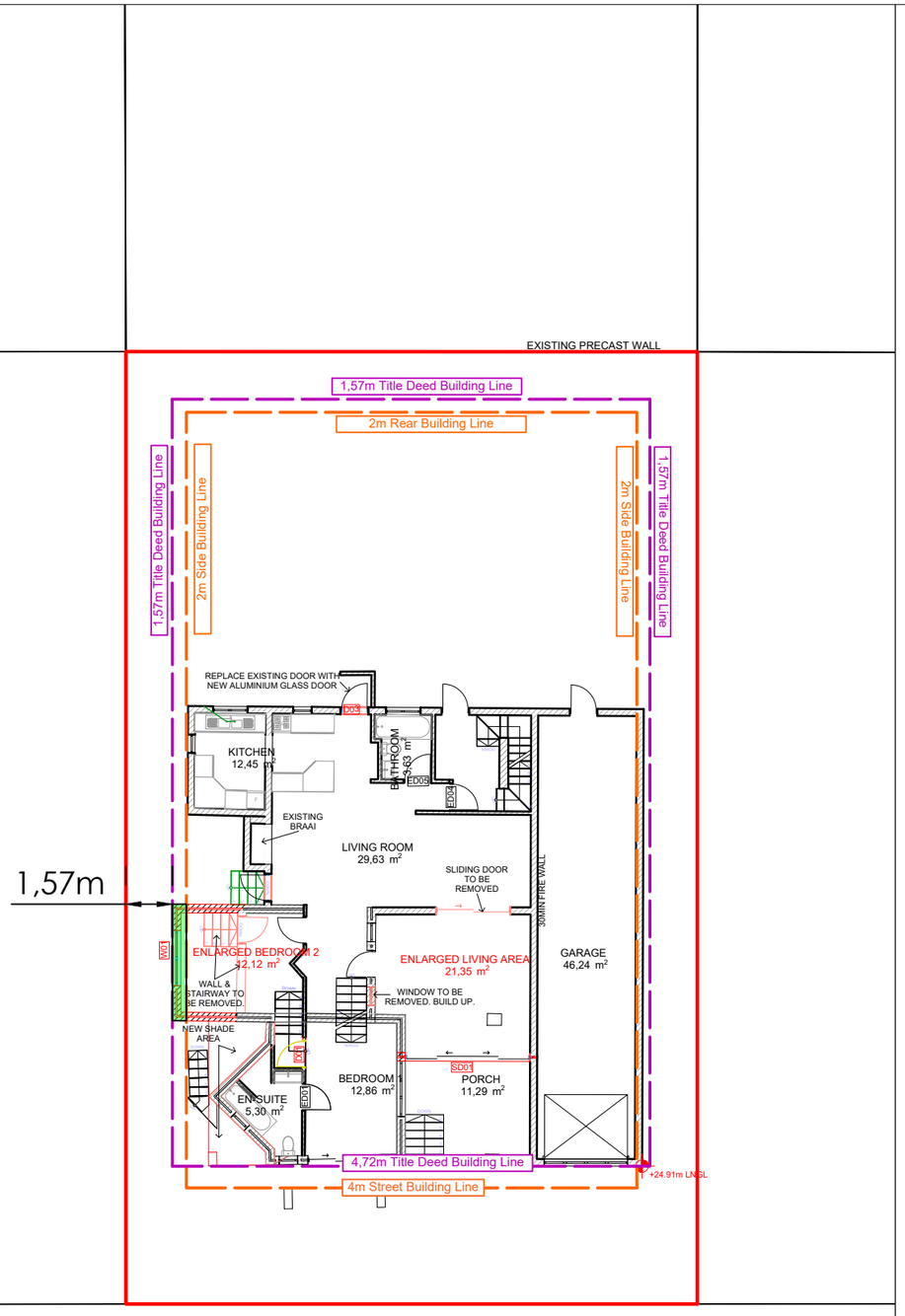

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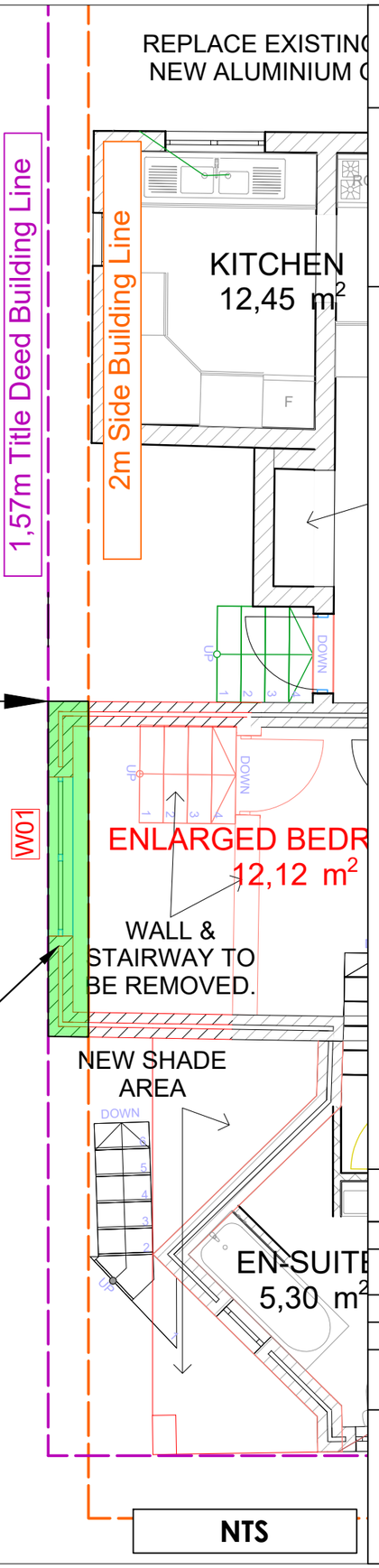

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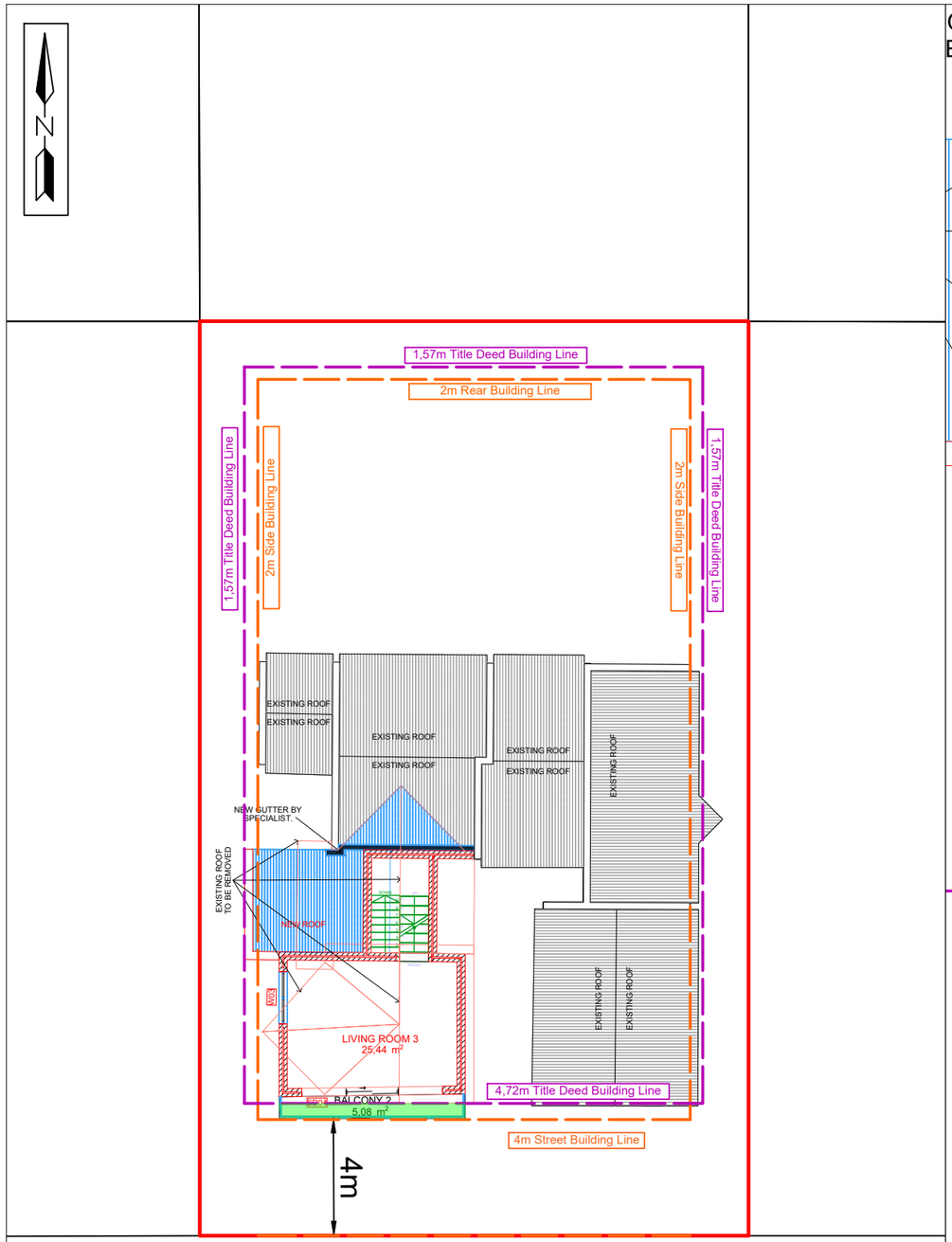

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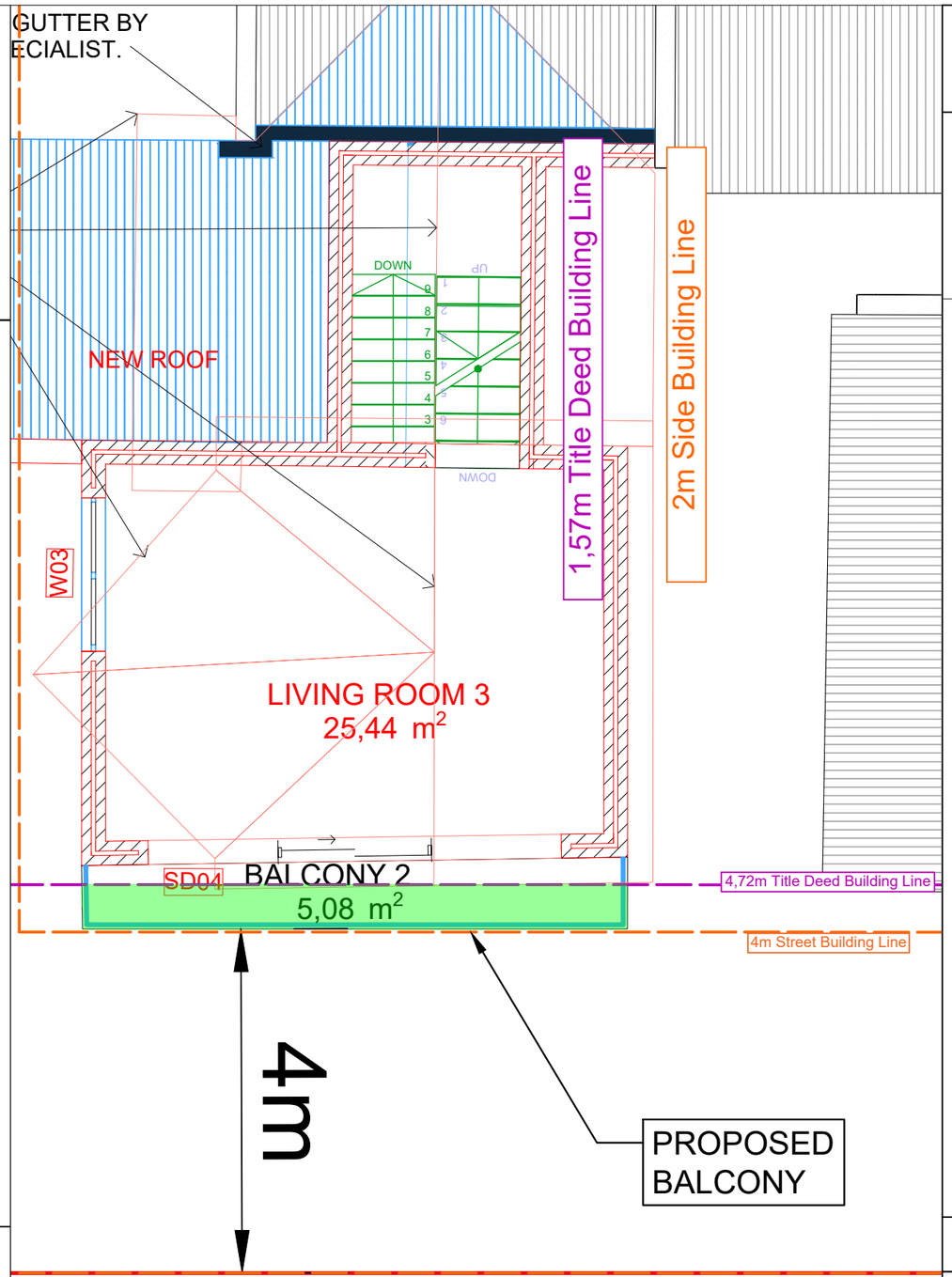

NTS

Plan 3: Site Plan
Second Floor
Erf 808 De Kelders

Description	Area (m²)
Existing House	198,39 m²
New Extended Bedroom 2	8,02 m²
New Shade Area	5,34 m²
Total Building Coverage	**211,75 m²**
ERF 808 (Site Area)	594,56 m²

Plan prepared by: Thian Jansen on 28/08/2026
Based on plans from Martin Prinsloo

Plan Number - 26/014(001)

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys
Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management